


COMMENTS	RESPONSES
<p style="text-align: center;">Comment Letter No. PCO4a</p> <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="width: 30%;">  <p>20223 Elfin Forest Road Elfin Forest, CA 92029</p> </div> <div style="width: 30%; font-size: small;"> <p>2017 Board Members</p> <p>Jacqueline Arakawa-Benjamin, Chair</p> <p>JP Theberge, Vice Chair</p> <p>Jan Denny, Secretary</p> <p>Nancy Goodrich, Treasurer</p> <p>Eric Anderson</p> <p>Jim Dummer</p> <p>Angela Horstman</p> <p>Scott Sutherland</p> </div> </div> <p style="text-align: right;">May 22, 2018</p> <p>David Pallinger Chairperson County of San Diego Planning & Development Services 5510 Overland Avenue, Suite 110 San Diego, CA 92123</p> <p>Re: DRAFT Wildland Fire Evacuation Plan for the Harmony Grove Village South Community MAY 2018</p> <p>Dear Mr. Pallinger:</p> <p>Same story different development.</p> <p>Just like the Valiano evacuation plan also prepared by DUDEK, the Harmony Grove Village South evacuation plan ("EP") is deeply flawed.</p> <p>The plan acknowledges, like the Valiano plan, the potential impact that, "Wildfires originating closer to the community could allow significantly less time for evacuation than would be required and could make one or more evacuation route not usable." And, further, that, "(t)he Harmony Grove Village South project could add up to 1,584 vehicles to some evacuation scenarios. This could affect evacuation times, resulting in longer timeframes for residents using Country Club Drive and the other roads along identified evacuation routes."</p> <p>The solution offered? "Shelter-in-place", the same fatally flawed mitigation measure as offered in the Valiano plan. To begin with, neither Harmony Grove Village South nor Valiano are shelter-in-place communities; rather they are shelter-in-place "philosophy" communities, whatever that means – please see letter dated April 27, 2017, from the Rancho Santa Fe Fire Chief to the Town Council specifically stating "The fire District never proposed (HGVS) to have the Shelter In Place Designation". And the mitigating value of the "philosophy" is fatally flawed because the assumption that incident commanders are the decision makers when it comes to the decision to evacuate is simply false. The people in harm's way are the final decision makers, and they can and will leave if they choose to do so -- law enforcement would be powerless to stop them. In addition, the previously completed WIUFERP indicating "100 Law Enforcement"</p> <div style="position: absolute; right: 0; top: 50%; transform: translateY(-50%); font-size: small;"> <p>PCO4a-1</p> <p>PCO4a-2</p> </div>	<p>Response to Comments PCO4a-1</p> <p>The County disagrees that the Harmony Grove Village South (HGV South) plan is flawed. The comment regarding Valiano is noted, but does not address environmental analyses provided in the EIR for HGV South, and is not further addressed.</p> <p>The cited quotes are accurate. However, the solution to evacuation timeframes is not identified by the Project as solely shelter in place. Instead, HGV South offers decision makers with contingency options, including evacuating or relocating a portion of the community (much lower number of vehicles and faster evacuation time, proportional to the vehicle total being relocated), or not immediately evacuating any of the residents if it is safer to shelter on site. As documented in the Project Fire Protection Plan (FPP), although the Project is not designated a shelter in place facility, it would incorporate all of the current construction requirements for such facilities, would include ongoing fire district inspections, and exceed the codes for several fire protection features; and therefore would withstand fire better than many of the older homes in the area. The comment confuses shelter in place communities with the HGV South Evacuation Plan's stated intent of offering the capability of the site, as a last resort, to provide temporary safe refuge. The Project's preferred option will be early evacuation according to the Ready, Set, Go! Evacuation model. Therefore, the Project's capability to provide safe refuge versus a late notice evacuation is not a mitigation measure, it is a feature of the Project that does address or "mitigate" potential for harm during a late evacuation. The commenter's speculation of how residents will respond disregards human behavior research (Collins 2004, Gordon 2006, Lindell and Perry 2004, Quarentelli and Dynes 1977, Aguirre 1994, Drabek 1991, and Fitzpatrick and Mileti 1994) which supports the ability for incident managers to direct people who overwhelmingly follow direction from a credible source. Further, Project residents will, through the HOA, be aware of the fire threat, be prepared for evacuations, and understand that they may be directed to remain in their protected home if it is considered unsafe to evacuate.</p> <p>The Project is therefore not identified as shelter in place, but rather as a location of temporary refuge if a short-notice fire event would result in unsafe evacuation conditions. Late evacuations are widely regarded as the most dangerous component of wildfire evacuations. The first and preferred solution is for residents to understand that congestion routinely occurs during evacuation events and not to post-pone leaving the residence in a timely manner. When evacuation is not possible, the Project provides a contingency</p>

