

COMMENTS	RESPONSES
Comment Letter I13 LOUNSBERY FERGUSON ALTONA & PEAK LLP 960 Canterbury Place, Suite 300 Escondido, California 92025-3870 Telephone (760) 743-1201 Facsimile (760) 743-9926 www.LFAP.com ESCONDIDO AND SAN DIEGO JOHN W. WITT, RETIRED Phone: (760) 743-1201 Email: DWF@LFAP.com June 20, 2017 <i>Via Email and Mail</i> Michelle Irace 5510 Overland Ave. Ste 310 San Diego CA 92123 RE: <u>HARMONY GROVE VILLAGE SOUTH, LOG NO. PDS2015-ER-15-08-006; SCH NO. 2015081071. PROJECT NUMBERS: PDS2015-GPA-15-002, PDS2015-SP-15-002, PDS2015-REZ-15-003, PDS2015-TM-5560, PDS2015-MUP-15-008, PDSXXXX-HLP-XXX</u> Dear Ms. Irace: This firm represents Jeff Johnston, a resident of the Harmony Grove community. The purpose of this letter is to comment on the Draft EIR (DEIR) for the Harmony Grove Village South Project. Specifically, we will address concerns regarding the evacuation capability of the project during a fire and the impacts the project will have on the traffic in the City of Escondido. <u>Secondary Access and Evacuation Capabilities</u> The County Fire Code requires that all development projects provide two points of access, one primary and a secondary for emergencies. The Project is seeking a variance which would allow for only one access along Country Club Drive. Accordingly, the DEIR analyzes only one secondary access point (a private road which joins with Johnston Rd) and concludes that access through that route is infeasible. Although it may be correct that the identified private road is not feasible as a secondary access, the DEIR fails to analyze other roads which are identified in the supporting documents as feasible secondary access. Because there is no evidence whether the variance will be granted, and because this is a critical public safety issue, the DEIR should have thoroughly analyzed all potential secondary access routes in the event that the variance is not granted. I13-1 I13-2	Response to Comment I13-1 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. Response to Comment I13-2 The commenter incorrectly asserts that the Project is seeking a variance which would allow for only one access point. When the strict application of the requirements set forth in Section 503.1.3, is impracticable, the Fire Code Official may grant a modification from such requirements. A modification may be granted pursuant to Fire Code Section 96.1.104.8 (Modifications) when the modification is in compliance with the intent and purpose of the code and such modification does not lessen health, life, and fire safety requirements. The Project is not requesting “variance,” but rather, the Project is requesting a modification from Section 503.1.3 of the Consolidated County Fire Code (Fire Code) with respect to dead-end road lengths, because the topographical, geological, and environmental condition of the site, make compliance with this standard infeasible. The Fire Protection Plan (FPP) that describes the modification has been accepted by the Rancho Santa Fe Fire Protection District (RSFFPD), the Fire Authority Having Jurisdiction (FAHJ). With respect to secondary access, the ability of the Project to provide a secondary access route was considered infeasible, as described in the Fire Protection Plan (FPP). (Secondary access is the typical mitigation for exceeding the dead-end road length, but is not required, as stated in the comment.) Instead the Project proposes meeting the intent of the Fire Code through a combination of measures that provide a system of fire safety above and beyond the code requirements. The commenter incorrectly states that the EIR only analyzes one secondary access point and fails to analyze other roads. This statement is incorrect in that eight options for secondary access to the north, south, east, and west of the Project site were analyzed with both County staff and RSFFPD input, as described in Appendix C of the FPP (Appendix L of the EIR). See also Response to Comment I13-3 below. Although secondary access routes were proven infeasible based upon this evaluation, Option 4 (Johnson Road) was determined to be the most feasible of the options. The result of this analysis indicated that if access easements could be obtained, improvements to Johnston Road (Option 4) would result in a

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	useable access way, but that it would not strictly conform to the Fire Code, as a secondary access and a modification/variance to the County's roadway standards would need to be granted (FPP Appendix C). Secondary access that conforms to the Fire Code is not feasible (EIR Section 3.1.3) because full improvements to road width, grade, and turning radii cannot be made to accommodate emergency vehicles. In any event, Johnson Road was identified as an existing road that could provide access in an emergency if emergency personnel so directed, but could not be relied upon as a way to provide secondary access. Since secondary access was determined to be infeasible, the potential for impairment of a single road by vehicle congestion, condition of terrain, climatic conditions or other factors was evaluated. The Project developed an alternative approach