

READERS GUIDE TO THE 2025 FINAL ENVIRONMENTAL IMPACT REPORT FOR THE HARMONY GROVE VILLAGE SOUTH PROJECT

The 2025 Final Environmental Impact Report (FEIR) was partially recirculated in 2024 to document County compliance with the California Court of Appeal (Court) companion decisions that found the HGV South Project (HGV South Project; Project) 2018 FEIR to be adequate in all respects except for one environmental element: the greenhouse gas (GHG) mitigation relative to the purchase of offset credits (location, registry confirmation, and approval by the Director of Planning & Development Services [PDS]).¹ The following information summarizes the actions and changes that have been made to the 2018 FEIR, consistent with the California Environmental Quality Act (CEQA) and replaces the Information for the Reader provided in the 2018 FEIR.

Project Background

The Project Draft EIR (DEIR) was circulated for public review from April 20 to June 20, 2017. The HGV South Project was approved, and 2018 FEIR was certified, by the County Board of Supervisors on July 25, 2018. The 2018 FEIR incorporated an updated GHG EIR section and supporting technical data (Appendix J to the EIR) that had been recirculated for public review from February 22 to April 9, 2018 as a Revised Draft EIR (RDEIR).

The 2018 FEIR also contained additional updated information focused on the technical review of two topics: transportation/traffic and biological resources. Part of the 2018 transportation/traffic analyses update included confirmation of the conservative disclosure of average daily traffic (ADT) associated with the Project (the EIR traffic modeling discloses approximately 4,500 ADT, but the actual Project-specific number would be 4,010 ADT) as described and provided in the 2018 *Final Traffic Impact Analysis* (TIA; Appendix D to the FEIR). Also, following the 2016/2017 rainy season that ended a drought cycle and to take advantage of optimal environmental conditions, additional field visits were undertaken to update botanical inventory and rare plants surveys as well as confirmation of Hermes copper butterfly absence. These updated surveys supplemented and confirmed previous surveys and were documented in the 2018 *Final Biological Technical Report* (BTR; EIR Appendix E). The updates confirmed Project analyses and validated the findings of draft technical documents. The information did not change DEIR CEQA significance findings, and no changes were made to DEIR conclusions on these topics.

In addition, the 2018 FEIR Chapter 8.0, *Letters of Comment on the Draft and Revised Draft EIR and Responses*, included each of the comment letters received on the DEIR and RDEIR and responses to them, as well as eight global responses (“topical” responses addressing issues that were questioned by a number of commenters). The global responses addressed issues related to County General and Community Plans and policy conformity, fire hazards and evacuation, baseline conditions, and GHG issues.

¹ Elfin Forest Harmony Grove Town Council et al. v. County of San Diego and RCS, 37-2018-00042927, Court of Appeal, Fourth Appellate District (Division One), filed October 14, 2021. See also Sierra Club v. County of San Diego and Integral Communities, LLC, et al., 37-2018-00043084-CU-TT-CTL, Court of Appeal, Fourth Appellate District (Division One), filed December 21, 2021.

The 2018 FEIR, along with the supporting technical reports and data prepared by third parties, are all on the County Planning & Development Services (PDS) website under Harmony Grove Village South at: https://www.sandiegocounty.gov/content/sdc/pds/ceqa_public_review.html.

Litigation Background

After the County approval and certification, the Project was challenged in the two CEQA actions referenced above. Following litigation and appeal, the first Court decision found that the 2018 FEIR was adequate in all respects except for one environmental element: the GHG mitigation relative to credit purchase (location, registry confirmation, and approval by the Director of PDS) as noted above.²

The following matrix summarizes the various topics involving the 2018 FEIR resolved by the first Court decision described above. Where text is bolded, it indicates emphasis added, similar to the bullet points below. The phrases under the heading “Conclusion” mean the following:

- “Resolved” indicates that the topical issue was raised in the CEQA challenge and at the conclusion of the litigation was **determined compliant with CEQA**
- “Not Contested” means that **no CEQA issue** was raised on that topic during CEQA challenge
- “Invalidated” means that the specific issue was found **non-compliant with CEQA** by the Court (subsequently addressed by the County in the 2024 recirculation)