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	<p>option, like any new master planned community in San Diego County that is built to the County’s restrictive, ignition-resistant, levels that were designed and tested to protect structures in fire hazard areas.</p> <p>The County agrees that some individuals may follow their own preference in the event of emergency, but research (see references above in this response) indicates that the general public will follow directions when provided by a credible source. The County, through various media outlets and Reverse 911, along with responding firefighters and law enforcement personnel provide credible sources for evacuation related directives. Relative to evacuation, law enforcement provides direction and opens or closes roads, as necessary to move threatened populations, but ultimately it is understood that some individuals may choose to contravene the professional’s direction. Please see the Global Responses to Adequacy of Emergency Evacuation and Access.</p> <p>Response to Comments PCO4a-2</p> <p>The question of law enforcement personnel available to effectuate an evacuation was specifically addressed during the Planning Commission Hearing on this Project by Captain Dave Brown of the San Diego County Sherriff’s Department, San Marcos Station, who has performed various roles on County-wide evacuations over the last 20+ years, and has been the emergency event coordinator of the largest evacuations in California history. As he stated in the hearing, he has been engaged with “many major incidents” where he had more than 100 people available “within 10 minutes.” As he stated, he has access to 60 individuals from his station alone, and has the ability to request officers from throughout the County Sherriff’s department as well as adjacent cities as needed and direct them as to their tasks. This allows access to thousands of sworn officers. Please see Response to Comment PCOO4a-1 regarding the Valiano project.</p>

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<p style="text-align: center;">Comment Letter No. PCO4a</p> <p>personnel would be needed in the area to effectuate an evacuation underlines the ridiculousness of that assumption, given there are not 100 law enforcement officers trained in traffic control in all of North County, much less available to the community of Harmony Grove.</p> <p>Perhaps if PDS had required DUDEK to factor in evaluation of the adverse environmental effect of "responses of people during wildland fire (human behavior)", an "adverse environmental effect" specified for consideration in the applicable County guidelines for determination of significance, the fatal flaw might have been identified. But they didn't; so it wasn't. And now decision makers – policy decision makers -- are left with an acknowledged impact which is most certainly significant yet remains unmitigated. Just as it does with Valiano.</p> <p>As the commission surmised during the Valiano hearing, the carrying capacity of Country Club Drive is crucial to the question of evacuation safety for the entire Harmony Grove/Eden Valley area. In fact, according to the Harmony Grove Village South evacuation plan, "(s)pecific events may require up to 100% of the Harmony Grove Village South evacuees use the Country Club Drive option, as it has been identified as the best evacuation option." Of course, in case of such an event, everyone else would be required to use Country Club, as well. For this reason, the cumulative impact of existing residents, future Harmony Grove Village residents, potential by right, and potential by GPA densities all evacuating on the one two lane country road must be evaluated to determine the level of adverse environmental effect, the adequacy of evacuation options, and the maximum safe density in the area.</p> <p>Unfortunately, the extent of the evacuation option adequacy evaluation conducted by DUDEK stopped 400 yards north of the project at Harmony Grove Road. After that, the applicant goes with the opinion: "the consultant staff and public safety officials who participated in the field tour of the site unanimously agreed that the site has 4 potential routes of egress during evacuation, two with strong viability." (Wildfire Risk Analysis, page 15) This opinion, cited frequently in response to community comments, unanimous and professional or not, is in no way an objective evaluation of the adequacy of evacuation options. Adequacy is relative: the number of roads, whether "4", or "1", as DUDEK says may be the case during "(s)pecific events", is only meaningful in relation to the potential demand. Fortunately, those relative values are quantifiable. We do not have to rely on opinion. We also note that the WUIFERP contradicts that statement by stating that "only Country Club Drive" is deemed to be the primary and in some cases unique egress for the entire area (for example fire along the creek bed, as has happened in the past).