for secondary access that meets the intent of the code through the implementation of a list of specifically developed measures and features, as described in the FPP. This is all addressed in greater detail in Global Response Fire Hazards Impact Analysis and Adequacy of Emergency Evacuation and Access. The comment confuses the Wildfire Risk Analysis (Rohde & Associates 2016) discussion of the multiple available evacuation routes (Page 15) with the Fire Protection Plan's (Dudek 2016) conclusion that no secondary access is feasible (page 31). The Wildfire Risk Analysis Report (Rohde & Associates 2016) analyzed site access and egress using existing and proposed roads. There are four potential evacuation routes that were identified that could carry traffic north of Escondido Creek out of the community that would be available under some circumstances, and two that offer good escape alternatives. (This recommendation considers the proposed road and bridge improvements on Country Club Dr. as proposed by the Applicant). As explained in the Wildfire Risk Analysis Report: <i>Concern had been expressed that only one route was proposed for access/egress to the proposed development site rather than the code required construction of two, and that a variance would be requested/required for the project to move forward. In contrast, 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</i>

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	<i>with strong viability. All participants expressed comfort that the proposed variance for the 800-foot single access road was acceptable.</i> Both documents are accurate and not conflicting. The Wildfire Risk Analysis Report supports the FPP's conclusion that there would be sufficient emergency access out of the project site and the Project's alternative approach for secondary access was appropriate. In other words, even though it is not feasible for the Project to provide Fire Code-conforming secondary access from the Project site, the Project was designed with three points of ingress/egress from the Project site onto Country Club Drive that would provide additional capacity to expedite emergency access out of or into the site. The Wildfire Risk Analysis Report likewise concluded that the Project would have 4 potential routes of egress during evacuation, two with strong viability, and that the 800-foot single access road was acceptable. Please also see the Global Responses to Fire Hazards Impact Analysis and Adequacy of Emergency Evacuation and Access.

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Comment Letter I13 Michelle Irace June 20, 2017 Page 2 of 4 LOUNSBERY FERGUSON ALTONA & PEAK LLP The analysis of secondary access routes is deficient in many regards. First, the Wildfire Risk Analysis (WRA) and the Project Fire Protection Plan (FPP) reach conflicting conclusions. According to the WRA, which is provided as a Reference Document on the County Planning Website for the DEIR, there are four possible evacuation and access routes, two of which are viable. The WRA specifically states “Consultant staff and public safety staff who reviewed the site agreed that 4 routes of escape, two with strong viability and two that may be dangerous, exist for evacuation from the proposed project site.” (WRA pg 15). It states that both Country Club Drive and Harmony Grove Village Parkway could be used in the event of fire. On the other hand, the FPP states that no secondary access is feasible for the Project (FPP pg 31). While the Exhibit C to the FPP references eight different alternative secondary access routes, the body of the FPP only analyzes one privately-owned road and concludes that this option is infeasible. The determination of infeasibility is based solely on the Project’s assumed inability to obtain legal access rights from the private property owners and the County’s preference to avoid eminent domain. There is no evidence present on any efforts to obtain the necessary easements nor their projected cost. Further, there is no reference to any official policy, written or otherwise, precluding the County from obtaining the easements. Similarly, the analysis in Exhibit C gives only vague visual depictions of the other potential routes and provides only brief, conclusory descriptions of the features which make the routes infeasible. No real analysis is presented which adequately describes the routes or their feasibility in a meaningful manner. In fact, the Exhibit states that it does not rank the feasibility of the projects because each has its own individual characteristics. (Exhibit C pg 1). This explanation demonstrates the need for, rather than the preclusion of, a meaningful analysis of the routes. The DEIR is thus insufficient as there is no analysis of these alternative routes’ impacts on the environment. The analysis merely points out different characteristics and then concludes, without analysis or evidence, the routes to be infeasible. The analysis assumes that the project will be granted its variance and that there is no need to examine the impacts of these alternative routes if the variance is not granted. Based on the unsupported conclusions in the FPP, the