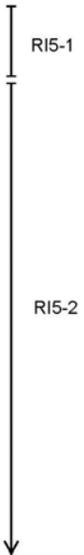


COMMENTS	RESPONSES
<p style="text-align: center;">Comment Letter RI5</p> <p>Ms. Ashley Smith Land Use & Environmental Planner Planning & Development Services 5510 Overland Avenue, Suite 310 San Diego, California 92123 Ashley.Smith2@sdcountv.ca.gov</p> <p>Re: Harmony Grove Village South Recirculated Draft Environmental Impact Report (PDS2015-GPA-15-002; PDS2015-SP-15-002; PDS2015-TM-5600; PDS2015-REFZ-15-003; PDS2015-MUP-15-008; PDS2015-ER-15-08-006.)</p> <p>Dear Ms. Smith:</p> <p>The Recalculated Draft EIR, while improved over the previous version, still does not adequately address California’s requirements to reduce green house gases (GHG) and thus is not compliant to the laws that govern them.</p> <p>The developer proposes using what they call “Net Zero” mitigation since the county has yet to prepare guidelines for the CAP approved in January 2018. The RDEIR states on page 27-12</p> <p style="padding-left: 40px;">“As this of the time of preparation of this analysis, the County has not adopted GHG guidelines for general use as part of its environmental review process”.</p> <p>If this proposal is approved it would do nothing to reduce GHG. The States GHG laws require a reduction of GHG to 1990 levels by 2020, a 40% reduction of 1990 levels by 2030 and an 80% reduction of 1990 levels by 2050. The Net Zero proposal is based on a paragraph from the 2017 Climate Change Scoping Plan Update states as stated on Page 2.7-12. The amended EIR does not explain, support or provided any data, analysis or other information to support why the 2017 Climate Change Scoping Plan Update should supplant San Diego County’s 2011 General Plan. It makes no attempt to explain why a general proposal out of a state wide document better meets the county’s needs then a plan specifically designed to meet the local requirements. It does not state how such a proposal would be implemented in a San Diego County context. The General plan update took 13 years to develop at a cost of 18.6 million dollars with significant community input. The 2011 General Plan is an integral part of San Diego County’s strategy to meet the states GHG requirements and cannot be cast aside without preponderance of evidence to show why it is necessary and in the best interest of the residence of the county. As the courts</p>	<p>Response to Comment RI5-1</p> <p>This is an introductory comment stating the commenter’s position on the Project greenhouse gas (GHG) analysis that does not raise specific issues regarding the content of the RDEIR. As such, no specific response is warranted.</p> <p>Response to Comment RI5-2</p> <p>Please see the Global Responses to Climate Action Plan (CAP) and Carbon Offsets. As discussed in detail therein, the Project was determined to have less than significant impacts as mitigated based on Appendix G of the CEQA Guidelines and did not rely on the CAP. In this instance, the Project is proposing net zero. With incorporation of mitigation measures, the Project will be consistent with, and not interfere with, the County’s CAP and thus the attainment of GHG reductions as set forth in state regulations. Furthermore, the RDEIR merely quotes an excerpt from the 2017 Scoping Plan; it does not rely upon this plan for the determination of significance nor does it “supplant” the General Plan. The comment conflates these regulations. The General Plan and its land use assumptions were used to develop the CAP and the GHG reductions necessary for the County to meet state GHG regulations. Lastly, the GHG analysis does provide substantial evidence as to why the Project would not result in a significant impact related to GHG emissions. As previously described, the Proposed Project, after the incorporation of mitigation, would be net zero and would not contribute to a significant impact related to GHG emissions. Please see Chapter 2.7 of the RDEIR for a detailed analysis of the Project impacts, mitigation measures, and significance conclusions related to GHG emissions. No changes to the FEIR were warranted as a result of this comment.</p>