</p> <p>Because the quantitative analysis was not performed by the applicant, despite repeated requests by the community and the San Dieguito Planning Group, the community has performed an analysis based on the Valiano evacuation plan methodology. And the results based on "1" route out for everyone as the worst-case, per DUDEK, are sobering: 66 to 70% of the population could be entrapped including about 4,000 to 5,000 people and 400 to 500 horses. The numbers were also run based on the effect of widening Country Club Drive. It does</p> <p style="text-align: center;">2</p>	<p>Response to Comments PCO4a-3</p> <p>The Project fire analyses within the EIR were completed in accordance with requirements of CEQA and County guidelines and policies. The FPP was reviewed and accepted by County Fire personnel and Rancho Santa Fe Fire Protection District (RSFFPD) personnel, the Fire Agency Having Jurisdiction (FAHJ). The County disagrees that there is an unidentified significant impact, or that such speculative impact remains "unmitigated." Although each emergency event is different, and it is impossible to completely guarantee specific results, specific separate measures are incorporated into the HGV South FPP and Project design that lower CEQA impacts to less than significant levels.</p> <p>Section 3.1.4.2 of the DEIR (refer to FEIR Section 3.1.3, <i>Hazards and Hazardous Materials</i>), concluded that the Project would not expose people or structures to a significant risk of loss, injury or death from wildland fires because the Project would comply with the FPP accepted by the FAHJ and would be in compliance with the fire codes by including, as design features of the Project, the specifically developed measures and features detailed in Section 5.2.1.2 of the FPP. Section 3.1.3.3 of the FEIR finds that the Project's contribution to a potential cumulative impact would be less than cumulatively considerable with respect to wildland fire hazards based on implementation of the corresponding fire protection Project features, including conformance with building and fire codes, provisions for alternative ingress/egress, ongoing maintenance of roads, infrastructure, vegetation management, and defensible space. Fire and emergency medical response from the full new fire station being built in HGV within 1.3 miles from the most distant portion of HGV South would result in an increase in service availability and a reduction in the travel times for fire service calls in the cumulative project area. The Project's contribution of 0.3 call per day with respect to the new fire station in the cumulative project area is considered insignificant.</p> <p>As noted above, these measures have been reviewed and approved by the County and RSFFPD. The County finds that there is substantial evidence to support the conclusion that the Project would not expose people or structures to a significant risk of loss, injury or death from wildland fires. In support of</p>

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	<p>this conclusion see the Project’s FPP (Dudek 2016) and the Wildfire Risk Analysis report (Rohde & Associates 2016).</p> <p>The HGV South Project’s Evacuation Plan does not provide an evacuation impact analysis because this is not a CEQA requirement and it is not required by any of the decision-making agencies, or their policies, codes, or ordinances. Based on Appendix G of the CEQA Guidelines, the DEIR used the following Determination of Significance: whether the Project would impair implementation of either the Operational Area Emergency Plan or the Multi-Jurisdictional Hazard Mitigation Plan or interfere with evacuation activities conducted in accordance with these documents.</p> <p>Section 3.1.4 of the DEIR identified two relevant emergency response plans related to the Project; the Operational Area Emergency Response Plan and the San Diego County Multi- Jurisdictional Hazard Mitigation Plan. Both of these plans develop goals and objectives for the County of San Diego Office of Emergency Services (OES) with regard to large-scale natural or man-made disasters. The Unified San Diego County Emergency Services Organization has the primary responsibility for preparedness and response activities, and addresses disasters and emergency situations within the unincorporated area of San Diego County. The County of San Diego Office of Emergency Services (OES) serves as staff to the Unified Disaster Council (UDC), the governing body of the Unified San Diego County Emergency Services Organization.</p> <p>Emergency response and preparedness plans include the Operational Area Emergency Response Plan and the San Diego County Multi-Jurisdictional Hazard Mitigation Plan. Both of these plans develop goals and objectives for OES with regard to large-scale natural or man-made disasters. The Operational Area Emergency Plan provides guidance for emergency planning and requires subsequent plans to be established by each jurisdiction that has responsibilities in a disaster situation. The Multi-Jurisdictional Hazard Mitigation Plan provides the framework for emergency response throughout the County, including at the Project site. The Project would not impair implementation of either the Operational Area Emergency Plan or the Multi-</p>


