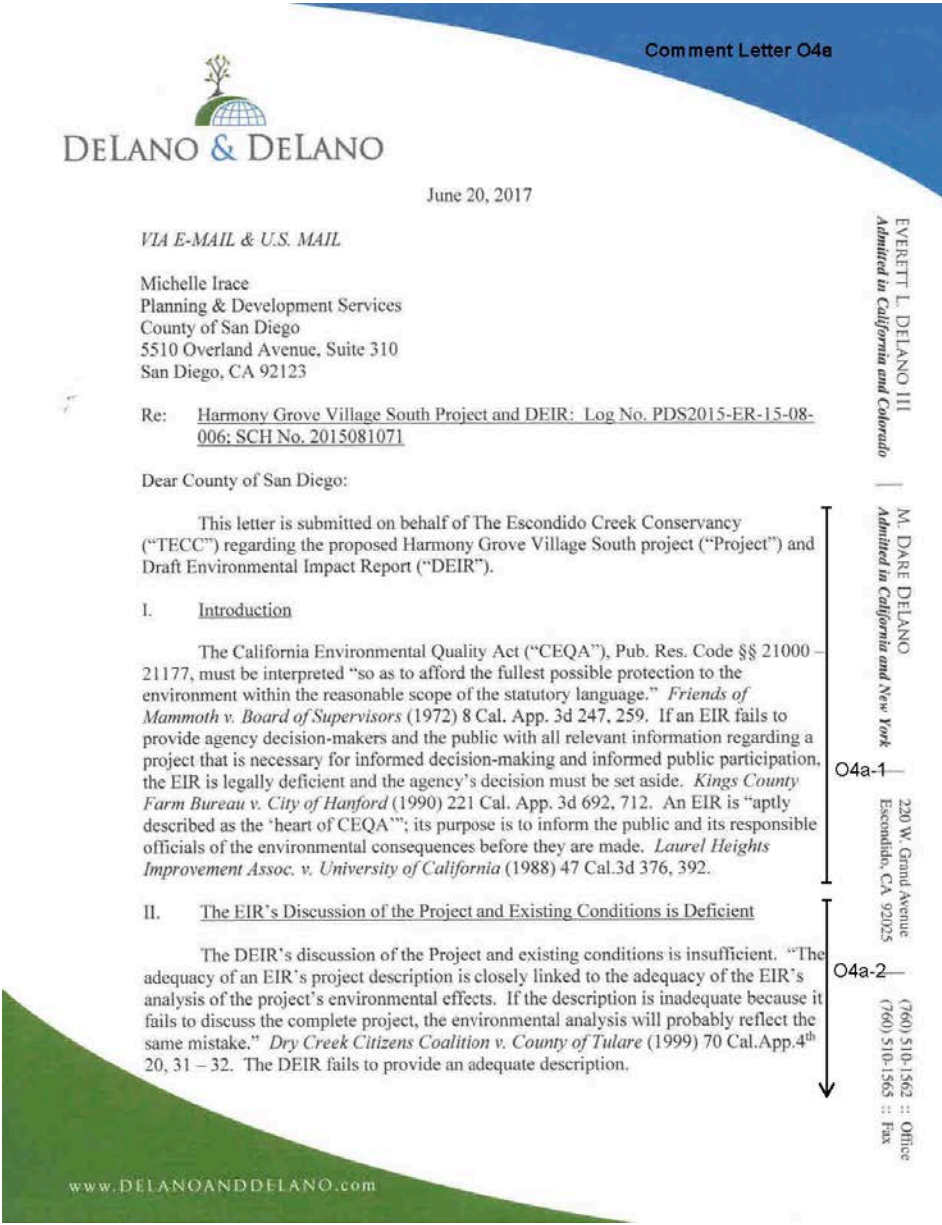


COMMENTS	RESPONSES
 <p><b>Comment Letter O4a</b></p> <p><b>DELANO &amp; DELANO</b></p> <p>June 20, 2017</p> <p>VIA E-MAIL &amp; U.S. MAIL</p> <p>Michelle Irace Planning &amp; Development Services County of San Diego 5510 Overland Avenue, Suite 310 San Diego, CA 92123</p> <p>Re: <u>Harmony Grove Village South Project and DEIR: Log No. PDS2015-ER-15-08-006; SCH No. 2015081071</u></p> <p>Dear County of San Diego:</p> <p>This letter is submitted on behalf of The Escondido Creek Conservancy ("TECC") regarding the proposed Harmony Grove Village South project ("Project") and Draft Environmental Impact Report ("DEIR").</p> <p>I. <u>Introduction</u></p> <p>The California Environmental Quality Act ("CEQA"), Pub. Res. Code §§ 21000 – 21177, must be interpreted "so as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language." <i>Friends of Mammoth v. Board of Supervisors</i> (1972) 8 Cal. App. 3d 247, 259. If an EIR fails to provide agency decision-makers and the public with all relevant information regarding a project that is necessary for informed decision-making and informed public participation, the EIR is legally deficient and the agency's decision must be set aside. <i>Kings County Farm Bureau v. City of Hanford</i> (1990) 221 Cal. App. 3d 692, 712. An EIR is "aptly described as the 'heart of CEQA'; its purpose is to inform the public and its responsible officials of the environmental consequences before they are made. <i>Laurel Heights Improvement Assoc. v. University of California</i> (1988) 47 Cal.3d 376, 392.</p> <p>II. <u>The EIR's Discussion of the Project and Existing Conditions is Deficient</u></p> <p>The DEIR's discussion of the Project and existing conditions is insufficient. "The adequacy of an EIR's project description is closely linked to the adequacy of the EIR's analysis of the project's environmental effects. If the description is inadequate because it fails to discuss the complete project, the environmental analysis will probably reflect the same mistake." <i>Dry Creek Citizens Coalition v. County of Tulare</i> (1999) 70 Cal.App.4th 20, 31 – 32. The DEIR fails to provide an adequate description.</p> <p>www.DELANOANDDELANO.com</p> <p>EVERETT L. DELANO III Admitted in California and Colorado</p> <p>M. DARE DELANO Admitted in California and New York</p> <p>220 W. Grand Avenue Escondido, CA 92025</p> <p>(760) 510-1562 :: Office (760) 510-1565 :: Fax</p> <p>O4a-1</p> <p>O4a-2</p>	<p><b>Response to Comment O4a-1</b></p> <p>The County acknowledges these introductory comments; however, they do not raise an issue concerning the environmental analysis or adequacy of the EIR. Please see the responses below to specific comments.</p> <p><b>Response to Comment O4a-2</b></p> <p>The commenter asserts that the DEIR's discussion regarding the Project and existing conditions is insufficient. The County disagrees that the EIR project description is sufficient. It is detailed in its information regarding the Project and consistent with the County <i>2006 Environmental Impact Report Format and General Content Requirements</i>.</p> <p>The comment correctly cites elements of Harmony Grove Village (HGV) South noted under the heading "Continuity with HGV" on page 1-4 of the EIR. The comment also notes that "there is no discussion or showing of how a 'diversity' of housing is needed to 'complement and support' the HGV project." The comment is confusing Project <i>goals</i> and <i>description</i> with Project <i>justification</i>, which is not required in a project description. The goals to provide a broader range of residential diversity and opportunities are expressly stated or incorporated into Project goals 1, 5, and 6 (see EIR page 1-1). The provision of additional amenities and housing types that do not conflict with existing village uses and plans within a larger village boundary is considered complementary by definition.</p> <p>Relative to commercial uses within HGV, the goal of the HGV South Project is to provide additional economic support for those businesses within walking distance, as well as to provide some limited commercial area that could also support HGV residents should they choose to use them. The EIR does not indicate that HGV South residents are necessary to provide workers for HGV businesses. The job opportunities for HGV South residents are expected to largely be located within the large surrounding metropolitan areas as well as throughout north County. Provision of additional amenities and residential options would not "distort" the jobs/housing balance. Nor does the EIR require that HGV residents participate in the limited commercial opportunities provided by HGV South. The County agrees with the comment that "the very minimal square footage of such uses would not have a significant impact on</p>

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	<p>the needs for commercial and civic facilities in the area.” This is considered a statement of fact, however, and not an adverse impact or weakness in the document.</p>

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<div data-bbox="241 272 405 337"> <p>County of San Diego June 20, 2017 Page 2 of 12</p> </div> <div data-bbox="745 264 938 287" style="text-align: right;"> <p>Comment Letter O4a</p> </div> <div data-bbox="296 362 924 1339"> <ul style="list-style-type: none"> <li>• The DEIR claims the Project “would complement and support the [Harmony Grove Village (“HGV”)] Village Core by diversifying the mix of housing opportunities and providing limited commercial/civic uses that are compatible with the existing and planned elements of HGV.” DEIR at 1-4. But there is no discussion or showing of how a “diversity” of housing is needed to “complement and support” the HGV project; in fact, the HGV project already has substantial housing, much more than would support a jobs/housing balance, such that adding more housing, no matter the type, would only further distort the jobs/housing balance. Additionally, the DEIR’s claim that the Project’s extremely limited “commercial/civic uses” would provide any utility for the HGV project is not supported, since the very minimal square footage of such uses would not have a significant impact on the needs for commercial and civic facilities in the area.</li> <li>• The DEIR makes no sense when discussing the Project’s substantial changes to topography. The following statement is a non-sequiter: “once pads and hardscape such as streets have been installed, what the pattern is of built environment versus open space.” DEIR at 1-5. The DEIR claims: “Lots would be graded to reflect the natural topography, as feasible.” <i>Id.</i> In reality, the Project will represent a substantial amount of soil disturbance. The Project description should make this clear.</li> <li>• Likewise, the assertion that the Project “has been designed to maximize open space (including preserve areas) by clustering development” is simply unsupported. DEIR at 1-5. In fact, the Project will “impact 10.4 out of 10.9 acres of” Coastal Sage Scrub habitat on the site, as well as substantial impacts to other biological resources. DEIR at 2.3-46. Indeed, Section 2.3 specifically acknowledges the “Project design does not minimize habitat loss to the maximum extent practicable.” <i>Id.</i> The Project description should reflect this basic fact.</li> <li>• The DEIR claims the Project includes “low impact development (LID) techniques ....” DEIR at 1-7. But the attached comments from a stormwater expert decry the DEIR’s “premature dismissal of the entire suite of LID techniques that can reduce or even eliminate contaminated runoff discharge ....”</li> <li>• The DEIR claims currently “drainage flows overland.” DEIR at 1-16. This is not entirely accurate, as there are existing drainage basins and ephemeral streams on the site.</li> <li>• The DEIR claims the site is “bordered by more intensive development.” DEIR at S-1. This is inaccurate, as most of the site is bordered by open space and rural residential uses.</li> <li>• The Project would violate TECC’s property rights. Country Club Drive runs through a 50-foot-wide road easement granted to the County. TECC owns the property upon which the road is situated. The Project includes plans to widen Country Club Drive so that it would extend outside of the easement area. There is no easement or other grant that gives the right to extend the road onto this TECC property.</li> </ul> </div> <div data-bbox="955 483 1018 506" style="text-align: center;">O4a-2</div> <div data-bbox="955 703 1018 725" style="text-align: center;">O4a-3</div> <div data-bbox="955 865 1018 888" style="text-align: center;">O4a-4</div> <div data-bbox="955 1006 1018 1029" style="text-align: center;">O4a-5</div> <div data-bbox="955 1097 1018 1120" style="text-align: center;">O4a-6</div> <div data-bbox="955 1164 1018 1187" style="text-align: center;">O4a-7</div> <div data-bbox="955 1260 1018 1282" style="text-align: center;">O4a-8</div>	<p><b>Response to Comment O4a-3</b></p> <p>The cited quote is correct, but it is only part of the sentence; and it is the partial citation that renders the sentence fragment confusing for the commenter based on loss of context. Reading the two sentences together removes the cited confusion. Please also note that the focus of the citation is not on topographic modification per se, but on the visible open space (under the heading “Preservation of Open Space”).</p> <p style="text-align: center;"><i>It is also noted that the end result of a project’s footprint upon the land is ultimately based not just upon overall surface disturbance during construction, but upon the resulting grading pattern —how much or how little it disturbs natural topographic flow, and, ultimately, how much of a developed nature is placed upon the soil. In other words: (1) surficial disturbance extent is less determinative of a project’s ultimate grading impact than the depth and modification of topographic rise and fall; and (2) once pads and hardscape such as streets have been installed, what the pattern is of built environment versus open space.</i></p> <p>The remainder of the comment attempts to set up a juxtaposition of two items that are not in conflict. The Project would both grade to reflect the natural topography as feasible, and result in soil disturbance. These two elements are not in conflict. The EIR is very clear about the projected amount of grading required and provides the anticipated amount of cut and fill in Section 1.2.2.8, <i>Grading and Construction Parameters</i>, of Chapter 1.0. Grading contours are clearly depicted on Figure 1-6a, <i>Site Plan</i>.</p> <p><b>Response to Comment O4a-4</b></p> <p>This comment conflates (i.e., attempts to merge two separate issues into one) the concepts of development consolidation with specific findings made for biological resources under the County Habitat Loss Permit (HLP).</p> <p>The Project absolutely clusters development. Residential and most other uses would be located in the northerly portion of the Project, and largely in the most disturbed portion of the property. The entire southern third of the Project would be set aside into permanent open space (and approved public trail) uses. The</p>