Project is seeking a variance to allow only one viable access route. The FPP states that the Project meets the intent of the Fire Code, in part, by widening Country Club Drive, providing extra parking spaces to avoid cars parked on the street, removing all speed bumps, and providing additional fuel modification. The DEIR then analyzes the access issues as if the variance will be granted. It is not guaranteed, however, that the Project will be granted its variance. Generally, a variance applicant must demonstrate that the regulations, if strictly applied, would cause unnecessary hardship because of some special circumstances of the particular property, in contrast to other similarly situated properties. I13-2 I13-3 I13-4	Response to Comment I13-3 Eight alternatives for secondary access to the north, south, east, and west of the Project site were analyzed with both County staff and RSFFPD input, as described in Appendix C of the FPP (Appendix L of the DEIR). Each of the options was found to be infeasible due to the presence of at least two of the five factors in the evaluation criteria listed in Appendix C, which included presence of: steep topography, wildland fuels, environmental issues, roadway distance to acceptable connections, and private ownership/easements. As described in Appendix C, many of the routes include a combination of steep terrain and notable biological habitat issues, including those associated with building a road with a creek crossing. Also, the configuration of the emergency secondary access routes would necessitate a modification to the County’s roadway standards and would require the County to obtain legal access rights from private property owners through eminent domain. Option 4 was considered the least infeasible of the alternatives with the fewest physical challenges, because of its location on an existing road that is used by residents living east of the Project, and that also connects in a remote location to a public roadway (Johnston Road). The impacts to the environment that would result from the implementation of this alternative were analyzed in greater detail in Section 3.1.3 of the DEIR. The comment conflates the modification request from Section 503.1.3 of the Consolidated County Fire Code (“Fire Code”) with respect to dead-end road lengths with the Project’s inability to provide a secondary access route which is a typical mitigation measure for exceeding the dead-end road length, but is not required by the Fire Code. In any event, secondary access was determined not to be feasible given the constraints described above, and therefore the potential for impairment of a single road by vehicle congestion, condition of terrain, climatic conditions, or other factors was evaluated. The Project developed an alternative approach for secondary access that meets the intent of the code through the implementation of a list of specifically developed measures and features as described in the FPP. Please also see the Global Responses to Fire Hazards Impact Analysis and Adequacy of Emergency Evacuation and Access. Response to Comment I13-4

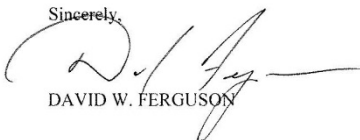
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	The commenter incorrectly asserts that the modification to the fire code is a “variance,” which is a mechanism commonly used when seeking a deviation from a zoning ordinance standard, not from the Fire Code, and then asserts that a “variance” finding must be made. As explained in the Response to Comment I13-2, when the strict application of the requirements set forth in Fire Code Section 503.1.3 is impracticable, the Fire Code Official may grant a modification from such requirements pursuant to Section 96.1.104.8. (MODIFICATIONS). A modification may be granted when the modification is in compliance with the intent and purpose of the code and such modification does not lessen health, life, and fire safety requirements. The “Findings and Mitigation Conclusion” described in the FPP, described in detail the basis for the decision that was made by the Fire Code Official as follows: (1) an alternative approach for secondary access has been developed that meets the intent of the code through the implementation of a list of specifically developed measures and features, and (2) the modification from Fire Code Section 503.1.3 was granted in that the intent and purpose of the Fire Code will be met by the Project and such modification does not lessen health, life, and fire safety requirements. Section 3.1.3 of the EIR describes the Project as providing a layered and redundant fire protection and evacuation system that provide a system of fire safety above and beyond the code requirements. More particularly, the Project has developed an alternative approach that meets the intent of the code through the implementation of a list of specifically developed measures and features (detailed in Section 5.2.1.2 of the FPP). These measures and features supported a finding by the RSFFPD that the intent of the code has been met and does not lessen health, life, and fire safety requirements (RSFFPD FPP acceptance letter prepared by Chief Tony Michel – August 2016).