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	<p>Jurisdictional Hazard Mitigation Plan or interfere with evacuation activities conducted in accordance with these documents.</p> <p>The HGV South Draft Wildland Fire Evacuation Plan (HGVS Evacuation Plan) was prepared as a tool that supports existing pre-plans by the agencies in charge of evacuation and primarily provides citizens with familiarity with the evacuation protocol, but is subservient to emergency event-specific directives provided by agencies managing the event. It is worth noting that wildfire and other emergencies are often fluid events and the need for evacuations are typically determined by on-scene first responders or by a collaboration between first responders and designated emergency response teams, including OES and the Incident Commander established for larger emergency events. As described above, and consistent with all emergency evacuation plans, the HGV South Evacuation Plan is to be used as a tool that supports existing pre-plans and provides for citizens who are familiar with the evacuation protocol.</p> <p>Response to Comments PCO4a-4</p> <p>Fire danger and emergency evacuation issues were addressed during the May 25, 2018 Planning Commission Hearing by Project technical staff, as well as representatives of the San Diego County Sheriff's Department, RSFFPD and CAL Fire. The Project hearing was two weeks after the Valiano hearing, and the Commissioners specifically addressed the issue of Country Club Drive improvements with the public. In a discussion of how local roads were improved to address cumulative effects through allocation of Transportation Impact Fees, it was noted that the local planning groups forward requests for specific road improvements to the County Department of Public Works so that such improvements can be included as an improvement project and funds allocated for the improvements. As of the date of these responses, no request for such discussion has been forwarded to DPW by either the Elfin Forest Harmony Grove Town Council or the San Dieguito Community Planning Group. With respect to the comment that specific events may require up to 100 percent of the HGV South evacuees use the Country Club Drive option, it is worth noting that the HGV South Evacuation Plan also states that "[D]epending on the type and nature of the evacuation, roughly 50% of the</p>

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	<p>Harmony Grove Village South Community may utilize Country Club Dr. to the north and 50% may travel east on either Harmony Grove Road or Harmony Grove Village Parkway.” Again, such emergency events are often fluid events and the need for evacuations is typically determined by on-scene first responders. The widening of Country Club Drive to three lanes along Project frontage, however, combined with provision of a bridge over Escondido Creek to replace the narrow at-grade crossing overhung by riparian vegetation will provide improved emergency evacuation over the creek and to a location where options to the north, west and east occur on paved roads. Additionally, the presence of Harmony Grove Village, Valiano, and the Project, along with a new fire station and a new road (Harmony Grove Village Parkway), all contribute to lessening the fuel loads, interrupting fuel continuity, improving fire response, providing fuel breaks, and improving evacuation options in the Harmony Grove/Eden Valley area.</p> <p>As stated in the EIR, the more regional cumulative issues associated with evacuation programs are addressed by regional agencies. Please see the Global Responses to Adequacy of Emergency Evacuation and Access, Section 8.3.4.1 for discussion of the Operational Area Emergency Response Plan and the San Diego County Multi-Jurisdictional Hazard Mitigation Plan, both of which develop goals and objectives for the County Office of Emergency Services (OES) with regard to large-scale natural or man-made disasters.</p> <p>Response to Comments PCO4a-5</p> <p>Please refer to Responses to Comments PCO4a-1 through PCO4a-4, above. Additionally, the comment misinterprets the HGV South Evacuation Plan and WUIFERP with regard to the four options. Each option is a valid evacuation route that could be used during an emergency evacuation, depending on the fire location, spread, and timing. There are fire events where all four options would be utilized to move people into neighboring cities. There are also scenarios where one or more of the routes may not be available. This is the assumption in any evacuation plan in any area and for any type of emergency. The County disagrees with the comment’s suggestion that the provided entrapment analysis results in a conclusion that there is no basis for making a</p>