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<p style="text-align: center;">Comment Letter RI5</p> <p>made clear in the Newhall Ranch case, EIRs must be supported by reasoned explanation based on substantial evidence.</p> <p>The reason the above mentioned guidelines are not complete is that it has taken the county nearly 7 years to produce the current CAP, a requirement of the 2011 General Plan. Nearly five years after the courts rejected the initial proposed CAP. This delay is being used in the RDEIR to claim that this project does not need to reduce GHG because guidelines for the new CAP are not complete page 2.7-12. If the courts were to accept such an argument, this would kill the States GHG laws. Any entity that is required to produce plans to meet the State's GHG laws could avoid compliance by delaying the development of those plans. Clearly the legislature did not write these laws with a built in avoidance scheme. No court will accept such circular logic.</p> <p>Net Zero maybe a perfectly good way to manage GHG mitigation but its implementation as proposed in this RDEIR is really Net Plus. One can easily imagine 2 developments requesting up zones. One located within walking distance to rail lines, grocery stores, shopping and a quarter mile to freeway access. And one like Harmony Grove Village South in a semi rural area at the end of a horseshoe shaped valley, in other words a car dependent development. The approach suggested by the developer treats both of these up-zones equally. But from a GHG perspective the former might actually produce far less GHG per dwelling unit than a nominal or baseline housing unit as allowed in the 2011 General Plan. Why should such a proposal be punished if petitioner can otherwise justify the up-zone? And more importantly why should projects that make meeting the states GHG laws far more difficult, possible impossible, be encouraged and subsidized by tax payers.</p> <p>The 2011 General Plan sought to reduce GHG by limiting this very type of development. Because projects built with inadequate infrastructure to support, topography that makes improving existing infrastructure difficult, with inadequate services, car dependent communities greatly increases the total GHG output beyond the direct ones of the development. Yet this proposal would treat this project as if it were an island connected to the surrounding communities by imaginary roads with infinite capacity or services without limit. Without accounting for the total GHG impact "Net Zero" is nothing of the sort. And by doing so it fundamentally contradicts the 2011 General Plan and violates the States GHG laws.</p> <p>The developer attempts to gloss this over by referring to the proposal as consistent with smart growth. They claim on 2.7-27</p> <p style="padding-left: 40px;">"The Project would provide a variety of housing opportunities located near major employment centers consistent with the smart growth concept of locating housing closer to retail, services, and jobs on smaller lots to reduce required infrastructure and the length of automobile trips while increasing community livability and preserving open space by compact development. The Project's residential uses are within walking distance of, and are connected to, the commercial services and civic uses of its central commercial/civic core and the</p> <div style="position: absolute; right: 0; top: 20%; transform: translateY(-50%);"> <p>RI5-2</p> <p>RI5-3</p> <p>RI5-4</p> <p>RI5-5</p> </div>	<p>Response to Comment RI5-3</p> <p>Please see the Global Responses to Climate Action Plan and Carbon Offsets. The EIR does not state that the Project does not need to reduce GHG emissions because the CAP is incomplete. The comment references page 2.7-12 of the RDEIR, but does not specifically state which portion of that page purportedly absolves the Project from reducing GHG emissions. This page of the RDEIR provides numerous reasons as to how the significance of GHG emissions was determined, as the CAP had not been adopted at that time. Specifically, it states: "The County General Plan does not contain policies prohibiting the County from adopting a non-CAP-based threshold prior to adoption of a court-approved CAP."</p> <p>It also states that the California Air Resources Board (CARB) in its release draft of its Proposed Scoping Plan Update for 2030, states that local governments can consider discretionary approvals and entitlements for individual projects through the CEQA process absent an adequate CAP by implementing all feasible measures to reduce GHG emissions (see page 136 of CARB's Draft Scoping Plan Update for 2030). In addition, the document concludes that the Project would not conflict with goals to reduce GHG emissions. It is also noted that a review of the CAP Guidelines shows that the Project does comply with them. As noted above, however, because they are still under challenge, and it is uncertain if they ultimately will remain exactly as currently proposed, the analysis takes a conservative approach and proves this up independently rather than relying on CAP consistency alone as a basis for Project approval.</p> <p>Response to Comment RI5-4</p> <p>This comment provides a hypothetical scenario in which two "upzone" projects are weighed against each other and posits that regardless of location, they could be treated "equally," going on to note that one might have less GHG per dwelling and that it could be "punished." This is a speculative discussion that does not contain enough detail for an analytical response—neither size nor specifics of the residences are clear, nor is the potential "punishment." As such, it is noted that each project presumably would undergo independent CEQA review, and be individually judged for compliance with required thresholds and standards. No additional response can be provided.</p>