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Comment Letter I13 Michelle Irace June 20, 2017 Page 3 of 4 LOUNSBERY FERGUSON ALTONA & PEAK LLP The DEIR fails to adequately explain why the project cannot provide any secondary access route. Despite the WRA stating that Harmony Grove Parkway is a viable secondary access, the FPP makes no mention of Harmony Grove Parkway nor any of the other seven routes, except the private road beyond the brief, conclusory descriptions buried in the exhibits. Further there is no explanation of why this property is special compared to other County properties or what the criteria are for finding "hardship". Because the variance is not guaranteed, the DEIR should have analyzed the potential impacts of the Project without the variance. Without the analysis and studied rejection of all possible secondary access routes, the DEIR fails to accurately analyze the projects potential impacts. The DEIR also fails to show that, if the variance is granted, the single access point will be sufficient to provide a safe evacuation route in case of fire. According to the WRA, Country Club Drive is recommended as the primary route of evacuation for the project. Country Club Drive would be widened to three lanes, allowing two for evacuation and one for access for fire and emergency vehicles. The DEIR states that, given the size of the development and the number of existing homes, the demand will be 2,068 cars per hour. However, the DEIR fails to account for cumulative emergency traffic from the residents of Harmony Grove Village, the project slightly north of the proposed Project. That project will include 742 homes which could potentially use the evacuation routes as well. The DEIR also fails to properly account for the nature of the evacuations, especially given that this is a rural community. During an evacuation, all residents will be leaving at approximately the same time, meaning the road will be filled with the vehicles of all 517+ dwellings at once. Further, the DEIR fails to analyze the possibility that a fire could block Country Club Lane, thereby blocking the sole exit from the project, regardless of the number of lanes. Finally, the DEIR fails to account for the fact that the Harmony Grove community consists of farmers and families with livestock and horses. As a result, the roads will not only have cars, but trailers and animal carriers. Further, as many current residents have pointed out, homes with farm animals may be taking multiple trips to transport their livestock. The residents may be unable to save their animals or will become trapped themselves trying to evacuate. <u>Impacts on County and Escondido Traffic</u> According to the DEIR the Project would include 453 homes which would add approximately 4,500 average daily trips, with 360 in the peak A.M. hours and 450 in the peak P.M. hours. According to the DEIR, 70% of the trips would be distributed to Harmony Grove Rd and 22% would be distributed to Country Club Dr. (Subchapter 2.2 pg 2.2-7/8). The predicted impact of the Project is that Country Club Dr. from Auto Parkway to Hill Valley Dr. and the Country Club Dr./Harmony Grove Rd intersection, will operate at unacceptable levels. (Subchapter 2.2 pg 2.2-10/12). However, when considered cumulatively with the Harmony Grove Village project, six roadways and four intersections in the County/City will be effected. (Subchapter 2.2 pg 2.2-19)	Response to Comment I13-5 The comment confuses the Wildfire Risk Analysis (Rohde & Associates 2016) discussion of the multiple available evacuation routes (Page 15) with the Fire Project Plan's (DUDEK 2016) conclusion that no secondary access is feasible (page 31). Both documents are accurate and not conflicting. Although the FPP does not analyze the available evacuation routes in detail, instead mentioning that an emergency preparedness plan would be created for the Project at a later date, the FPP does confirm that there are multiple available evacuation routes on pages 32 and 34. Please refer to Responses to Comment I13-2 and I13-4 for discussion of alternative secondary access route analysis and subsequent findings of infeasibility. Because the comment bases its argument that the EIR failed to accurately analyze potential project impacts on a flawed understanding of available evacuation routes vs. secondary access, the comment requires no further action. Response to Comment I13-6 The commenter asserts that the EIR fails to show that a single access point will be sufficient to provide a safe evacuation route in case of fire. Section 3.1.3 of the EIR provides an analysis with respect to access to the Project and the Project's inability to provide a secondary access route. Although a secondary access route is a typical mitigation for exceeding the dead-end road length, it is not requirement <i>per se</i> for development projects. The Project proposes meeting the intent of the Fire Code through a combination of measures that provide a system of fire safety above and beyond the code requirements. One of the most significant measures is construction of roads on site that include an additional travel lane that is within 800 feet of all Project structures. The additional travel lane provides additional capacity for evacuation and would occur throughout the Project, would include Country Club Road from the southernmost Project entrance northward to Harmony Grove Road, including the bridge over Escondido Creek. This enhanced road capability would be supplemented by a complete system of fire protection that includes a redundant layering of measures designed to keep roadways open and passable, and reduce the possibility that wildfire threatens the Project. The primary Project access for Harmony Grove Village South (HGV South) would be via a widened Country Club Drive that provides three travel lanes. This includes a three-lane-wide bridge constructed over Escondido Creek that also includes separated horse and pedestrian pathways. Various alternatives for secondary access to the north, south, east, and west of the Project site were also considered.