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	<p>less than significant finding for Wildland Fire Hazards Cumulative Impact Analysis. The County has reviewed the provided population estimates and potential evacuation scenarios and concur that they appear accurate, albeit including a wide range between the low and high estimates. Nevertheless, the analysis is consistent with analysis conducted within the Project's FPP (Dudek 2017) and the County's WUIERP and Wildland Fire Risk Analysis (Rohde & Associates 2017). However, the most significant omission from the comment's provided entrapment analysis is that it relies only on Country Club Drive, when there are at least four options (numerous additional options beyond the initial four) for evacuation from the area available to existing and potential residents. Further, the entrapment analysis fails to include any consideration of the recent area improvements that offer enhanced evacuation options (Harmony Grove Village Parkway), potential sheltering vs evacuation (Harmony Grove Village South, Harmony Grove Village), improved, protected roadways (Harmony Grove Village South, Harmony Grove Village), improved emergency response and presence (New Rancho Santa Fe Fire Protection District Fire Station), and identified evacuation route last resort refuge options (Harmony Grove Village South Evacuation Plan). The most significant of these would be the ability for emergency responders to direct existing residents, who do not live in the highly ignition resistant new communities, to seek temporary refuge within one of the new communities as an option if specific evacuation routes are considered unsafe, congested, or otherwise not available during a short-notice evacuation or when roadways are not available. The addition of these new evacuation options essentially reduce the distance some existing residents would have to travel to arrive at areas where they could seek temporary refuge, reducing overall travel distances and travel times. Therefore, the County disagrees with the comment's entrapment analysis.</p>

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<p style="text-align: center;">Comment Letter No. PCO4a</p> <p>help, but the entrapment rate in a reasonable worst-case scenario would still be 30 to 40 percent with close to 2,000 to 3,000 people entrapped along with hundreds of horses. This was modeled as if Country Club were not just “bladed” but rebuilt to carry two lanes at the same capacity as the existing one lane.</p> <p>Again, despite many requests, no evaluation of the adequacy of Country Club Drive to accommodate the cumulative evacuating population was done by the applicant or PDS. Even though they themselves acknowledge that Country Club Drive may be the only way out.</p> <p>In light of this, we call on the Planning Commission to consider the following:</p> <ol style="list-style-type: none"> 1. Given that a new potentially significant impact was acknowledged in the EP and was not identified in the FEIR; and given that the new mitigation recommended in the EP for that impact is inadequate, as described above, please consider directing PDS to reevaluate the level of the impact and the value of shelter-in-place as mitigation and recirculate the Hazard and Hazardous Materials section of the EIR for comment on this new significant information. 2. The evacuation study should be redone to include all cumulative residents who would be required to evacuate in order to measure the true impact on road capacity and the adequacy of evacuation options all the way to safety including a worst-case scenario where Country Club Drive is the only way out, as may occur per the Harmony Grove Village South EP. 3. Consider alternate mitigations for the acknowledged impact. Substantial widening and improvement to area roads would contribute to mitigation of the impact. 4. Include as a condition of approval a true secondary exit via Del Dios Highway to mitigate the extreme fire risk impact of this project on residents, both existing and future. 5. Also, please consider reducing the density of the project. Reduced density would limit the impact on existing resident evacuation while maintaining the refuge value of the project design features. 