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	<p>portion of the site chosen for preservation contains the largest and most pristine natural elements on site, including some of the most sensitive, including oak riparian habitat, chaparral containing sensitive plants, some Diegan coastal sage scrub, etc. These areas are also abutted on two sides by the Del Dios Highlands Preserve (DDHP), which would allow for maximization of protection. The Project is therefore clustered and designed to substantially support and prioritize open space. The impact to other areas of Diegan coastal sage scrub is acknowledged (and clearly stated throughout the document). At the most conservative counting, however (i.e., eliminating areas divided by existing roads), the total acreage of 10.9 acres is made up through combination of 13 relatively small patches of habitat (see Figure 2.3-1, <i>Vegetation and Sensitive Resources</i>). The preservation of the “maximum” amount feasible is not the same as the term of art “maximum amount practicable,” which is drawn from findings made for a County HLP. The comment refers to page 2.3-46 of the EIR. As explained on that page, finding that a habitat is not conserved to the maximum amount practicable is not the end of the story.</p> <p><i>The Project design does not minimize habitat loss to the maximum extent practicable. However, impacts are allowable according to the Southern California Coastal Sage Scrub NCCP Conservation Guidelines (CDFW 1993b), which establish the criteria for determining a site’s potential value for conservation. According to the NCCP Logic Flow Chart, the quality of habitat supported on the Project site is defined as being “Low Value” and “Intermediate Value.” The County’s Habitat Evaluation shows the Project site ranked as having No Value to the coastal California gnatcatcher for nesting (County 2008b). According to the Conservation Guidelines, sites of Low and Intermediate Value can be impacted on a case by case basis with appropriate mitigation.</i></p> <p>The analysis then goes on to describe the specific impacts, as well as the appropriate mitigation. There is no need to describe this technical biological analysis in the Project description.</p>

	<p><b>Response to Comment O4a-5</b></p> <p>The Project has submitted a Drainage Report, Storm Water Quality Management Plan, and Hydromodification Management Plan that demonstrate that the Project is in compliance with applicable County of San Diego Drainage and Water Quality requirements included in the County’s BMP Design Manual.</p> <p><b>Response to Comment O4a-6</b></p> <p>Overland flow does not only refer to sheet flow. It is acknowledged that there are ephemeral surface drainages on site and that they carry water during storm events. The phrase “overland” refers to the fact that water is not currently channeled into man-made drainage facilities. The presence of ephemeral streams on the property is part of this overland flow.</p> <p><b>Response to Comment O4a-7</b></p> <p>The comment cites a portion of a sentence and states that it is inaccurate; however, the quote omits a critical portion of the sentence that renders it both clear and accurate. As written (emphasis added), the statement is “The Proposed Project site <b>vicinity</b> is bordered by more intensive urban development <b>in the cities of San Marcos and Escondido to the north and east</b>, respectively.”</p> <p><b>Response to Comment O4a-8</b></p> <p>In response to this comment, the County would like to first clarify that the Project includes improvements to Country Club Drive south of Harmony Grove Road that are outside the existing County right of way (ROW). Specifically, in order to improve this segment of County Club Drive, two small areas of ROW acquisition are required—0.09 acre (westerly) and 0.13 acres (easterly), for a total of 0.23 acre. (This roadway design outside of the ROW is referred to in this Response as the “Off-site Segment of Country Club Drive.”) The Project Description (EIR Chapter 1.0) identified all of the off-site improvements that are a part of the Project, which included the Off-site Segment of Country Club Drive. Thereafter, each subject area of the EIR included a discussion of these improvements as applicable. See FEIR Subchapters 2.1 (Aesthetics), 2.3 (Biology), 2.4 (Cultural), and 3.1.4 (Hydrology).</p>
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	<p>A comment was made that the property owner does not have an easement, grant or right to extend the off-site segment of Country Club Drive onto the property owned by TECC and would therefore violate their property rights. This comment is unrelated to an environmental issue within the meaning of CEQA and the statement as a general principle is incorrect. California law grants local public agencies the ability to impose conditions on private development requiring the construction of public improvements located within land not owned by the Applicant. The public agency may thereafter condemn the land needed on the developer's behalf so the developer may complete the required improvements with the developer funding the acquisition costs (Gov. Code §§ 66462.5). This has been memorialized by the County Standard Conditions for Tentative Maps.</p> <p>Moreover, the Subdivision Map Act allows a local agency to approve a subdivision map with an off-site improvement condition if the agency determines such a condition is appropriate and these conditions often reflect local ordinances or policies adopted by the local agency. If the subdivider does not have the real property rights necessary for public access or the construction of required improvements, he/she is required to request the local agency to begin eminent domain proceedings for acquisition of the property rights needed for public access or off-site improvements. If the agency does not wish to begin the eminent domain proceedings, the condition is considered waived (Gov. Code Section 66462.5). County Board of Supervisors Policy J-33 requires the subdivider to use every reasonable effort to acquire the property rights. If the off-site property owners are unwilling to sell their property interests to the subdivider, the Board of Supervisors may choose to use their power of eminent domain to obtain the needed rights. The Project Applicant will be required to pay full County costs of eminent domain proceedings, including all costs to purchase the real property rights (County Board of Supervisors Policy J-33, which is incorporated herein by this reference).</p> <p>Whether TECC grants an easement to the property owner or eminent domain is used, the actual physical impacts to the environment that would result from the construction of the off-site segment of Country Club Drive have been analyzed by the EIR. The EIR adequately discloses all physical environmental</p>

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	<p>impacts that would result from the on-site and off-site improvements, including those that may require the use of eminent domain, such as the construction of the Off-site Segment of Country Club Drive, described as a part of the Proposed Project.</p> <p>In the event that the Board of Supervisors should decide not to pursue eminent domain (or TECC does not grant an easement), the Project has been conditioned to construct Country Club Drive entirely within the existing ROW (Existing ROW Road Option). The Existing ROW Road Option would be improved according to County Public Road Standards to an “enhanced” Residential Collector and would be designed to include two 12-foot travel lanes, a 12-foot travel or turn center lane, as well as additional amenities (on each side). The Existing ROW Road Option is illustrated in Exhibit O4a-1, which has been added to the Project’s Specific Plan.</p> <p>The Existing ROW Road Option would be developed entirely within the disturbance area identified and evaluated for the Off-site Segment of Country Club Drive, but is narrower in design, as depicted. The Existing ROW Road Option does not include improvements outside the existing right-of-way that were included in the off-site segment of Country Club Drive. As a result, the physical impacts to the environment that would result from the construction of this segment of Country Club Drive entirely within the existing ROW, is included in the analysis in the EIR. See FEIR Subchapters 2.1 (Aesthetics), 2.3 (Biology), 2.4 (Cultural), and 3.1.4 (Hydrology). The land upon which the Existing ROW Road Option is located was dedicated to the County of San Diego on the maps of Tract No. 5365-1 as Map No. 15888 and Tract No. 5365-2 as Map No. 15889.</p> <p>The Existing ROW Road Option complies with the San Diego County Consolidated Fire Code and Rancho Santa Fe Protection District Code (Section 503.2.1) and would not lessen the health and safety elements of the Proposed Project bridge (Dudek 2017). This is because three vehicular travel lanes (minimum 12 feet each) have been retained with exactly the same width as the wider bridge, thereby accommodating daily traffic as well as access/evacuation during emergency events to the same level as the Off-site Segment of Country</p>

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	<p>Club Drive. This Existing ROW Road Option would also provide non-vehicular transportation support for pedestrians, equestrians, and cyclists. In short, no functional benefits of the bridge would be notably lessened with the narrower design.</p> <p>Please see the attachment entitled “Existing ROW Option” in the Final TIA.</p>



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<p>County of San Diego June 20, 2017 Page 3 of 12</p> <p style="text-align: right;">Comment Letter O4a</p> <ul style="list-style-type: none"> <li>The DEIR claims: "Two transit centers [are] located nearby;" DEIR at S-1. It also claims that because the Project is 3 miles away from the Nordahl Transit Station, "[t]hat proximity allows residents to walk, bike or drive to the station, before accessing bus service or the SPRINTER to other points ... and other carriers, such as Amtrak;" DEIR at 1-28. And it claims that the Escondido Transit Center is "in the Project's general vicinity ...." <i>Id.</i> This is both inaccurate and misleading. The Nordahl station, at 3 miles away, is certainly not within any reasonable walking distance, and substantial topographic features deter walking or biking. Additionally, Amtrak is not available at either station. The Escondido station is approximately 5 miles away, certainly not a reasonable walking or biking distance for commuters. To claim these centers are "nearby" is highly misleading and an inaccurate description of the Project's isolation from reliable transit service.</li> </ul> <p>III. <u>The EIR's Discussion of Project Impacts is Deficient</u></p> <p>The EIR fails to adequately analyze land use, aesthetic, and community character impacts.</p> <ul style="list-style-type: none"> <li>The EIR notes that the applicable guidelines note a relevant question is whether the Project will "detract from or contrast with the existing visual character and/or quality of a neighborhood, community or localized area ...." DEIR at 2.1-26. The Project would introduce high density uses in a largely rural and undeveloped area. There is only one side of the site with higher density development, and that area is on the other side of Escondido Creek and Harmony Grove Road. Indeed, even the EIR acknowledges "the Project would vary from the immediately abutting uses to the west, which generally have been individually designed and landscaped, set into large lots." DEIR at 2.1-27. The same can be said of the uses to the east of the site. And both to the immediate south and north is open space. Yet the EIR claims the Project is "visually consistent with the Harmony Grove Valley as a whole ...." DEIR at 2.1-27. This is incorrect. Indeed, were this statement correct, the Project would not need to amend the General Plan and Community Plan.</li> <li>It is remarkable that the Project would add such a substantial number of units, yet there are only two visual simulations in the EIR and both show the units from a substantial distance away. For example, the simulation from Key View 1 shows the Project's units from approximately ½ mile away. DEIR Figure 2.1-8a. The EIR could have and should have shown view simulations from closer public vantage points, such as the location where Country Club Drive turns (and therefore people will be adjacent to the Project as they drive slowly around the turn). Indeed, the EIR shows existing conditions farther north on Country Club Drive, but this is farther away from the Project site. DEIR Figure 2.1-3h. It also shows existing conditions looking east along Country Club Drive at Cordrey Lane, but at this location the road rises, reducing visibility. DEIR Figure 2.1-3i. The EIR did not show the existing</li> </ul>	<p><b>Response to Comment O4a-9</b></p> <p>Major transit centers are regional amenities. As such, location of a project within 3 miles of such a facility (a distance clearly specified in the EIR text) is considered "nearby." Three miles is indeed considered a reasonable walking distance for people who focus on pedestrian travel, is certainly within bike-riding distance for bicycle commuters, and is a very short distance by car. The EIR text does not say that the Escondido Transit Center is nearby, but rather that it is in the general vicinity. Relative to the access to Amtrak, the commenter again parses the sentence to remove critical content. The EIR does not say that Amtrak is available at either station. The actual text states (emphasis added):</p> <p style="padding-left: 40px;"><i>As described above, this Project is within 3.0 miles of the Nordahl Transit Station. That proximity allows residents to walk, bike or drive to the station, before accessing bus service or the SPRINTER to other points (both within the County, but also points north) and other carriers, such as Amtrak. The SPRINTER light rail line runs every 30 minutes in each direction Monday through Friday, from approximately 4:00 a.m. to 9:00 p.m. The Escondido Transit Center (also with parking available) serves as the current eastern terminus of the North County Transit District's (NCTD's) SPRINTER and the northern terminus of the Breeze Rapid bus rapid transit line. It is also in the Project's general vicinity, being located just east of I 15 and south of S78. Express bus service to downtown San Diego is available at the Center, as is local bus service to inland North County.</i></p> <p><b>Response to Comment O4a-10</b></p> <p>The majority of this comment is not at variance with the EIR and does not require a response. Relative to the last two sentences, the statement that the Project is "visually consistent with the Harmony Grove Valley as a whole" is correct. As noted throughout the EIR (and in the comment itself) development patterns throughout the valley vary widely. The visual analysis assesses what can be seen and what is projected to be seen upon Project implementation. As detailed in Subchapter 2.1, surrounding uses within the viewshed vary from rural to semi-rural to village uses. Development provides prominent visual</p>