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	The Project’s FPP and WRA reports explains that this proposed approach of the Project meets the intent and purpose of secondary access and this approach was incorporated into the FPP, which was accepted by SDCFA and RSFFPD, signifying their concurrence with respect to the safety of this approach. If secondary access were feasible for this Project, it would result in a road that traversed through wildland fuels and steep terrain. The alternatives evaluated for secondary access were determined to include challenges and generally unsafe conditions during a late evacuation. See Response to Comment I13-3 above. The commenter asserts that the EIR fails to account for cumulative emergency traffic from the residents of HGV with respect to County Club Drive being used for evacuation. In some fire emergencies, likely excluding shorter notice events, Harmony Grove Road would be available for evacuation. Harmony Grove Village (HGV) residents would likely utilize Country Club Drive to the north/northeast into Escondido. During a wildfire evacuation, law enforcement and fire responders would evaluate conditions and fire spread and that information would inform continued evacuations. Law enforcement understands the importance of maintaining clear intersections to support evacuating residents. In an evacuation where HGV and HGV South were evacuating simultaneously, emergency managers (OES, law enforcement, fire personnel, and others) would determine how to maintain traffic flow out of the area into Escondido, or, depending on conditions, to areas away from the wildfire or other threat. This may include directing traffic along Harmony Grove Road toward Rancho Santa Fe and the coastal communities. If a traffic surge or road blockage occurred, the decision makers would have a contingency to temporarily refuge residents within HGV and/or HGV South, including legacy residents that do not have the same level of protection. Response to Comment I13-7 Evacuation within Harmony Grove would occur in a similar manner to many other San Diego County planning areas. In the event of a wildland fire in the area, evacuation and contingency plans are an early part of a wildfire’s tactical planning process by an Incident Command team. A contingency plan is one of the immediate priorities for development by Incident Command when a wildfire event occurs in a wildland-urban interface area. Community evacuation plans, like the plan that will be prepared for HGV South, will be integrated into the contingency planning process to assist and coordinate evacuation planning for all residents requiring evacuation.

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	For the residents of HGV South and the surrounding area, it should also be pointed out that the primary requirements of an evacuation plan are to identify evacuation routes and to prepare residents for an emergency event. It is a key document for Incident Command when an emergency event occurs in the area. For preparedness of the residents, the “Ready! Set! Go!” evacuation approach will be utilized. This program is supported by most fire agencies and focuses on education, awareness, and preparedness for those living in the wildland-urban interface areas. The Plan will also require that the HGV South HOA and RSFFPD distribute “Ready! Set! Go!” information, encourage homeowners to prepare their own individual evacuation plans, and stress familiarization with maps showing the evacuation routes, temporary evacuation points, and pre-identified safety zones. The Project’s FPP specifically addresses the possibility if Country Club Drive were not available during a fire evacuation. The Project, due to its inclusion of code-exceeding fire protection features, enables residents and neighbors with the ability to temporarily refuge on site (FPP pages 38 and 39) within their defensible homes or at the community building. County OES and emergency responding agencies would have the ability, in the event a wildfire occurs in the immediate Project vicinity with little to no time to evacuate, to determine if temporary safe refuge of residents would be appropriate or warranted. Such a determination would be made by responding fire and law enforcement personnel. Because the FPP (Page 37) commits the Project to preparing a community protection and evacuation plan that includes fire and law enforcement participation, there is a commitment for the plan to be prepared to the approval of these agencies, resulting in a plan that is seamless with existing regional evacuation plans. Response to Comment I13-8 The County respectfully disagrees that the buildout analysis is incorrect. The comment conflates the Project’s buildout analysis with its direct and cumulative traffic analysis. In determining the direct and cumulative impacts of the Project, Citracado Parkway Extension was not assumed to have been built nor included in its analysis. The EIR states: <i>The Citracado Parkway Extension project was not included in the near-term conditions per information provided by City of Escondido staff. The extension project is delayed due to funding</i>