6. Finally, please consider directing PDS to fully evaluate the Harmony Commons alternative offered by the community to the County last June. It would provide a range of housing options similar to the Proposed Project, while substantially reducing virtually every impact including the impact on community evacuations. Harmony Commons is a balanced approach with benefits for all and we encourage you to take a serious look at it. (attached) <p>In conclusion, I wanted to tell you that I have been a resident of Harmony Grove since 1955. I grew up there, moved back in 2002 to build a house, and raise our kids, and my 93-year-old father still lives at the family home just up the hill from my wife and I. We have seen many</p> <div style="text-align: right; margin-top: 20px;">3</div>	<p>Response to Comments PCO4a-6</p> <p>Please refer to Responses to Comments PCO4a-2 through PCO4a-4, above regarding adequacy of the analysis. The County does not find a new significant impact and recirculation is not required. Similarly, no new mitigation is required as there is no nexus to an identified impact, although, again, please refer to Response to Comment 4, above, regarding potential actions to be pursued by the Community Planning Group based on potential request by area residents.</p> <p>Response to Comments PCO4a-7</p> <p>Alternative secondary access routes (including access to Del Dios Highway) were reviewed during preparation of the FPP, and were discussed in Appendix C, Alternative Secondary Access Analysis, to the FPP. Each of the alternatives evaluated was found to be infeasible for at least two of five evaluation criteria related to: steep topography, wildland fuels, environmental considerations, roadway distance to acceptable connections, and/or private ownership/easements.</p> <p>As detailed in Project analyses, however, secondary access is one way of ensuring adequate access/egress under the Fire Code. Alternative methods are also available and appropriate under the Code and are equivalent to secondary access in terms of fire safety if the Fire Code Official is able to make a finding based on provided alternative measures. This is the case for this Project. Please see the Global Responses to Fire Hazards Impact Analysis and Adequacy of Emergency Evacuation and Access.</p> <p>Response to Comments PCO4a-8</p> <p>Consistent with this comment, the Project EIR addresses four alternatives with fewer residences. Please see Chapter 4.0 for discussion of alternatives proposing 49 residences (the General Plan Consistent with Septic Alternative), and 119 residences (the General Plan Consistent with Sewer Alternative) particular. These two alternatives propose substantial reductions in residential use numbers from the Proposed Project.</p>

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	<p>Response to Comments PCO4a-9</p> <p>A comprehensive discussion of the Harmony Commons alternative is provided in Response to Comment O3a-50 of the FEIR. The discussion raises issues associated with the some of the environmental conclusions provided in the alternative write-up and also explains why the alternative may not be implementable. The alternative was not found to be “substantially superior” to the alternatives evaluated in the EIR. The ultimate conclusion is that review of additional alternatives is unnecessary when the goal of CEQA Guidelines 15126.6 is to demonstrate the ability to avoid or minimize significant impacts while feasibly attaining most of the objectives.</p> <p>Response to Comments PCO4a-10</p> <p>Comments noted. They do not pertain to adequacy of the environmental analysis presented in the EIR and do not require response. Opposition to the Project is noted, is part of the administrative record, and will be before decision makers during consideration of the Project.</p>

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<p style="text-align: center;">Comment Letter No. PCO4a</p> <p>changes over the years in the valley. As a child I used to watch calves being born over at the dairy farm where Harmony Grove Village stands now. (the cows always won).</p> <p>Of course, as you might imagine, I would be dismayed to see 4 story condos masquerading as "granaries" introduced into our authentic idyll. But what distresses me the most is the wildfire threat. Fires happen regularly out here, and I have evacuated countless times, on some occasions with as little as a 15-minute warning. We were always able to get out because the population was small. The new residents of Harmony Grove Village South and Valiano may not be so fortunate; I fear many, including possibly my very own family and neighbors, will suffer a most horrible fate.</p> <p>Please put a stop to this. Our safety is in your hands.</p> <p>Sincerely,</p>  <p>Jonathan Dummer Harmony Grove Village South Committee Chair</p> <p>Enclosed and part of the record for this project:</p> <p>Harmony Commons Alternative Letter from Chatten-Brown re: bundling Letters from Latham Watkins re: GPA project impacts re Newland Sierra, which are also valid for HGVS</p> <p style="text-align: center;">4</p>	<p>Response to Comments PCO4a-11</p> <p>A number of attachments are referred to or included in the submittal, as addressed below.