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	<p>elements, ranging from multi-story single homes on large lots, to structures along ridgelines, to the (previously) dense lot uses of the Harmony Grove Spiritualist Association and HGV. The base land use designation of the General Plan would allow one dwelling per 0.5-acre lot use (or approximately 220 structures prior to assessment of slope control. With slope control, approximately 174 structures would be allowed. The Project proposes a total of 453 single-family and multi-family residences. As currently proposed, these residences would be sited within a smaller number of structures (approximately half that many). This allows for larger and consistent greenswards within the development than often can be attained with larger lot uses. The reduction in number of visible structures and their placement below the iconic valley ridgelines, combined with the intensive conceptual landscape plan described in EIR Chapter 1.0 and Subchapter 2.1, in conjunction with the varied developed setting and limited numbers of immediately abutting viewers, results in the Project being “visually consistent with the Harmony Grove Valley as a whole.” Please refer to Subchapter 2.1 for detailed analysis.</p> <p><b>Response to Comment O4a-11</b></p> <p>Close-in simulations do not provide context and can easily be manipulated to focus on positive project elements. The EIR is wholly consistent with the County’s 2007 <i>Guidelines for Determining Significance and Report Format and Content Requirements</i> regarding simulations, which requires “at least one” photo-simulation (County 2007:9). Also, as stated in the requirement, the focus should “be from the point of highest visibility.”</p> <p>In this instance, the viewpoint chosen was from the most heavily traveled road, at a point where Project elements could be most clearly seen. The simulation is taken from the closest point at which the greatest number of viewers would see the Project (including changes at the creek crossing and upgrades to Country Club Drive), and potentially while paused at the light, so that there would be some duration. This is also the location that most clearly depicts the potential changes to portions of Harmony Grove Road adjacent to the creek, as this section is a County scenic corridor. This satisfies the Guidelines requirement.</p>

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	<p>Taking a conservative approach that the Project also should provide a view from the worst-case recreational location, a simulation was provided from the DDHP fire-break trail. This provides an unobstructed view onto the Project site (i.e., no intervening uses, terrain, or vegetation).</p> <p>The comment regarding Figure 2.1-3h being “farther away from the Project site” is not understood. It is taken from a point adjacent to the northwest corner of the Property on Country Club Drive. It is noted, however, that the simulation was not created from this point as the Project-related effects at the intersection with Harmony Grove Road and the impacts to Escondido Creek would not be seen. This view also is currently seen primarily by residents south of the creek, which comprises a much smaller number of viewers, and therefore does not provide either the most encompassing or most typical view. The County concurs with the comment on Figure 2.1-3i regarding how the view to the site is reduced from this vantage point. It was one of the criteria used to eliminate this location from simulation. Along with fewer viewers, a view from “higher” on Country Club Drive is not shown as the view onto the site is more peripheral in nature and part of the development footprint would be “behind” the viewer. As discussed above, the view from the north encompasses more of the development footprint and provides a better representation of maximum visibility to the Project site. The comment is correct in stating that Figure 2.1-2b looks east, but it is not from Country Club Drive or a public view. This photograph represents a picture from the site, on private property, and was taken to illustrate existing topography and vegetation/access easement. The primary viewers of Project changes from this viewpoint will be Project residents. No simulation is required.</p>

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<p>County of San Diego June 20, 2017 Page 4 of 12</p> <p style="text-align: right;">Comment Letter O4a</p> <p>view from the curve in the road where the roadway is higher and views of the Project site are substantial.<sup>1</sup> The EIR does present a view looking east from a location near this curve (DEIR Figure 2.1-2b-B), but no visual simulation is shown.</p> <ul style="list-style-type: none"> <li>• The EIR's assertion that impacts to views from nearby trails is insignificant is unsupported by the evidence. As noted, the neighboring Del Dios Highlands Preserve "provides a direct view into the Project." DEIR at 2.1-58. The Project would change views of the site substantially, introducing substantial constructed elements and verticality into a terrain that currently has very little of either.</li> <li>• The EIR also claims that several steep slopes are insignificant, including one slope that is approximately four acres in size. DEIR at 2.1-53. Regarding this particular slope, the EIR acknowledges that it is visible from several locations, including from the Del Dios Highland Trail, but claims it is not significant. DEIR at 2.1-54. However, a review of Figure 2.1-12c, photo b, demonstrates that the slope is indeed very significant.</li> <li>• Despite failing to address several impacts, the EIR acknowledges that certain visual impacts "would be substantial" for "approximately 10 years." DEIR at 2.1-70. But the EIR lacks any discussion of ways to mitigate what the EIR labels as "short-term adverse visual impacts." <i>Id.</i> at 2.1-71. For example, the EIR fails to discuss staging Project construction to reduce the extent of the visual impacts over the large site, temporary landscape screening to mitigate the impacts, or reductions in the scope of demolition and grading of the site to reduce such impacts. CEQA contains a "substantive mandate" that agencies refrain from approving a project with significant environmental effects if "there are feasible alternatives or mitigation measures" that can substantially lessen or avoid those effects. <i>Mountain Lion Foundation v. Fish and Game Comm.</i> (1997) 16 Cal.4<sup>th</sup> 105, 134; Pub. Res. Code § 21002. It "requires public agencies to deny approval of a project with significant adverse effects when feasible alternatives or feasible mitigation measures can substantially lessen such effects." <i>Sierra Club v. Gilroy</i> (1990) 222 Cal.App.3d 30, 41. And the EIR's failure to even discuss possible mitigation measures or alternatives makes the analysis insufficient.</li> <li>• The EIR claims "the Project is proposing to expand the southern extent" of the Harmony Grove Village project. DEIR at 3.1.6-1; <i>see also id.</i> at 1-1 ("purpose ... is to expand the contiguous Harmony Grove Village"). This is both a misleading statement about the Project and about its impacts. The Harmony Grove Village project involves the development of 742 single-family homes on approximately 500 acres. <i>Id.</i> at S-4. This is slightly less</li> </ul> <p><sup>1</sup> Indeed, existing roads through the site, which are used by neighboring property owners, enter the site at the northernmost aspect of this curve. Therefore, the consultants who prepared this analysis would have entered the Project site at this location. One can observe what are likely their cars parked on one of these roads in DEIR Figure 2.1-2b-A.</p>	<p><b>Response to Comment O4a-12</b></p> <p>The comment correctly quotes the EIR relative to the view onto the Project from DDHP. The County agrees that the Project would change views onto the Project site. The same text cited by the commenter refers the reader to Section 2.1.2.1 of the aesthetics discussion, which provides a substantial discussion of proposed Project elements, their nature and visibility, and consistency with surrounding viewshed elements. EIR pages 2.1-41 through 45 detail the specific effects from the DDHP trail. The visual effects of Project development are not artificially restricted to the site itself, but the discussion is context-specific and evaluates the Project in its setting. Based on consideration of the proposed development, potential visible photo-voltaic panels, potential fire-resistive walls, etc. balanced by the foreshortening of the development from this elevated viewpoint, the highly visible nature of internal greenswards from this location, the massing of adjacent homes to the west, and the backdrop of the much more grid-like and dense appearing HGV, visual impacts associated with the Project are acknowledged as different from the existing condition, but less than significant in nature.</p> <p><b>Response to Comment O4a-13</b></p> <p>The comment refers to an assessment of several isolated locations of areas with slopes in excess of 25 percent that are found visually insignificant in accordance with Resource Protection Ordinance (RPO) Section 86.604(e)(2)(cc)(3). This issue was thoroughly analyzed in the Project Resource Protection Study Steep Slope Waiver (Appendix C to the EIR), and the EIR. In summary, each of the areas for which the waiver is proposed is both isolated from other areas of steep slope and visually indistinguishable from adjacent areas that are not steep slope. The County does not agree with the comment that the slope shown is "very significant." It appears flatter than the other slopes of 25 percent and above and is isolated from those other slopes. Upon recommendation of approval of this encroachment by the Director of PDS, and based upon the rationale provided in the cited documents, these encroachments qualify for the exception, and no significant impact is identified. The ultimate decision to approve the exception request will be part of the discretionary action of the Board of Supervisors.</p>

COMMENTS	RESPONSES
	<p><b>Response to Comment O4a-14</b></p> <p>The statements as to requirements for feasible mitigation under CEQA are correct. There is, however, no reasonably feasible mitigation possible. This is specifically stated on EIR page 2.1-70. Phased grading is not possible because the overall Project drainage and earth balancing requirements require the site to be mass-graded at one time. Vegetative screening of slopes and areas closest to roadway would occur immediately. This is a Project Design Feature. As stated in Chapter 1.0, on Table 2-1, “Final landscape (including container/box plant sizes) along Country Club Drive, at entries, along Project streets, and on manufactured slopes, shall be installed immediately following completion of grading and installation of irrigation.” The lack of mitigation measure efficacy is not because plants are not being installed, but because they have been carefully evaluated as to when their level of maturity would appropriately screen the Project. The analysis is sufficient.</p> <p><b>Response to Comment O4a-15</b></p> <p>Please see the Global Response to Project Consistency with General Plan Policy LU-1.4 for a full discussion relevant to this issue.</p>