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	<p>The comment also presumes that the Project does not meet state GHG regulations. Please refer to the response to comment RI5-2. In addition, the Project would not be subsidized by tax payers. Please see the Global Responses to Regional Plan Conformity; and Carbon Offsets, in Chapter 8 of this FEIR.</p> <p>Finally, Harmony Grove Village South analyses do not assume roads with infinite capacity or services without limit. Please see EIR Chapter 1, <i>Project Description</i>, regarding the on-site and tie-in infrastructure associated with Project design (including major improvements to the Escondido Creek crossing as well as Country Club Drive segments south of Harmony Grove Road and edging the Project); as well as Subchapter 2.2, <i>Transportation/Traffic</i>, for information related to wider-area road capacity, modeled Project impacts, and proposed mitigation as necessary and appropriate. The GHG emissions associated with construction of these noted road segments and bridge were also accounted for in the Project air quality and GHG analyses. The operational emissions (i.e., cars driving on the improved—and other—road segments) are also accounted for in these studies as the emissions associated with the anticipated number and length of Project trips. Please see Appendix J to the EIR in particular, regarding GHG emissions.</p> <p>Regarding the location of the Project and connection to surrounding communities; the Project is not an “island connected to the surrounding communities by imaginary roads.” Rather, the Project is placed on and near roads accessing the cities of Escondido and San Marcos (via Country Club Drive (both cities) as well as via Harmony Grove Road to the city of Escondido. These routes also take area residents directly to SR-78 and toward I-15, which link to other area cities. The Project TIA looked at existing roadway configurations as well as configurations following the Project and other future improvements. The Project vehicle miles traveled (VMT) modeling (based on the San Diego Association of Governments [SANDAG] model) accounted for this; which resulted in the Project average trip length falling just under the regional average. The Project is also located within 3 miles of a Sprinter and bus hub at the Nordahl transit station, which is very unusual for residences in County unincorporated lands. As described in the EIR and cited below in Response to Comment RI5-5, the location of the Project is near shopping and services, as</p>

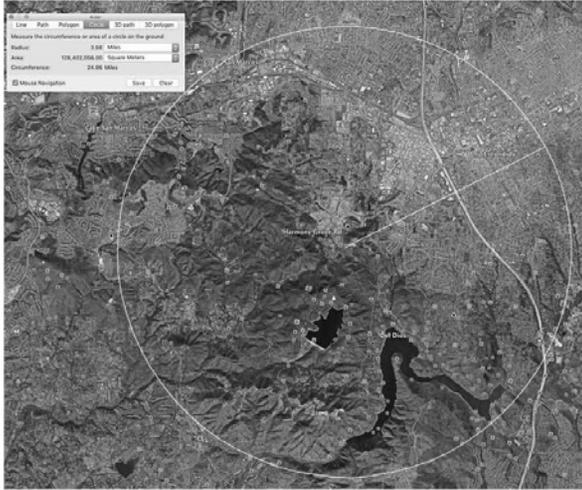
COMMENTS	RESPONSES
	<p>well as employment. Please see Figure 8.3.6-1 in the Global Response to Regional Plan Conformity, for depiction of Project proximity to the surrounding area.</p> <p>Response to Comment RI5-5</p> <p>Please see the previous responses (including Response to Comment RI5-4 regarding VMT) within this letter, and also the aforementioned Global Responses. The GHG analysis takes into account all aspects of development: construction, operation (i.e., energy use, water use, electricity, mobile sources), as set forth in FEIR Subchapter 2.7. The analysis then incorporates all feasible on-site Project design measures, and then sets forth mitigation requiring the purchase of carbon offsets. This is supported by substantial evidence in FEIR Subchapter 2.7. The Project mitigates to carbon neutral standards based on the assessed impacts and the amount of carbon credits identified for purchase.</p> <p>Relative to the Project location and smart growth goals, please also see the Global Response to Regional Plan Conformity.</p>

COMMENTS	RESPONSES
<p style="text-align: center;">Comment Letter RI5</p> <p>HGV Village Center.”</p> <p>The services within walking distance are a sewage treatment facility, a small but admittedly nice park and a community center dedicated to the residence of the neighboring community. Notwithstanding the value of being within walking distance to a sewage treatment facility these services hardly meet the needs of running a household. The closest elementary school is 3.8 miles away. San Pasqual High School is 6.7 miles away. The nearest access to I-15 is 2.9 miles from the proposed development. If your commute back and forth to work were the average trip distance of 7.88 as claimed by the EIR, that would eliminate any jobs located south of the I-15 corridor as you could no reach the next exit before exceeding half you trip distance. Similarly the access to 78 is 3 miles away and the next exit west is more than half the average trip distance as claimed in the EIR. The nearest grocery store is 2.6 miles away. The distance to the transit center mentioned in the EIR is 3.1 miles. If a person were adventurous and walked to the transit the majority of that journey would be along a narrow 2-lane country road without sidewalks. After all this is a semi rural community with infrastructure to match. None of these facts support the idea that this development is consistent with smart growth.</p> <p>The proposed development is a car dependent community at the end of a horseshoe shaped valley surrounded on three sides by mountainous terrain and County Parks as shown in the picture below. The circle represents half the 7.88 average trip distance claimed by the EIR, if one had a flying car. Of course you could not drive to the edge of this circle due the twist and turns of roads but it illustrates just how isolated the proposed project site actually is. To travel to any destination south of the proposed development one would first have to travel North then East or West before they could travel south. The claim of an average trip distance of 7.88 miles is laughable give the topography and existing infrastructure. Since transportation accounts for the majority of the County’s GHG, this vastly understates the actually GHG output of this project. Keep in mind that proposed project site was zoned for approximately 25 homes as late as 2011. The current request if granted would increase the density by more than 1,800 % over that zoning. The infrastructure in the area was not and is not designed for this type of density. To support this massive up-zone would require significant infrastructure improvements and thus indirect GHG, which are not accounted for in the EIR.</p>	<p style="text-align: center;">RI5-5</p>