2018 FEIR TOPICS	CONCLUSION
Alternatives	Resolved - 2018 FEIR Found Adequate by Superior Court (SC) SC rejected petitioners’ arguments regarding the 2018 FEIR’s discussion of alternatives. Not appealed
Aesthetics	Not Contested
Agricultural Resources	Not Contested
Air Quality	Resolved - 2018 FEIR Found Adequate by Appellate Court (AC; in Appellate Decision; AD) AD, p. 3: “[T]he EIR properly evaluated the Project’s impact on air quality...”. <i>Also</i> , AD, p. 60 “Respondents did not challenge those air quality impact findings by a cross-appeal.” <i>Also</i> , AD, p. 61 “[T]he EIR adequately discussed the Project’s inconsistency with the RAQS.”
Biological Resources	Not Contested
Cultural Resources	Not Contested
Energy	Not Contested
Geology/Soils	Not Contested
Greenhouse Gas (GHG) Analysis (including approach and traffic generation information [average daily trips, VMT, and associated roadway effects])	Resolved - 2018 FEIR Found Adequate by SC 2018 FEIR “ adequately considered the cumulative effect of GHG emissions. ” (SC Judgment July 21, 2020)
GHG Mitigation	Invalidated

² See references in footnote 1, above.

2018 FEIR TOPICS	CONCLUSION
Growth Inducement	Not Contested
Hazards & Hazardous Materials (in general)	Not Contested
Hazards & Hazardous Materials (fire safety)	Resolved - 2018 FEIR Found Adequate by AC <i>AD, p. 40: We conclude the EIR contains a CEQA-compliant discussion of the potential wildland fire risks or exacerbation caused by the Project and the fire risks in the Project's vicinity, and that substantial evidence supports its conclusion that the Project measures would reduce them to a level of insignificance. (Also, AD, p. 51 "We conclude the EIR's discussion of evacuation routes and timing satisfies CEQA requirements."</i>
Hydrology/Water Quality	Not Contested
Land Use/Planning/Regional Plans	Resolved - 2018 FEIR Found Adequate by AC <i>AD, p. 66: [W]e must conclude the Project is consistent: the EIR evaluated the associated land uses; reflects County's effort to move future development closer to cities, shopping and employment centers; shows the Project is consistent with vehicle mileage projections; and encourages local walking in keeping with the plan.</i>
Mineral Resources	Not Contested
Noise	Not Contested
Paleontological Resources	Not Contested
Population/Housing	Not Contested
Public Services	Not Contested
Recreation	Not Contested
Transportation/Traffic (including VMT/trip length and consistency discussion)	Not Contested
Utilities/Public Services	Not Contested
Mandatory Findings of Significance	Not Contested

The Project's entitlements also were determined by the Court to be consistent with the County's General Plan, except for the issue of affordable housing. Although this latter issue is not related to the environment, the Project is now conditioned to provide affordable housing, as discussed below.

In a related but separate case ("Sierra Club case") the Court focused solely on the Project's GHG mitigation measures. The Appellate Court left it to the County to reexamine the type of mitigation measure needed in that regard, whether additional alternatives were feasible or must be analyzed, or if a new mitigation measure might also require revisions to the other sections of the EIR.

Both matters were sent back to the Trial Court to issue a revised writ of mandate based on the Appellate Decisions. On October 19, 2022, the Trial Court issued a revised order (Revised Order) requiring the County to rescind the Project's entitlements and the 2018 FEIR because of the remaining issue related to CEQA (the GHG mitigation measure) and the affordable housing issue pertaining to the General Plan. On December 14, 2022, the Board adopted a resolution to comply with the lower court's Revised Order.

Compliance with the Superior Court Order

CEQA requires that a court's order includes only those mandates that are necessary to achieve compliance with CEQA and only those specific project activities in noncompliance with CEQA (see Public Resources Code [PRC] Section 21168.9[b]). Because the Court only took issue with the FEIR with respect to the GHG mitigation measure as related to credit purchase (location, registry confirmation, and approval by the Director of PDS), the law assumes that the 2018 FEIR is adequate in all other respects (PRC Section 21005[c], directing a court to address each alleged ground of non-compliance).³ Therefore, other than this specific issue, no other portion of the 2018 FEIR must be revised.