COMMENTS	RESPONSES
<div data-bbox="241 277 405 342"> <p>County of San Diego June 20, 2017 Page 5 of 12</p> </div> <div data-bbox="747 267 936 289" style="text-align: right;"> <p>Comment Letter O4a</p> </div> <div data-bbox="323 365 911 495"> <p>than 1.5 units per acre. The Project, however, proposes 453 residential units on approximately 111 acres. <i>Id.</i> at S-1. That equates to slightly over 4 units per acre. The Project is not merely an “expansion” to the south of the Harmony Grove Village project; it is a vastly increased density in a rural area. Indeed, the EIR acknowledges the site is currently designated Semi-Rural Residential and Rural Lands. <i>Id.</i> at 3.1.6-7.</p> </div> <div data-bbox="323 498 911 628"> <ul style="list-style-type: none"> <li>Furthermore, the Harmony Grove Village project involves the construction of single-family residences. The Project involves the construction of five different housing types, including single-family units, attached units, and multi-family housing. Again, this is not an “expansion” of the Harmony Grove Village project, but a substantial expansion of the type of housing and density of housing provided.</li> </ul> </div> <div data-bbox="323 631 911 802"> <ul style="list-style-type: none"> <li>The EIR acknowledges the existence of the General Plan’s “Community Development Model” (“CDM”), but fails to provide an accurate analysis of the Project’s many inconsistencies with the CDM. DEIR at 3.1.6-5. For example, the Project does not respect the rural and semi-rural areas surrounding the Project site, it does not locate “housing closer to retail, services, schools, and job centers,” it does not provide an appropriate “transition to the lowest density category,” and it does not increase “the efficiency of delivering police, fire, and other public services ....” <i>Id.</i></li> </ul> </div> <div data-bbox="323 805 911 933"> <ul style="list-style-type: none"> <li>The EIR acknowledges the existence of the Community Plan, but fails to provide an accurate analysis of the Project’s many inconsistencies with the plan. DEIR at 3.1.6-7. For example, the Project does not preserve the “rural small town feeling,” it does not promote environmentally sensitive uses, it does not preserve a rural visual environment, and it does not provide appropriate buffer between urban and rural uses. <i>Id.</i> at 3.1.6-8.</li> </ul> </div> <div data-bbox="323 937 911 1018"> <ul style="list-style-type: none"> <li>The attached comments from Robert Hamilton identify the Project’s inconsistency with the Natural Community Conservation Planning Program. Indeed, the EIR itself acknowledges “Project design does not minimize habitat loss to the maximum extent practicable.” DEIR at 2.3-46.</li> </ul> </div> <div data-bbox="323 1021 911 1086"> <ul style="list-style-type: none"> <li>The Project does not cluster “development in the least environmentally sensitive areas ....” DEIR at 3.1.6-13. Indeed, the “Project would impact 10.4 out of 10.9 acres of” coastal sage scrub habitat. <i>Id.</i> at 2.3-46.</li> </ul> </div> <div data-bbox="323 1089 911 1260"> <ul style="list-style-type: none"> <li>The Project does not “provide a transition from the on-site residential uses to transition into existing lower-density portions of Harmony Grove Valley.” DEIR at 3.1.6-22. To the contrary, the Project proposes high density uses immediately adjacent to open space uses, both open space to the north of the Project site and open space in the southern portion of the site. The Project also proposes high density uses within a matter of feet from very low density residential uses to the east and west of the site. <i>See e.g.</i>, DEIR Figure 1-6a &amp; proposed grading plan.</li> </ul> </div> <div data-bbox="323 1263 911 1347"> <ul style="list-style-type: none"> <li>The Project is not compatible with existing conditions and constraints. DEIR at 3.1.6-24. Indeed, were the Project designed as such, it would not need 850,000 cubic yards of cut and fill (DEIR at 2.1-50) nor would it need to impact several acres of steep slopes (<i>id.</i> Figures 2.1-11c &amp; 2.1-12c).</li> </ul> </div> <div data-bbox="936 414 1008 435">O4a-15</div> <div data-bbox="936 542 1008 563">O4a-16</div> <div data-bbox="936 703 1008 724">O4a-17</div> <div data-bbox="936 863 1008 885">O4a-18</div> <div data-bbox="936 961 1008 982">O4a-19</div> <div data-bbox="936 1040 1008 1062">O4a-20</div> <div data-bbox="936 1149 1008 1170">O4a-21</div> <div data-bbox="936 1289 1008 1310">O4a-22</div>	<p><b>Response to Comment O4a-16</b></p> <p>Please refer to Response to Comment O4a-15. The precise uses proposed are immaterial to the EIR’s wording. Please see the Global Response to Project Consistency with General Plan Policy LU-1.4 for a full discussion relevant to this issue.</p> <p><b>Response to Comment O4a-17</b></p> <p>The Project’s consistency with the Community Development Model is addressed in FEIR Section 3.1.5, <i>Land Use and Planning</i>, as well as the Project Specific Plan. The model (as clearly depicted on page 3-23 of the County adopted 2011 General Plan), provides an approach to siting village, semi-rural, and rural uses near one another.</p> <p>Please see the Global Responses to Project Consistency with General Plan Policy LU-1 and to General Plan/Community Plan Amendments CEQA Impact Analysis for a full discussion relevant to this issue.</p> <p><b>Response to Comment O4a-18</b></p> <p>The Project’s consistency with both General Plan and Community Plan policies are analyzed in the technical discussions in the EIR under the appropriate topics. For example, the concepts of the visual environment and the Project’s consistency, are addressed in both Section 3.1.5 and Subchapter 2.1.</p> <p><b>Response to Comment O4a-19</b></p> <p>Responses to Mr. Hamilton’s comments are provided in Response to Comment O4b. Please also refer to Response to Comment O4a-4, above.</p> <p><b>Response to Comment O4a-20</b></p> <p>Please refer to Response to Comment O4a-4, above.</p> <p><b>Response to Comment O4a-21</b></p> <p>The Project does provide a transition from on-site higher density uses to lower density abutting uses. As stated in the same paragraph cited in the comment on page 3.1.5-22:</p> <p style="text-align: center;"><i>HGV South would provide a transition from the Village portion of the site and the existing surrounding community by maintaining the perimeter of the site within the existing</i></p>

COMMENTS	RESPONSES
	<p><i>Semi-Rural regional category. This land surrounds the HGV South's Village area along the southwestern, southern, and eastern property boundaries. Lower intensity single-family uses (typically with larger lot sizes) are planned in this area in addition to the designated open space areas being located in this vicinity.</i></p> <p><b>Response to Comment O4a-22</b></p> <p>The County respectfully disagrees with this comment. The Project is compatible with existing conditions and constraints as required in the LU-1.4 analysis (and cited in the comment). The topic is specifically addressed on pages 3.1.5-24 and 25 under the heading “Compatibility with Existing Conditions and Constraints.” Specifically noted are the retention of slopes exceeding 50 percent in permanent open space, avoidance of the 100-year floodplain, the consistency of the Project with the RPO, and improvements to degraded Escondido Creek and wildlife safety as a result of Project implementation. The amount of cut and fill in a topographically variable area does not render the Project incompatible. Similarly, the Project is consistent with the RPO through processes outlined in the ordinance—including ordinance exemptions for streets and utilities, a waiver of steep slope encroachment where those encroachments are found visually insignificant in compliance with the RPO, and strict compliance of no more than 10 percent encroachment into protected steep slope areas by individual lots, again in conformance with the RPO. These encroachments ultimately will be before the Board of Supervisors, but preliminary findings by the Director of PDS is that each of these encroachments conforms to the ordinance. They are extremely common elements of development in topographically variable areas, and also far more restricted than has been required of individually developed lots in the area (which are not subject to the RPO and therefore not restricted by it in terms of steep slope encroachment).</p>

COMMENTS	RESPONSES
<p>County of San Diego June 20, 2017 Page 6 of 12</p> <p style="text-align: right;">Comment Letter O4a</p> <p>Rather than being compatible with existing conditions and constraints, the Project would impact 7.7 acres of RPO steep slopes. DEIR at 3.1.6-44; <i>see also id.</i> at 1-34. The Project would also create private roads and driveways on steep slopes. DEIR at 3.1.6-45 – 46.</p> <ul style="list-style-type: none"> <li>• And for the reasons discussed herein, the Project does not meet the criteria necessary for a waiver of RPO restrictions.</li> <li>• The EIR claims the Project provides “[l]ower intensity single-family uses (typically with larger lot sizes) ... located along the site perimeter ....” DEIR at 3.1.6-26. In fact, the Project would develop uses at several dwelling units per acre immediately adjacent to rural residential uses to both the east and west of the site. <i>See e.g.</i>, DEIR Figure 1-6a &amp; proposed grading plan.</li> <li>• Contrary to the EIR’s assertion (DEIR at 3.1.6-39 to 40), the Project is inconsistent with several provisions of the Community Plan. Among other things, the Project does not preserve the “unique features of a rural lifestyle” nor does it preserve “the rural small town feeling of Harmony Grove.” It does not ensure “[c]ontinued preservation of mature native trees.” Nor does it provide for the “historic equestrian character of Harmony Grove” or “leisure and market animals grazing in fenced front yards.” And it is not “compatible with and sensitive to [Harmony Grove’s] natural setting; unspoiled views of intact hills, valleys, and creeks.”</li> <li>• The EIR inappropriately relies upon a “Western Farmhouse/Cottage architectural theme” as a basis to conclude the Project is consistent with the community. DEIR at 3.1.6-54. But as discussed herein, the Project will significantly impact existing community character and land use in several respects, and no application of an “architectural theme” can avoid those significant effects.</li> <li>• The EIR’s claim that “Project development would be generally consistent with the relative scale of development planned in the area” (DEIR at 3.1.6-55) is not supported by the evidence. As noted, the Project proposes high density uses immediately adjacent to open space uses, both open space to the north of Project site and open space in the southern portion of the site. The Project also proposes high density uses within a matter of feet from very low density residential uses to the east and west of the site. <i>See e.g.</i>, DEIR Figure 1-6a &amp; proposed grading plan.</li> </ul> <p>The EIR fails to adequately analyze growth inducing impacts.</p> <ul style="list-style-type: none"> <li>• The EIR claims the Project will not lead to growth inducement. DEIR 1-39. Yet it is precisely the Harmony Grove Village project to the immediate north that is repeatedly used to justify the Project. <i>See e.g.</i>, DEIR at 1-33. The same rationale will be used by subsequent applicants to justify expansion and continued leapfrog development. Indeed, the EIR uses the Harmony Grove Village project as a baseline in its analysis (DEIR at 1-27), something the next project will undoubtedly do with the Project.</li> </ul>	<p><b>Response to Comment O4a-23</b></p> <p>The County disagrees with this conclusion. Please refer to Appendix C of this EIR, which focuses on the Steep Slope Waiver, Subchapter 2.1, which addresses the visual reasons why isolated areas of potentially protected slopes do not qualify for protection, and Section 3.1.5 of the EIR for discussion of RPO roadway exemptions and strict conformance by lot.</p> <p><b>Response to Comment O4a-24</b></p> <p>The County agrees that the Project would include areas with several dwelling units per acre, but the comment is misleading. The discussion cited in the comment is addressing community character, which can be largely based on visual effect. While several homes per acre may be accommodated in the first two tiers of dwelling units along the western southern and eastern portions of the Project, the most visible area consists of the first tier adjacent to off-site uses. This area retains 0.5-acre lots, consistent with the General Plan S1 category. The additional homes within the acre would be sited “behind” or east of the first tier of homes, and would not be as visible to off-site viewers given the intervening home and landscaping. In addition, there is an approximately 35-acre parcel of open space between the southern edge of the development footprint and open space uses to the south.</p> <p><b>Response to Comment O4a-25</b></p> <p>The cited preservation of “unique features of a rural lifestyle” does not come from the land use discussion in Section 3.1.5 of the EIR, but is part of the Goal SPA-2.2 regarding HGV in the Elfin Forest-Harmony Grove subarea portion of the San Dieguito Community Plan. The full citation on page 49 of that plan is: “Preservation of the unique features of a rural lifestyle, while integrating the urban lifestyle of the HG Village.” While there may be some disagreement over whether the lifestyle of HGV is “urban” in nature as opposed to a village, the Project is consistent with the goal. The Project does ensure the preservation of mature native trees. Although no preservation is currently applicable to the Project site (and therefore continued preservation is not possible), the most sensitive on-site mature native trees are located in coast live-oak woodland in the southerly portion of the Project. This area would largely be preserved in perpetuity as part of the Project biological open space. Although the Project does not propose equestrian or market animals grazing in front yards, it would</p>