</p> <ul style="list-style-type: none"> • The Harmony Commons Alternative was noted as enclosed. It was not, but it is addressed in Response to Comment PCO4a-9 of this letter. • The Chatten-Brown & Carstens letter regarding bundling is noted. The letter incorrectly asserts that "bundling" the Project's proposed amendment to the General Plan together with amendments for other development projects is inconsistent with the purpose and intent of Government Code Section 65358 and would "circumvent" the Code. Section 65358 prohibits the County from amending a mandatory element of its General Plan more frequently than four times during any calendar year. However, Government Code Section 65358(b) specifically states that "[e]ach amendment may include more than one change to the general plan." The rationale behind limiting amendments to no more than four times during the calendar year was first explained in <i>Karlson v. City of Camarillo</i> (1980) 100 CA3d 789, as one of promoting public participation in the General Plan Amendment (GPA) process. The court also explained that this policy would not be thwarted by permitting the consideration of more than one parcel in a GPA (Id at 808). In other words, there are no other limitations under Government Code Section 65358 other than limiting the number of occasions in each calendar year that an amendment can be considered. If the Legislature had intended other limitations such as suggested by the commenter relating to number of parcels that could be considered in one amendment, it would have been a simple matter for the legislature to indicate this by narrowing the scope of the subject matter, or the number or size of parcels. In <i>DeVita v. County of Napa</i>, 9 Cal.4th 763, the Court subsequently interpreted Section 65358(b) as a way to curb excessive "ad hoc planning" by limiting the number of GPAs that could occur each calendar year to four such amendments to the mandatory elements of the General Plan (id at 716).

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	<p>Again, the limitation related to only the number of occasions in each year an amendment to the mandatory elements of the General Plan could be made, not the number of parcels that could be considered in one amendment. The Court believed that the planning law leaves it largely to each locality to balance the competing values of flexibility and stability in the planning process.</p> <p>With regard to the assertion that bundling may reduce the ability of the public to participate in changes to the General Plan, the opposite may be true. By considering GPAs as a group, the County can provide a better framework to consider the merits of a particular GPA in concert with other proposed GPAs, especially if such amendments are within the same Community Plan area or relative vicinity such as the case with HGV South and Valiano. It also encourages public participation, by making it more convenient for individuals to attend hearings by limiting the number of hearings where such matters are considered.</p> <ul style="list-style-type: none"> • Letters from Latham Watkins re: GPA project impacts for Newland Sierra, noted as “also valid for HGVS” also were reviewed. <p>The April 16, 2018 letter concerns the 2018 County Climate Action Plan. While not interfering with current or future implementation of the CAP, the HGV South Project does not assume CAP compliance. It is consistent with CAP goals and checklist items (as demonstrated in the Final EIR and EIR Appendix J), but is moving forward independently of the CAP and does not rely upon it. The letter is not relevant to the environmental analyses of the Proposed Project and no additional response is required.</p> <p>The April 17, 2018 letter concerns affordable housing and an assertion of the County’s obligation to require it of projects requesting GPAs. There is also an “Enclosure” to this letter consisting of April 17, 2018 mortgage rates and finance rates. The cited General Plan policy applies to the responsibilities of the County and is not project specific. Currently, the</p>

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	<p>County has not adopted any such requirement or ordinance. The Project would not impede the County’s ability to adopt such a requirement or ordinance in the future should they decide to do so.</p> <p>The May 8, 2018 letter (and its attachments) addresses provision of affordable housing and asserts that staff are not requiring projects (here Newland-Sierra) to provide affordable housing although the County has the legal authority to do so. The County did not request affordable housing as part of HGV South. The letter is not in conflict with environmental analyses provided in the HGV South EIR, and County actions relative to requirements for affordable housing are beyond the purview of the HGV South Project. The letter is not relevant to the environmental analyses of the Proposed Project and no additional response is required.