COMMENTS

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Comment Letter RI5



Google Earth showing radius emanating from proposed development site equaling half the claimed average trip distance.

This EIR fails to meet the States GHG laws and thus the project may not be approved. The developer proposes an ad hoc methodology that is not adequately supported by evidence showing how it is consistent with the 2011 General Plan or how its implementation in San Diego County would meet the States GHG laws. In fact it is an attempt to cast aside the 2011 General Plan based on what can only be described as dubious logic. A fact that is shocking given that the residence of the county overwhelming reaffirmed their support for the General Plan in last years vote rejecting Lilac Hills attempt to seek a waiver of it. The analysis both understates the total GHG produced by the development with a traffic study analysis that is unrealistic and greatly understates the average trip distance in and out of the proposed project. And ignores all indirect GHG the project would create. By the developers own admission the propose mitigation would not reduce GHG as the County is required by State law. Due to the extremely misleading analysis and failure to address indirect sources of GHG, it would significantly increases the Counties GHG output.

Thank you,
Richard Murphy

RI5-6

Response to Comment RI5-6

These comments generally are conclusion comments, summing up some of the points made in the letter; please see Responses to Comments RI5-2 through RI5-5 of this letter. The reference to Lilac Hills is noted, but a vote against a specific much larger and mixed use project in a different location east of I-15 and with different environmental constraints and opportunities is not pertinent to the specifics of the Harmony Grove Village South Project. With respect to the comment that the developer proposes an ad hoc methodology that is not adequately supported by evidence showing how it is consistent with the 2011 General Plan or how its implementation in San Diego County would meet the state GHG laws, please see the Global Responses to Climate Action Plan.

The comment also contends that the traffic study analysis is “unrealistic and greatly understates the average trip distance”; and that the analysis “ignores all indirect GHG the project would create.” However, the comment offers no specifics related to these unsubstantiated conclusions.

It is noted that the Project Traffic Impact Analysis (TIA) has been reviewed and commented upon and is not a subject of recirculation. The County disagrees that the TIA was unrealistic or that average trip distance was underestimated. In fact, the average trip distance was modeled in conjunction with SANDAG input for the Project. It is also noted that following public review, a request for review of specified TIA elements (including such items as baseline traffic loading, and distribution to I-15 and SR-78) was received. Each of those items was reviewed and memoranda regarding these topics are part of the Final TIA (Appendix D to the FEIR). No changes to CEQA conclusions or proposed mitigation were required as a result of these focused reviews. While providing some clarification, they were all confirmatory in nature. As stated in Subchapter 2.7, *Greenhouse Gas Emissions*, of the EIR, and as supported by modelling discussed in Appendix C of EIR Appendix J, the Project VMT is projected to be 7.88, just within the regional average identified by SANDAG.

In conclusion, the County finds that the analyses do not understate the total GHG emissions, and that the Project documents accurately reflect the industry standard modeling. Mitigation is proposed consistent with state law. Project GHG emissions, including those associated with isolated instances of

COMMENTS	RESPONSES
	<p>congestion would be addressed through the mitigation identified in Subchapter 2.7, which proposes mitigation through carbon offsets of the full Project rather than simply the residences/uses proposed under the General Plan Amendment, and also would further reduce GHG contributions through the benefits identified as part of the landscaping plan, discussed above in Response to Comment RI5-5. Also, as stated in Response to Comment RI5-5, the Project would therefore actually result in a projected net decrease of GHG emissions in the County over continuation of on-site existing conditions.</p>