COMMENTS	RESPONSES
	<p>be located directly across the street from the HGV future Equestrian Ranch and as part of an expanded village would incorporate those elements into HGV South. Finally, it is compatible with and sensitive to the natural setting, with unspoiled views to intact hills and creeks. This is because although the site is currently largely disturbed in nature, the pristine southernmost slopes would be retained in biological open space and would continue to be visible to residences along the western boundary with views to the south, as well as to users of the trail to DDHP and more distant viewers from the north looking toward DDHP. Views to Escondido Creek also could be improved through removal of invasives, reconstruction of the creek bed, and revegetation, as described throughout the EIR. Please see the Global Response to General Plan/Community Plan Amendments CEQA Impact Analysis.</p> <p><b>Response to Comment O4a-26</b></p> <p>The County respectfully disagrees. The Project does not rely solely on the proposed architectural theme to support overall community consistency, although that is one element. The details of consistency are provided throughout the FEIR Section 3.1.5 land use analysis, as well as detailed in Subchapter 2.1, as indicated in the responses above. Indeed, the lack of single-factor analysis is documented in the summary statement on page 3.1.5-55 of the discussion from which the comment focus is excerpted (emphasis added).</p> <p><i>Community character compatibility, therefore, would result from the diversity of elements that would be consistent throughout the Project site based on conformance with the Project Specific Plan, as well as neighboring development (particularly nearby residential portions of the abutting HGV project) that will include a similar residential development pattern. Additionally, preservation of the highest on site existing topographic forms in the southern portion of the Project site, retention of sight lines to surrounding mountains and ridgelines, and revegetation with native and/or locally compatible plants would further reinforce the existing character.</i></p> <p>Please see the Global Response to General Plan/Community Plan Amendments CEQA Impact Analysis for a full discussion relevant to this issue. Please also</p>

COMMENTS	RESPONSES
	<p>see the Global Response to Project Consistency with General Plan Policy LU-1.4.</p> <p><b>Response to Comment 04a-27</b></p> <p>The sentence in the EIR text that describes the Project as “generally consistent with the relative scale of development planned in the area” is correctly cited in the comment, but its meaning has been misconstrued in the context of the paragraph in which the sentence is found.</p> <p>As described in the EIR, while the Project site is located in the semi-rural Elfin Forest and Harmony Grove portion of the San Dieguito Community Plan Area (CPA), this portion of the CPA is located in close proximity to a major freeway (I-15), a major highway (SR-78), and two major city jurisdictions (Escondido and San Marcos). The areas along the I-15 and SR-78 corridors contain more intense uses by design and have been planned for large-scale residential and commercial/industrial uses.</p> <p>The Project is located contiguous with the HGV project. HGV is constructing 742 homes, recreational and equestrian uses, and small commercial/retail/office uses within a pedestrian-oriented Village Core. The Project will locate its densest residential neighborhoods within 0.5 mile of HGV’s Village Center, an area described in HGV’s Specific Plan as the heart of the community. HGV’s Village Center consists of both commercial/retail/office uses, with over two-thirds of all its residences located there (approximately 519 homes). The Project’s densest residential neighborhoods will be located within 0.5 mile from HGV’s Village Center. The density of this area within the Project site equates to approximately eight dwelling units per acre (du/ac) which is consistent with the density of HGV’s Village Center of approximately 8.7 dwelling units per acre. Together HGV and the Project will form one seamless, unified village, cohesive and interconnected by a series of trails, pathways, amenities as well as design. Please also refer to Response to Comment 04a-24 regarding the nature of residential uses placed along the site perimeter, which also contain areas where multi-story and large-scale single-family residences are located. The biological open space in the southern portion of the site is a use allowed with the S1 land use designation. There is no prohibition against placing even the most intensive</p>

COMMENTS	RESPONSES
	<p>village uses adjacent to open space/rural uses. Please see the Global Responses to Project Consistency with General Plan Policy LU-1.4 and General Plan/Community Plan Amendments CEQA Impact Analysis, for a full discussion relevant to this issue.</p> <p><b>Response to Comment O4a-28</b></p> <p>Growth inducement is defined as in CEQA as those activities that would foster (e.g., encourage or promote) economic or population growth or additional housing in the surrounding area. The existence of HGV did not foster HGV South, in that the HGV project neither encouraged or promoted the current proposal. Similarly, HGV South would not foster any other project any more than the large-lot single family residential uses to the east are specifically expected to foster similar uses adjacent to them. Individual property owners are allowed under California state law to propose any legal use of their property, and then to undergo the appropriate level of environmental review. The stringent process required of all projects varying from projections in existing plans, including a complete application, staff analysis for zoning and land use, CEQA compliance, public involvement, and a recommendation to a decision-making body to implement such changes, are expected to maintain the vision of a combination of County rural and semi-rural lands with higher-density villages. Regardless, review of the potential for project development during early planning as described in Section 4.1.3, <i>Alternatives Considered but Rejected from Further Study</i>, “Alternative Location” identified no additional undeveloped large acreage parcels that could support a similar project. Similarly, no parcels are adjacent to the Project that could use the rationale of village expansion. The Project does not propose leapfrog development as it is adjacent to the village.</p>

COMMENTS	RESPONSES
<p>County of San Diego June 20, 2017 Page 7 of 12</p> <p style="text-align: right;">Comment Letter O4a</p> <p>The EIR fails to adequately analyze impacts to recreation.</p> <ul style="list-style-type: none"> <li>The EIR notes that there are adjacent recreation areas and acknowledges that an on-site trail “is routinely used by the existing local community.” DEIR at 1-20. But it fails to analyze the impacts to neighboring open space associated with the substantial increase in population and the widening of the trails, which will increase their use substantially.</li> </ul> <p>The EIR fails to adequately analyze impacts to waters and drainages.</p> <ul style="list-style-type: none"> <li>The attached comments from Dr. Richard Horner are hereby incorporated by reference.</li> <li>The Project will negatively impact Escondido Creek and the habitat it provides and supports.</li> <li>The EIR fails to analyze potential protected waters under the Clean Water Act and Porter-Cologne Act. Also, the Project fails to ensure that on-site streams and drainages are allowed to remain open, choosing instead to place such flows under streets and other surfaces despite the many beneficial effects of “daylighting” water bodies. The EIR acknowledges that currently “drainage flows overland.” DEIR at 16.</li> <li>The EIR fails to adequately analyze the substantial existing on-site erosion and the potential effects associated construction of the Project in light of these erosion problems.</li> <li>The EIR states that Escondido Creek is “currently impacted by active construction activities for the HGV development.” DEIR at 2.3-17. But it fails to analyze the cumulative impacts associated with that impact combined with other impacts to Escondido Creek, including impacts associated with construction of the Project.</li> <li>As the attached notice identifies, the Harmony Grove Village wastewater facility has been cited for violations. Yet the EIR fails to analyze the potential impacts associated with a similar violation by the facility proposed for the Project, despite the fact that it is likely to be substantially similar to that facility. DEIR at 1-13.</li> </ul> <p>The EIR fails to adequately analyze impacts to public services and facilities and to human health.</p> <ul style="list-style-type: none"> <li>The Project would introduce a high density of uses into a rural area with a very high fire danger. The EIR discusses response times to the site (DEIR at 3.1.9-6), but fails to analyze the potential that a need to evacuate in case of wildlands fire and the substantial numbers of people attempting to evacuate all at one time could have on the ability of both new and existing residents to leave safely. This is despite the fact the EIR acknowledges “a typical fire in</li> </ul>	<p><b>Response to Comment O4a-29</b></p> <p>The comment heading implies that the comment will address recreation, but the comment focuses on open space impacts. As described in the EIR, the existing unimproved trail would receive focused improvements that would render it more suitable for use by the public. Trails are one of the few uses that are expressly allowed within biological open space under County standards. The trail would be fenced and posted, consistent with other County open space. Impacts to the open space resulting from focused trail improvements and the increased use as part of Project implementation are expressly addressed in Subchapter 2.3, <i>Biological Resources</i>, of the EIR.</p> <p><b>Response to Comment O4a-30</b></p> <p>Please see Response to Comment Letter O4be for responses to Dr. Horner’s letter. Additional specific issues in Comment O4a-30 are addressed below.</p> <p><u>Project-related impacts to Escondido Creek and its habitat (as well as the mitigation measures identified to mitigate those impacts) are addressed in FEIR Subchapter 2.3. This same subchapter addresses jurisdictional waters in Sections 2.3.1.1, 2.3.1.2, 2.3.2.3, and 2.3.5. Subchapter 2.3 also references the Porter-Cologne Act as relevant (see pages 2.3-6, 7, 21) and clarifies that there are no isolated wetlands (protected by Porter-Cologne) on site. Long-term operational and maintenance impacts to water quality are addressed (including Project consistency with requirements of the expressly noted Clean Water Act and Porter-Cologne Act due to compliance with County and state standards that address that Act where it is applicable) in FEIR Section 3.1.4, <i>Hydrology/Water Quality</i>. The major on-site drainage is south of the Project development footprint and remains in open space. Retention of smaller “run-on” areas has occurred where feasible, but it is not feasible to allow storm water to flow over Project streets and pathways or over cut slopes, which could result in an erosion issue. Following development, as noted in EIR Chapter 1.0 starting on page 1-24, post-grading “only 32 acres, or 29 percent of the site, would contain lots and streets. The remainder of the Project would be in BOS, parks or landscaped/revegetated swaths between pads.”</u></p>

COMMENTS	RESPONSES
	<p><u>Substantial on-site erosion problems are not identified in Project technical documentation (see the Project drainage information in EIR Appendices M). Post-Project erosion potential is addressed through Project low impact development (LID) design and best management practices (BMPs; see FEIR Section 3.1.4.2). The Project is required to comply with SWPPP regulations during construction to control sediment on the construction site.</u></p> <p><u>The County disagrees. Cumulative impacts relative to hydrology and water quality are addressed in the cited ordinances and regulations in EIR Section 3.1.4. Relative to the cited biology, County guidelines address treatment of cumulative projects. First, only those projects specifically contributing to a specific impact are considered for cumulative impacts to that issue, and second, the analysis is focused on the affected resources. The biological resources cumulative impact discussion specifically addresses the riparian habitat elements and sensitive species associated with those habitats. It also addresses jurisdictional areas. These discussions address Escondido Creek habitats, species and jurisdictional issues. The Project contribution to identified cumulative impacts is identified as less than significant.</u></p> <p><u>Regarding the Notice of Violations provided for the HGV wastewater treatment facility, the issuance of those violations for that other facility is noted. Similar problems are not anticipated for HGV South. Good planning, does address the potential. Requirements addressing potential for spills, and remediation of accidents, are expressly addressed in Section 3.1.3.2. As stated on FEIR page 3.1.3-18, “The DEH HMD is also required to conduct ongoing routine inspections to ensure compliance with existing laws and regulations; to identify safety hazards that could cause or contribute to an accidental spill or release; and to suggest preventative measures to minimize the risk of a spill or release of hazardous substances. Implementation of the RMP [Risk Management Plan] and HMBP [Hazardous Material Business Plan] would minimize the potential for accidental release of hazardous materials and the associated potential risk to public safety.”</u></p>

COMMENTS	RESPONSES
	<p><b>Response to Comment O4a-31</b></p> <p>Please see the Global Responses to Fire Hazards Impact Analysis and Adequacy of Emergency Evacuation and Access.</p>