</p> <p>The comment letter notes that the Newland Sierra project does not propose housing that would be categorized as “affordable housing” by the Department of Housing and Urban Development, and states that this is inconsistent with County General Plan Housing Element Policy H-1.9, which requires “developers to provide an affordable housing component when requesting a General Plan amendment for a large-scale residential project when this is legally permissible.” The term “large-scale residential project” is not specifically defined in Policy H-1.9 and it is worth noting that unlike the Newland Sierra project, HGV South with only 453 residential units, would not qualify as a large-scale development project under the State’s Water laws. In any event, this policy is not applicable to the Project because the County has not adopted an inclusionary affordable housing ordinance and it is therefore not legally permissible to require affordable housing units or an in-lieu fee pursuant to an ordinance. The County also cannot impose an ad hoc affordable housing requirement or in-lieu fee for the Project: it is not County practice to require ad hoc affordable housing requirements, and the County has no reason to treat the Proposed Project differently than other projects by imposing</p>

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	<p>such a requirement; the County has not studied the nexus between general housing development and the need for affordable housing or in-lieu fees, nor has the County studied such a nexus for this particular project; and the County does not have data suggesting how much of an affordable housing requirement should be required or whether in-lieu fees should be allowed. The Project will not impede the County's ability to pursue future measures in this regard when it has adopted the appropriate measures to do so.</p> <p>The Project does however offer a broad range of housing types to provide an opportunity of choice in the local housing market for a range of household incomes. By offering both a variety of housing types (multi-family to single-family), and a variety of lot sizes, the Project would provide opportunities for housing for a range of household incomes.</p> <p>The May 14, 2018 letter addresses alleged use of technical consultants not on the County's approved "CEQA Consultants List for Privately Initiated Projects" as well as some concern over bundling. Concern regarding Newland-Sierra consultants are relevant to that project, and not to HGV South. Please also see bullet two, above, regarding concerns over bundling of projects requesting GPA.</p> <p>The May 21, 2018 letter addresses Newland Sierra interactions with their area's sponsor groups, water use by that very large project relative to representations by the Vallecitos Water District, concerns over that project's discussion of solar use, alleged failure of that project to provide appropriate park space, lack of specificity of design plans for I-15 interchange improvements, and improper reliance on a 2050 toll lane project. None of these issues specified for Newland Sierra is relevant to HGV South environmental analyses. The Proposed Project coordinates with a different planning group, would obtain water from a different water agency, does not provide "vague" discussion of proposed solar use, provides appropriate park land/in lieu fees, would not result in significant impacts on I-15, and does not rely upon any toll road. The letter is not relevant to the</p>

COMMENTS	RESPONSES
	<p>environmental analyses of the Proposed Project and no additional response is required.</p> <ul style="list-style-type: none"> • A letter to California Governor Jerry Brown prepared by representatives of a number of environmental groups also comprises an attachment. The letter addresses wildfires and provides recommendations for revisions to current planning approaches, encouragement of retrofits, creation of a statewide task force, promotion of legislation promoting FEMA pre-disaster grants, etc. The letter does not address the Project, and is beyond the purview of the Project or County to implement as its target is statewide planning. The information provided in the letter and its attachments in large part support new, planned developments like the Project that are subject to the restrictive fire safety and protection requirements of San Diego County and the even more restrictive requirements that the Project would be subject to as part of the modification finding. No additional response is required. <p>An additional attachment consists of an Intended Decision for the case: Carmel Valley Association, Inc., vs the County of Monterey Board of Supervisors. This addresses a lawsuit regarding a residential subdivision in a County with a General Plan that was required to provide minimum percentages of affordable housing for new projects. There was an existing inclusionary housing ordinance in place, with specific requirements regarding new development projects. In addition, that project was identified as being in a Special Treatment Area that applies specific regulations. The case does not address San Diego County, and the County General Plan has no required minimum percentage of affordable housing. The case is not relevant to the environmental analyses of the Proposed Project and no additional response is required.</p>