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	<i>issues. In October 2015, the City of Escondido’s attempt to receive funding through the Transportation Investment Generating Economic Recovery (TIGER) grant program, distributed by the U.S. Department of Transportation, was denied. Therefore, due to a lack of funding and an unknown timeframe for completion, this connection was not included in the near- term analysis (page 2-2.19).</i> The direct and cumulative impacts within Escondido were identified as remaining significant and unavoidable pending City of Escondido action. However, a buildout analysis is conducted to determine whether the proposed land use changes would require any changes to the Mobility Element roadway classifications. This type of analysis is completed for projects requesting a General Plan amendment. Per County Guidelines, the buildout analysis compares the adopted General Plan to the proposed Project. In order to forecast traffic volumes for the buildout condition (with adopted General Plan land uses), the SANDAG Series 12 Year 2050 County Calibrated and the adopted Escondido General Plan SANDAG Series 11 North County Year 2030 traffic models were reviewed. These traffic models include General Plan roadway conditions and land uses from each jurisdiction. In addition, all cumulative projects listed in Section 8.1 of the TIA report were assumed to be at full buildout by this timeframe. The DEIR explained that the LOS for the cumulative scenario is worse than the buildout scenario due to major, planned roadway improvements being finished by the buildout scenario but not by the cumulative scenario, such as the Citracado Parkway extension.

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Comment Letter I13 Michelle Irace June 20, 2017 Page 4 of 4 LOUNSBERY FERGUSON ALTONA & PEAK LLP The DEIR states that the impacts will be mitigated through a widening of Country Club Dr. to account for a center left turn lane southwest of Auto Park Way and a dedicated left turn lane onto Eden Valley Ln. The Project will also pay into the County's TIF program and restripe the Auto Parkway/Country Club Dr. intersection. The Project will also widen Country Club Drive to Harmony Grove Road to provide a left turn lane. The DEIR also states that the Project will mitigate its impacts by paying its fair share toward the Citracado Parkway Extension. Because the City of Escondido is a lead agency under CEQA for impacts within their jurisdiction; it is Escondido, and not the County, that has responsibility for approval/assurance of implementation of those improvements. As a result, the County cannot guarantee ultimate implementation or timing of City of Escondido-approved mitigation. Therefore, some mitigation measures are not currently feasible and the Project will have a significant unmitigable impact on the City of Escondido and possibly the County's traffic. (Subchapter 2.2 pg 2.2-26) This unmitigable significant impact is underestimated because, the DEIR's build-out analysis is incorrect because it assumes that the extension of Citracado Parkway will alleviate the impacts on Harmony Grove Road. According to the DEIR, the Citracado Extension Project "was assumed to be completed in the buildout condition." (Exhibit D pg 53). However, the City has no plan to construct the Citracado Parkway Extension Project at this time, and does not have a financing plan to fund this improvement in the future. There is no currently adopted schedule for the construction of the extension nor any published schedule. Therefore, the DEIR analysis of the impacts of the project in the build-out stage is incorrect and misleading. In summary, the DEIR is insufficient because it does not adequately analyze the Project's impacts on fire safety and traffic. The DEIR assumes that the Project's access variance will be granted, that Escondido will approve the required traffic mitigations, and that Escondido will fund the completion of the Citracado Extension prior to build-out of the project. Without an adequate analysis of the Project's impacts if the access variance is not granted, and without an analysis of the Project's impacts if Escondido does not approve and fund the required traffic improvements; the DEIR fails to accurately analyze and disclose the Project's impacts on the environment and community. Sincerely,  DAVID W. FERGUSON	Response to Comment I13-9 The County disagrees that the EIR is insufficient. Please refer to Responses to Comment I13-2 through I13-8 for discussion of how the EIR and its technical reports adequately analyzed the Project's impacts on fire safety and evacuation as well as traffic.