COMMENTS	RESPONSES
<p>County of San Diego June 20, 2017 Page 8 of 12</p> <p style="text-align: right;">Comment Letter O4a</p> <p>the Project vicinity would be a sage scrub-chaparral fueled fire that moves quickly, burning with moderate to high intensity.” DEIR at 3.1.4-9.</p> <ul style="list-style-type: none"> <li>• To the extent the EIR provides an analysis of evacuation problems, it fails to consider the impacts on existing residents in the area. Indeed, the EIR attempts to justify a rejection of a secondary access despite the fact the single access is a single road. <i>Id.</i> at 3.1.4-21.</li> </ul> <p>The EIR’s fails to adequately analyze impacts to biological resources.</p> <ul style="list-style-type: none"> <li>• The attached comments from Robert Hamilton are hereby incorporated by reference.</li> <li>• The Project will negatively impact Escondido Creek and the habitat it provides and supports.</li> <li>• The attached mapping demonstrates the extent of protected biological resources. As can be clearly seen, the site is surrounded on several sides by important biological resources and provides a connection for species.</li> <li>• The Project’s proximity to both on-site and off-site open space is likely to result in both people and pets using these resources, which will only add to impacts to biological resources.</li> </ul> <p>The EIR fails to adequately analyze traffic impacts.</p> <ul style="list-style-type: none"> <li>• The EIR acknowledges “several ... roads [on the Project site] provide access to residential uses east of the property.” DEIR at 1-29. But the EIR fails to analyze how those uses will be accommodated once the Project is constructed.</li> <li>• The EIR assumes that “trips from outside the Harmony Grove Villages area would not be expected to/from [the on-site commercial uses] in any meaningful way.” DEIR at 2.2-8. But there is no support for this assumption, and it is very likely that those on-site businesses would advertise and otherwise seek to draw business from areas outside the immediate uses.</li> <li>• The EIR asserts that a design speed exception is being requested for a portion of Country Club Drive. DEIR at 2.2-14. The EIR also discusses potential safety impacts to pedestrians, bicyclists, and equestrians. <i>Id.</i> at 2.2-16 – 17. But it fails to account for such safety impacts associated with the design of this portion of Country Club Drive, taking into account the reduced visibility along this stretch of roadway and the substantial additional vehicle traffic that the Project will introduce in the area.</li> <li>• The EIR claims the “Project incorporates and would facilitate Smart Growth principles and alternative transportation ....” DEIR at 2.2-18. But there is little evidence to support this claim. There is no indication the Project will provide for additional transit stops and facilities, despite the recognition of the need for such, as expressed by Mobility Element Policy ME-8.1. And there are no transit facilities within reasonable walking or bicycling distance from the site.</li> </ul>	<p><b>Response to Comment O4a-32</b> Please see the Global Responses to Fire Hazards Impact Analysis and Adequacy of Emergency Evacuation and Access.</p> <p><b>Response to Comment O4a-33</b> Please see Response to Comment Letter O4c.</p> <p><b>Response to Comment O4a-34</b> The access easement for off-site properties would be maintained and impacts associated with those easements are incorporated into overall Project improvement effects. As noted on EIR page 1-19, a retained travel easement for off-site property owners to the east would branch off of Private Drive K. On page 3.1.5-56, the FEIR states: “The very few homes located between Country Club Drive and the City of Escondido boundary east of that road would attain upgraded access through the Project property on paved and standard roads, which is not currently the case.” No additional analysis is necessary.</p> <p><b>Response to Comment O4a-35</b> The commercial/retail uses are ancillary in nature and are proposed to serve the residents of the immediate vicinity in a maximum of 5,000 total square feet. SANDAG trip generation guidelines state that 45 percent of the trips to a retail space are “new” trips while the remaining 55 percent are trips already on the street system. SANDAG also allows for an additional 10 percent reduction in new trips to account for internal capture where retail uses are located close to residential uses. This is not the category of retail proposed, however, which is anticipated to truly serve on-site and local residents in a pass-by capacity. Appendix F of the EIR traffic study provides a trip generation comparison that includes the traffic generation with the ancillary retail uses. The calculations show that a decrease in the overall trip generation would occur with the inclusion of retail uses and thus, the EIR traffic study analyzes a more conservative scenario by assuming residential-only traffic generation.</p> <p><b>Response to Comment O4a-36</b> The design exception being requested (travel speed) is for that portion of Country Club Drive located between the southernmost Project entrance and</p>

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	<p>Cordrey Drive. That portion of the road transitions back into two lanes and is designed (and would continue) to carry only the traffic accessing existing homes. There are no uses that would draw traffic from the Project to the south. As such, Project traffic would not be on that southern portion of the road, and conditions very similar to existing conditions are anticipated to continue. With respect to visibility, there would not be reduced visibility along the roadway. Either existing conditions would continue to pertain, or (on site) increased visibility would result from management of Project vegetation.</p> <p><b>Response to Comment O4a-37</b></p> <p>Smart-growth principles are not restricted to transportation-related issues. Focused on that, however, alternative transportation modes would be supported by the Project. Pedestrian, bicycle, and equestrian improvements are proposed both on and off site along Country Club Drive. The improvements to Country Club Drive abutting the Project are proposed to provide a 3-foot parkway on the west side of the road, a 10-foot parkway on the east side, two 8-foot shoulders, two 12-foot travel lanes and a 14-foot center turn lane/stripped median. The parkways would accommodate pedestrians, cyclists and equestrians. The shoulders would allow for a 5-foot bike lane with 3-foot buffer. There is also a multi-use trail proposed by the adjacent property owner to the west and a horse staging area on the southwest corner of Harmony Grove Road and Country Club Drive.</p> <p>Per communication with the North County Transit District, there are no transit stops planned in the area nor are there any proposed routes that would serve them (see their statement regarding Project consistency with NCTD facilities in letter L3 of this FEIR). The Nordahl transit station is within 3 miles of the Project. That distance is common for those who seriously commute by bicycle, and also provides an excellent opportunity for those who might otherwise drive a longer distance to stop at the park-and-ride and take public transportation for the rest of their trip.</p> <p>Relative to overall compliance with smart growth principles, this is a regional issue that directs growth within the County overall and is expressly designed to restrict expansion into isolated County properties that are not near services.</p>



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	<p>The County has adopted smart-growth policies related to preferred in-fill rather than expansion into pristine open-space areas and existing public facilities, services, and commercial services and jobs; as demonstrated in the 2011 General Plan. The County General Plan also provides a planning approach to proposing additional housing adjacent to existing villages. The Project is consistent with these policies through being sited: (1) between the cities of Escondido and San Marcos; (2) within an area with existing development to the north, east, and west; (3) in proximity to a major medical facility (Palomar Medical Center); (4) within 1 mile of an industrial /commercial employment and services locus (the Escondido Research and Technology Center); (5) near to “big box” uses located at Valley Parkway and I-15 and along Auto Park Way; and (6) in the general vicinity of two transit centers—Nordahl Road, as described above, and the Escondido Transit Center. The Project also has demonstrated the applicability of Village expansion consistent with Land Use Policy 1.4 in the detailed discussion provided in Section 3.1.5, <i>Land Use and Planning</i>, of the EIR. All of these Project elements support the County’s commitment to smart growth.</p>

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<p>County of San Diego June 20, 2017 Page 9 of 12</p> <p style="text-align: right;">Comment Letter O4a</p> <ul style="list-style-type: none"> <li>The EIR correctly notes: "Placing residential uses within [less than 0.5 mile] to transportation, employment, shopping, and services, helps minimize travel times and is consistent with Senate Bill 375." DEIR at 2.2-18. But with the minor exception of relatively small square footage of commercial uses, the Project accomplishes none of these things. As such, it is not consistent with applicable Smart Growth policies, and its impacts to air quality, traffic and other areas will be significant. O4a-38</li> <li>The EIR includes mitigation for impacts to roadways in the City of Escondido, but M-TR-9 fails to specify where the "fair share" payment shall be made. DEIR at 2.2-24. If the City is not able to receive the payment at the time required by this measure, the Project should be required to deposit such funds into an escrow account until such time as the City can receive such payment. O4a-39</li> <li>Similarly, M-TR-1a &amp; 1b and M-TR-8 should be structured such that if the City of Escondido is not able to accommodate those requirements at the time provided by the mitigation measures, the Project applicant will be required to perform them at the first opportunity the City can accommodate them. O4a-40</li> </ul> <p>The EIR fails to adequately analyze noise impacts.</p> <ul style="list-style-type: none"> <li>The EIR acknowledges applicable standards in the Community Plan for horses and birds. DEIR at 2.5-3. But it fails to adequately analyze the Project's impacts in relation to these standards. O4a-41</li> <li>The EIR inappropriately averages construction noise over an eight-hour period. DEIR at 2.5-9. Likewise, it averages blasting, dozer, and other construction related noise. <i>Id.</i> at 2.5-10 – 12. But the temporary nature of a noise impact does not make it insignificant. <i>See Berkeley Keep Jets Over the Bay Comm. v. Board of Port Commissioners</i> (2001) 91 Cal.App.4th 1344, 1380 – 81. And it would be no more appropriate to use the lack of a standard as a basis to ignore significant effects than it would be to apply "a threshold of significance or regulatory standard 'in a way that forecloses the consideration of any other substantial evidence showing there may be a significant effect.'" <i>Mejia v. City of Los Angeles</i> (2005) 130 Cal.App.4th 322, 342 (quoting <i>Communities for a Better Environment v. California Resources Agency</i> (2002) 103 Cal.App.4th 98, 114). O4a-42</li> <li>The Project's construction noise mitigation is insufficiently vague and unenforceable. DEIR at 2.5-18 – 19. <i>See Citizens for Responsible and Open Government v. City of Grand Terrace</i> (2008) 160 Cal.App.4th 1323, 1341 ("there is no evidence of any measures to be taken that would ensure that the noise standards would be effectively monitored and vigorously enforced"). O4a-43</li> </ul> <p>The EIR fails to adequately analyze impacts to air quality.</p> <ul style="list-style-type: none"> <li>The EIR acknowledges concurrent Project operational and construction emissions to air quality. DEIR at 2.6-9. But the EIR fails to analyze the O4a-44</li> </ul>	<p><b>Response to Comment O4a-38</b></p> <p>The Project will locate its densest residential neighborhoods within 0.5 mile of HGV's Village Center, an area described in HGV's Specific Plan as the heart of the community. HGV's Village Center consists of commercial /retail/office uses. Please see Response to Comment O4a-27 above, Global Responses to Project Consistency with General Plan Policy LU-1.4 and Global Responses to General Plan/Community Plan Amendments CEQA Impact Analysis for a full discussion relevant to this issue.</p> <p><b>Response to Comment O4a-39</b></p> <p>The comment is incorrect; M-TR-9 provides that fair share be paid into the approved Citracado Parkway Extension Project. Because the City is its own CEQA lead agency, the County cannot ensure implementation of mitigation, and therefore must take a conservative stance that the impact would remain unmitigated at this point in the planning process. As stated in both EIR Table S-1, <i>Summary of Significant Effects</i>, and in Subchapter 2.2, Section 2.2.6, <i>Mitigation</i>, and 2.2.7, <i>Conclusion</i>, appropriate mitigation is identified. The Applicant will coordinate with the City regarding these mitigation measures, and should these mitigation measures be approved by the City, they will be implemented as described.</p> <p><b>Response to Comment O4a-40</b></p> <p>Please see Response to Comment O4a-39.</p> <p><b>Response to Comment O4a-41</b></p> <p>The EIR does contain this analysis. Relative to horses, page 2.5-11 states:</p> <p><i>The Elfin Forest and Harmony Grove Community Plan requires community specific procedures for blasting due to the frequent horseback riding in the area. The loud blast noise and pressure wave from blasting can frighten horses, causing riders to fall. Many residences in the vicinity have stables or similar facilities for horses. In addition, many visitors use the area for horseback riding, including the Del Dios Highlands trail that passes within 0.5 mile of the Project site. The construction best management practices for blasting described in Table 1-2 of this EIR would be</i></p>

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	<p><i>implemented to minimize impacts to horses and horseback riders.</i></p> <p>The required measures include a series of notification measures, as referenced on page 2.5-3. The EIR also goes on to conservatively assess the potential impact of possible pile-driving activities at Escondido Creek, and their potential effect on equestrians. The Project Design Features required and documented on Table 1-2, as well as in Chapter 7.0 of the EIR, are clear, and reduce potential impacts to less than significant.</p> <p>Relative to birds, County and USFWS standards are specified on page 2.5-4. For the construction discussion, the reader is referred to Subchapter 2.3 of the EIR. Impact BI-4 specifically addresses construction-related noise (including the use of heavy equipment, potential blasting, potential use of a rock crusher, and potential use of cast-in-drilled holes or a pile driver) relative to sensitive bird species such as coastal California gnatcatcher and least Bell's vireo, as well as raptors. Mitigation (M-BI-4) is specified in Subchapter 2.3 and Chapter 7.0 that would reduce impacts to less than significant levels.</p> <p><b>Response to Comment O4a-42</b></p> <p>The County impact evaluation standards require an 8-hour time-period average noise level for construction equipment noise, as specified in the County Regulatory Ordinances, Chapter 4 Noise Abatement and Control, Sections 36.409, 410 and 410A. This is generally applied regardless of the construction noise source, including bulldozers and blasting. While pile-driving can be evaluated as an impulsive noise source, when so doing the standard is a maximum sound level of 82 dBA during 25 percent of a given time period (typically 1 hour). Use of the averaged 75 dBA standard holds the construction noise emission to a stricter threshold. The legal citation in the comment is correct, but please note that it addresses aircraft noise. Aircraft noise does look at single-event level (SEL), but that is not relevant to the Proposed Project, which does not propose aircraft use.</p> <p><b>Response to Comment O4a-43</b></p> <p>The County respectfully disagrees that the measures are either vague or unenforceable. Review of mitigation measures M-N-4 through 6 shows that the</p>

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	<p>measures variously specify periods of time for which equipment can operate, distance of equipment from property lines, requirements that decibel output be measured by a County-approved noise specialist, maximum number of blasting events per week (three), required permits from the San Diego County sheriff, and alternative methods to use should blasting be proposed within 200 feet of a residence. All of these restrictions and requirements specify the standards /requirements to be met, are routine in nature for County projects, and subject to confirmation by construction monitors during the construction period. This provides the appropriate level of specificity and supports enforceability.</p> <p><b>Response to Comment O4a-44</b></p> <p>The EIR analyzes cumulative air quality effects in Section 2.6.3, <i>Cumulative Impact Analysis</i>. The discussion expressly states that: “Past and present project impacts are...included in the background ambient air quality data. The cumulative projects used in the air quality analysis are the same 65 projects presented in Figure 1-23.” The HGV project is number 15 of the cumulative projects.</p> <p>Also as stated in the EIR, a regional cumulative impact currently exists for ozone precursors (NO<sub>x</sub> and VOCs) and PM<sub>10</sub> and PM<sub>2.5</sub>. This includes the HGV site, as well as the Project locale. The relevant question, then, is whether the operational impacts of the Project would result in a considerable contribution to that condition. As described in the section, and based on the Project modeling, “the Project would not create a cumulatively considerable net increase in criteria pollutants associated with operation and impacts would be less than significant.”</p> <p>Relative to the construction period, as described under Section 2.6.3.1, <i>Construction</i>, short-term emissions associated with construction generally result in near-field impacts. In particular, cumulative construction particulate (PM<sub>10</sub> and PM<sub>2.5</sub>) impacts are limited to projects being simultaneously constructed within a few hundred yards of each other because of: (1) the combination of the short range (distance) of particulate dispersion (especially when compared to gaseous pollutants); and (2) the SDAPCD’s required dust-control measures, which further limit particulate dispersion from a project site.</p>

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	<p>There are no known projects within 1,500 feet of the Proposed Project where major construction would occur concurrently with the Project.</p> <p>Specific to HGV, which has existing residents but is also continuing to build out, the EIR states that all major grading activities within 1,500 feet would be completed prior to the commencement of HGV South construction. Therefore, there would be no cumulative construction particulate impacts. This is consistent with Figure 1-3 of the EIR, which is an aerial. That aerial shows that mass grading and preliminary lotting was completed (at a minimum) all the way north to the general vicinity of Country Club Drive and Harmony Heights Road prior to circulation of the EIR. A check of Google Earth on July 6, 2017 indicates that grading and preliminary lotting is now completed all the way to the northern HGV project boundary, just south and west of Mt. Whitney Road. Further, any cumulative projects would also need to comply with SDAPCD Rules for dust control and construction equipment, which would further reduce emissions of particulates.</p>

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<p>County of San Diego June 20, 2017 Page 10 of 12</p> <p style="text-align: right;">Comment Letter O4a</p> <p>impacts associated with nearby emissions, such as from the continued construction of the Harmony Grove Village project simultaneous with Project operational and construction emissions.</p> <ul style="list-style-type: none"> <li>The EIR claims average vehicle trip lengths from the Project would be 7.88 miles. DEIR at 2.6-9. But there is inadequate justification for this short length, particularly in light of the site's distance from employment opportunities for the many residents who will reside there.</li> </ul> <p>The EIR fails to adequately analyze greenhouse gas emission impacts.</p> <ul style="list-style-type: none"> <li>The EIR relies primarily upon measures adopted by the State in order to meet its goals. EIR at 3.1.3-18 – 20. But as the California Supreme Court has noted, such reliance is insufficient to ensure compliance – “That a project is designed to meet high building efficiency and conservation standards, for example, does not establish that its greenhouse gas emissions from transportation activities lack significant impacts.” <i>Center for Biological Diversity v. Dept. of Fish and Wildlife</i> (2015) 62 Cal.4<sup>th</sup> 204, 229. This issue is particularly stark here, since the Project, by its very nature, places suburban uses, with their attendant greenhouse gas emissions, in an area designated for rural uses.</li> <li>The EIR claims average vehicle trip lengths from the Project would be 7.88 miles. DEIR at 3.1.3-19. But there is inadequate justification for this short length, particularly in light of the site's distance from employment opportunities for the many residents who will reside there.</li> <li>The EIR averages construction emissions over the life of the Project. DEIR at 3.1.3-27. Such emissions should be calculated as they will actually occur, not averaged over a longer period of time. <i>See Taxpayers for Accountable School Bond Spending v. San Diego Unified School Dist.</i> (2013) 215 Cal.App.4<sup>th</sup> 1013, 1049.</li> <li>Additionally, on April 29, 2015, Governor Brown issued Executive Order B-30-15, which establishes a “new interim statewide greenhouse gas emission reduction target to reduce greenhouse gas emissions to 40 percent below 1990 levels by 2030 ....” The EIR does not address compliance with Executive Order B-30-15.</li> </ul> <p>The EIR fails to adequately analyze water supply impacts.</p> <ul style="list-style-type: none"> <li>There is an inadequate showing of water supply for the Project. The California Supreme Court recently identified three “principles for analytical adequacy under CEQA”: (1) “CEQA’s informational purposes are not satisfied by an EIR that simply ignores or assumes a solution to a problem of supplying water to a proposed land use project”; (2) “an adequate environmental impact analysis for a large project, to be built and occupied over a number of years, cannot be limited to the water supply for the first stage or the first few years”; and (3) “the future water supplies identified and</li> </ul>	<p><b>Response to Comment O4a-45</b></p> <p>The Project is located near an abundant amount of employment opportunities in Escondido and San Marcos, is close to retail shopping areas, and has schools nearby. In order to arrive at the Project-specific trip length, the Project traffic engineers worked with SANDAG to utilize the SANDAG 2050 Regional Transportation Plan Series 12 Forecast Model. The model assumed existing land use and network conditions (i.e., no Citracado Parkway extension from Andreasen Drive to Harmony Grove Village Parkway). The Project-specific land uses were input into the model to include the 453 residential units.</p> <p>Once the model assumptions were validated, a site-specific SANDAG model run was conducted for the Project zone. The results of the model run are based on Project access locations, characteristics of the roadway system, and the location of residential, commercial, and employment opportunities in the surrounding area. The model run was reviewed for accuracy and the trip length was derived from the data provided. This approach to calculating trip length is consistent with County practices.</p> <p><b>Response to Comment O4a-46</b></p> <p>The commenter is correct in that the April 2017 Greenhouse Gas Emissions Analysis (Appendix J to the DEIR) did originally evaluate the potential environmental impacts associated with the proposed Project’s emissions of greenhouse gases (GHG) using the 2016 Guidance Document and its "County Efficiency Metric." During the public review period of the Project’s DEIR, the Superior Court in <i>Sierra Club v. County of San Diego</i>, Case No. 2012-0101054/ <i>Golden Door Properties LLC v. County of San Diego</i>, Case No. 2016-0037402 (April 28, 2017) ruled that the County’s Efficiency Metric may not be used to provide the basis for CEQA review of GHG impacts for development proposals within the unincorporated County.</p> <p>As a result, a supplemental analysis (Supplement) was prepared to utilize the significance criteria in Appendix G of the CEQA Guidelines related to GHG emissions to evaluate the Project’s GHG emissions. Please note that the Project is currently proposing attainment of “net zero” GHG emissions. Textual changes to the FEIR to reflect this upgraded commitment are located in EIR Chapter 1.0, Project Description, Table 1-2, Project Design Features relevant</p>

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	<p>to GHG Emissions, Section 3.1.1, Energy, Subchapter 2.7, <i>Greenhouse Gas Emissions</i>, Section 3.1.5, <i>Land Use and Planning</i>, and Chapter 7.0, <i>List of Mitigation Measures and Project Design Considerations</i>, as well as to EIR Appendix J, <i>Greenhouse Gas Analyses Report</i>. Specifically regarding traffic contributions, the GHG analyses incorporated Project effects from the TIA (Appendix D to the EIR). The number of projected trips and associated emissions did not result in significant impacts. Relative to the comment that the Project would place residences in an area identified for rural uses, the General Plan land use designation for the site is a semi-rural category, not rural. The location of the Project in this part of County lands would minimize commuter distances based on the proximity of the area to jobs and services provided in the nearby urban centers of Escondido and San Marcos.</p> <p><b>Response to Comment O4a-47</b> Please see Response to Comment O4a-45.</p> <p><b>Response to Comment O4a-48</b> All references to amortization are now removed from Subchapter 2.7; and the topic is no longer relevant. Please note that with the current Project net-zero commitment (and in accordance with Mitigation Measures M-GHG-1 and M-GHG-2 addressed in the subchapter), the Applicant will make one purchase to offset the full amount of construction-related GHG emissions before construction occurs (e.g., at final map or grading permits), followed by purchase of credits to offset of the full amount of operation-related GHG emissions prior to Project occupation. As a point of information, however, the amortization of the construction GHG emissions as addressed in the DEIR was consistent with prior County guidance. The use of 20 years was actually somewhat conservative because some agencies amortize over a 30-year period (e.g., the City of San Diego prior to adopting their 2016 Climate Action Plan, and the South Coast Air Quality Management District). <del>Nonetheless, the Project will offset emissions to net zero using the timing specified herein</del></p>

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	<p><b>Response to Comment O4a-49</b>  Through the purchase of carbon credits, the Project would result in a net zero increase in GHG emissions, which would be consistent with statewide GHG reduction targets established by AB 32 and SB 32 (see EIR page 2.7-25).</p> <p><b>Response to Comment O4a-50</b>  This comment states the EIR fails to adequately analyze water supply impacts but provides no evidence or substantiation as to why. The water supply analysis in the EIR complies with all applicable mandates, in light of recent severe State water shortages. Please see EIR Section 3.1.10.2 for analysis of water supply impacts.</p>




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<p>County of San Diego June 20, 2017 Page 11 of 12</p> <p style="text-align: right;">Comment Letter O4a</p> <p>analyzed must bear a likelihood of actually proving available .... An EIR for a land use project must address the impacts of <u>likely</u> future water sources, and the EIR's discussion must include a reasoned analysis of the circumstances affecting the likelihood of the water's availability." <i>Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova</i> (2007) 40 Cal.4<sup>th</sup> 412, 430 – 32 (emphasis in original) (citations omitted). The EIR fails to comply with these mandates, particularly in light of recent severe water shortages throughout the State.</p> <p>IV. <u>The EIR's Discussion of Alternatives is Deficient</u></p> <p>The EIR fails to adequately analyze alternatives.</p> <ul style="list-style-type: none"> <li>CEQA requires that an EIR "produce information sufficient to permit a reasonable choice of alternatives so far as environmental aspects are concerned." <i>San Bernardino Valley Audubon Society v. County of San Bernardino</i> (1984) 155 Cal.App.3d 738, 750 – 51. "[T]he discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly." CEQA Guidelines § 15126.6(b). "Without meaningful analysis of alternatives in the EIR, neither the courts nor the public can fulfill their proper roles in the CEQA process." <i>Laurel Heights Improvement Assoc. v. University of California</i> (1988) 47 Cal.3d 376, 404. The EIR fails to comply.</li> <li>The EIR discusses what it claims is a "Biologically Superior Alternative," DEIR at 4-27. But this alternative still significantly impacts important and protected biological resources. See DEIR Figure 4-5. The EIR must analyze a truly biologically superior alternative, one that avoids important on-site biological resources, including coastal sage scrub and southern mixed chaparral habitat. CEQA's "substantive mandate" requires agencies to refrain from approving projects with significant effects where there are feasible mitigation measures or alternatives that can lessen or avoid those effects. <i>Mountain Lion Foundation v. Fish and Game Comm.</i> (1997) 16 Cal.4<sup>th</sup> 105, 134. "[T]he Legislature has [] declared it to be the policy of the state "that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects ...." <i>Uphold Our Heritage v. Town of Woodside</i> (2007) 147 Cal.App.4<sup>th</sup> 587, 597 – 98 (citations omitted).</li> <li>The Project and its objectives are defined too narrowly, thereby resulting in a narrowing of the consideration of alternatives to the Project. <i>City of Santee v. County of San Diego</i> (1989) 214 Cal.App.3d 1438, 1455.</li> </ul>	<p><b>Response to Comment O4a-51</b></p> <p>The comment quotes accepted language regarding the need for an EIR to provide information "sufficient to permit a reasonable choice of alternatives," that those alternatives should "avoid or substantially lessen any significant effects of the Project, even if they would impede to some degree the attainment of the Project objectives or would be more costly," and that such analysis is important to the CEQA process. The comment states that the EIR "fails to comply."</p> <p>Because no specifics are provided, it is difficult to pinpoint specific concerns. Regardless, the alternatives analyzed comply with CEQA requirements, and specifically comply with the elements called out in the comment. Alternatives analyzed address both an alternative location, as well as four on-site build alternatives that were designed to address one or more of the significant impacts identified in the EIR. Those significant impacts were identified for aesthetics, transportation/traffic, biology, cultural resources, noise, and air quality. Impacts associated with those topics result either from the amount and location of ground surface modified by the Project, or the projected number of residents, which affect consistency with regional planning document assumptions, the amount of traffic on area roadways and emissions from those vehicles during operations, as well as emissions associated with construction activities.</p> <p>Alternatives evaluated widely varying numbers of residences (49 to 425, all of them less than the Proposed Project) and associated footprints. The mix of uses included solely single-family residences to a mix of single-family residences and multi-family residences, single-family uses and senior care facilities, to solely multi-family uses. The alternatives responded to community concerns regarding lot size, as well as County concerns regarding promotion of housing for the regional aging populations. These variations resulted in equally varying ground disturbance and landform modification, traffic generation numbers and associated pollutants emissions, along with varying disturbance to existing on-site vegetation. Although cost is not generally considered a CEQA issue (unless it results in environmental impacts), the differing designs would differ in construction costs; and given the number of baseline access/egress</p>

COMMENTS	RESPONSES
	<p>improvements and mitigation costs necessary for any development on site, result in ultimate costs to both the Project Applicant and the ultimate home buyer to have a wide range.</p> <p>The County finds that the Project appropriately complied with CEQA direction regarding alternatives development and analysis as required in CEQA Guidelines Section 15126.6.</p> <p><b>Response to Comment O4a-52</b></p> <p>The comment finds issue with the Biologically Superior Alternative because biological impacts would still occur. The comment states that an alternative avoiding all on-site coastal sage scrub and southern mixed chaparral habitat must be analyzed. This is not correct. Similar to all other alternatives, the biologically superior alternative must be designed “to avoid or substantially lessen one or more significant effects” consistent with CEQA Guidelines Section 15126.6(c).</p> <p>As detailed in the alternatives analysis, the Biologically Superior Alternative was designed in the field with County staff and a California Department of Fish and Wildlife representative, and was reviewed by U.S. Fish and Wildlife staff. These agencies provided a comment letter on the Project that agreed with the characterization of the alternative as biologically preferred. As detailed in the alternative discussion in Section 4.6.2, approximately 42 percent of the site would be placed in permanently preserved and managed biological open space under this alternative, as opposed to approximately 31 percent under the Proposed Project. Although the Project site overall is located in a disturbed area, this alternative would preserve 3.5 acres of the Intermediate Value sage scrub habitat in the eastern area and was specifically designed to avoid impacts to a portion of the habitat supporting the gnatcatcher nest location and surrounding foraging and dispersal habitat by approximately 66 percent in this area (2.8 acres impacted versus 6.3 acres). These are substantial reductions to habitat effects.</p> <p>Relative to the Mojave ground squirrel case law cited in the comment, the following sentences are located immediately under the excerpted statement regarding “CEQA’s substantive mandate” and show that the intent is not to</p>

COMMENTS	RESPONSES
	<p>require complete avoidance of impacts (case law citations inserted between the sentences have been deleted here for ease of reading):</p> <p style="padding-left: 40px;"><i>Under this provision, a decisionmaking [sic] agency is prohibited from approving a project for which significant environmental effects have been identified unless it makes specific findings about alternatives and mitigation measures... The requirement ensures there is evidence of the public agency's actual consideration of alternatives and mitigation measures, and reveals to citizens the analytical process by which the public agency arrived at its decision.</i></p> <p>In this instance and consistent with the stated case law, the County has prepared a substantial Alternatives analysis (approximately 45 pages in length excluding supporting figures). Each of the significant impact categories is reviewed for variation of impacts from the Proposed Project for each of the alternatives. Mitigation is referenced where appropriate; i.e., where an alternative does not result in wholly eliminating a significant impact. The County also will take public action on Findings prepared for the Project, in which each of the significant impacts is assessed for whether it has been fully mitigated, and in which each of the alternatives is reviewed.</p> <p>The comment also cites case law stating that public agencies should not approve projects as proposed if there are feasible alternatives or mitigation measures to substantially lessen environmental effects. An alternative is presented for agency consideration that substantially reduces biological impacts. That alternative will be weighed by the decision makers relative to overall benefits and adverse effects to the County, its residents and habits, in comparison with the Proposed Project. Regardless, there is no possibility of Project approval without mitigation substantially lessening environmental impacts. Project-identified biological impacts would be lessened to less-than-significant levels through mitigation identified in Subchapter 2.3 of the EIR, and incorporated as conditions of approval.</p>

COMMENTS	RESPONSES
	<p>The Project is consistent with CEQA Guidelines Section 15126.6, as well as the cited case law.</p> <p><b>Response to Comment O4a-53</b></p> <p>This comment states the Project objectives are defined too narrowly but does not provide any evidence or substantiation as to why. Although it is not possible to respond to specific contentions (given their absence), the County disagrees with the comment in general.</p> <p>CEQA Guidelines Section 15124 addresses project description, and Section 15124(b) specifically addresses objectives. That section states that the objectives should include the underlying purpose of a project and that clearly written objectives will (later) help the lead agency develop a reasonable range of alternatives, and, potentially will aid the decision makers in preparing findings or a statement of overriding considerations, if necessary.</p> <p>Noting that the Proposed Project is not located in a pristine and otherwise undeveloped setting, the Project objectives address integration of the proposed uses into the existing development pattern (including residential uses and support of amenities provided by nearby developing uses), native habitats, non-vehicular transportation, and the way that the potential development should modify Project terrain. The underlying purpose is provided in the introductory paragraph to the enumerated eight objectives. The objectives identify the goals that would create a project fitting into existing constraints and opportunities.</p> <p>Although alternatives are evaluated relative to their ability to satisfy Project objectives in Chapter 4.0 following environmental impact assessment analysis, the alternatives were defined based on avoidance or substantial lessening of Project-identified significant impacts, and are sufficiently broad to address avoidance or substantial lessening of significant impacts. Please also see Response to Comment O4a-51.</p>

COMMENTS	RESPONSES
<p>County of San Diego June 20, 2017 Page 12 of 12</p> <p style="text-align: right;"><b>Comment Letter O4a</b></p> <p>V. <u>The Need to Recirculate</u></p> <p style="padding-left: 40px;">The EIR is sufficiently lacking that the only way to fix these issues is to revise it and recirculate an adequate report.</p> <p>VI. <u>Conclusion</u></p> <p style="padding-left: 40px;">For the foregoing reasons, TECC urges you to reject the Project and EIR as drafted. Thank you for your consideration of these concerns.</p> <p style="text-align: right;">Sincerely,  Everett DeLano</p> <p>Enclosures:</p> <ol style="list-style-type: none"> <li>1. Letter and CV from Robert Hamilton</li> <li>2. Letter and CV from Dr. Richard Homer</li> <li>3. Notice of Violation to CalAtlantic Homes, Harmony Grove Village Development, from SDRWQCB</li> <li>4. "Sensitive Species Occurrences in the Vicinity of Harmony Grove Village South"</li> </ol> <div style="position: absolute; right: 0; top: 200px;"> <div style="border-left: 1px solid black; height: 40px; margin-left: 5px;"></div> <div style="position: absolute; left: -5px; top: 0;">O4a-54</div> <div style="border-left: 1px solid black; height: 40px; margin-left: 5px;"></div> <div style="position: absolute; left: -5px; top: 0;">O4a-55</div> <div style="border-left: 1px solid black; height: 120px; margin-left: 5px;"></div> <div style="position: absolute; left: -5px; top: 0;">O4a-56</div> </div>	<p><b>Response to Comment O4a-54</b></p> <p>Based on all of the above, the discussion in the EIR is sufficient. Excluding GHGs, which was recirculated in February to April 2018, no new significant impacts have been identified and no recirculation is necessary.</p> <p><b>Response to Comment O4a-55</b></p> <p>Your request for Project denial of the Project and the EIR as drafted will be before the decision makers during consideration of the Project for approval.</p> <p><b>Response to Comment O4a-56</b></p> <p><u>The following enclosures were reviewed prior to authoring the responses to comments in Letters O4a, O4b and O4c. The notes below summarize the type of documents and location in the responses where related discussion is provided.</u></p> <ol style="list-style-type: none"> <li><u>1. This enclosure is attached to Response to Comment Letter 4c and addressed in Response to Comment O4c-49.</u></li> <li><u>2. This enclosure is attached to Response to Comment Letter O4b and addressed in Response to Comment O4b-15.</u></li> <li><u>3. This enclosure consists of a Notice of Violation for a different project and is addressed in Response to Comment O4a-30.</u></li> <li><u>4. This enclosure regarding sensitive species on the Project site is attached to Response to Comment Letter 4c and addressed in Response to Comment O4c-45.</u></li> </ol>