Recirculation is Not Required

Because the County was directed to set aside the certification of the 2018 FEIR and approval of the Project, the status of the environmental review process for the Project is analogous to when a previously circulated full draft EIR has been determined to require a partial recirculation to deal with a discrete set of issues. Thus, the legal principles applicable in such a situation are relevant, as are the above-described principles governing judicial remedies in CEQA litigation. PRC Section 21092.1 provides that when "significant new information" is added to an EIR after release of a draft EIR but "prior to certification," the public agency shall undertake additional public review of such significant new information.

CEQA Guidelines (14 California Code of Regulations, Chapter 3) Section 15088.5 provides criteria considered by a lead agency when deciding what information must be recirculated. Recirculation is required when "significant new information" is added to an EIR after public notice of the availability of the Draft EIR is given but before document certification (CEQA Guidelines, Section 15088.5[a]).

Under Section 15088.5(a):

[n]ew information added to an EIR is not 'significant' unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement.

Recirculation is not required where "the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR" (CEQA Guidelines, Section 15088.5[b]). Recirculation is also not required simply because new information is added to the EIR. Indeed, new information is often added to Final EIRs due to CEQA's public/agency comment and response process, as well as CEQA's post-Draft EIR requirement that proposed responses to public agency comments be circulated to those agencies.

³ See also *Federation of Hillside and Canyon Assns v. City of Los Angeles* (2004) 126 Cal.App.4th 1180, 1204 ("Federation II") [where appellate court directed superior court to order limited relief, city had no obligation to update analysis of impacts in its adequate EIR].

The County carefully considered whether recirculation of the Project's EIR would be required by CEQA. Table 8.7.2-1, in Global Response: Lack of Need for Recirculation, demonstrates that the criteria for recirculation of an EIR were not met. The County relies on its technical expertise, and information that includes the previous record expert memos, technical reports, and the information provided in the response to comments for its conclusion that recirculation of the entire 2018 FEIR is not required and its determination as stated above; that most of the changes fall within the scope of the initial environmental review of the 2018 FEIR. Therefore, the County is only required to correct (and recirculate) the portion of the document that was not compliant with CEQA, even though the County vacated certification of the Project's FEIR.

Res Judicata Applies to All Other Issues

Moreover, all other issues have been fully resolved, and res judicata bars such issues from further litigation. The decertification of the entire 2018 FEIR does not alter the fact that the 2018 FEIR was litigated, and all issues were resolved. Res judicata is applied even if an agency rescinds approval of a project and decertifies the entire EIR. (*Citizens for Open Government v. City of Lodi* [2012] 205 Cal.App.4th 296 [the court applied res judicata even though the city rescinded approval of the project and decertified the prior EIR].) Finally, res judicata bars the litigation of both issues that were actually litigated or could have been litigated. (*Citizens for Open Government v. City of Lodi* [2012] at 324-325.) The matrix above summarizes the various topics that were raised in or omitted from the litigation involving the Project, as well as the Courts' decisions.

Revisions to the 2018 FEIR

GHG Mitigation

The sole GHG issue to be addressed per the Court consisted of mitigation measures addressing the emissions during construction and operational periods. Three elements of GHG mitigation required revision based on Court findings, documented in the matrix on page 6.

The revised mitigation measure was detailed in both EIR Subchapter 2.7, *Greenhouse Gas Emissions*, and the 2024 *Global Climate Change* Report prepared by Ldn Consulting, Inc., circulated for public review from August 22 through October 7, 2024. The 2024 mitigation measure requires that all GHG emissions not offset through on-site Project design features (PDFs) be mitigated through installation of a photovoltaic (PV) system on an existing commercial/industrial building(s) located in the County of San Diego. The installation of this PV system will also be required to qualify for a CEQA exemption, such as for a ministerial action under the County Zoning Code, Section 6954, Solar Energy System, or under California PRC Section 21080.35.⁴ In no event can GHG mitigation implementation move forward without qualifying for such an exemption.

Consistent with PRC Section 21080.35, environmental analysis of the off-site mitigation is specifically exempted as follows: "Except as provided in subdivision (d), this division does not apply to the installation of a solar energy system on the roof of an existing building or at an existing

⁴ Should the initial location of mitigation installation fail to meet exemption criteria in PRC Section 21080.35, another exemption would be required.

parking lot.” Regardless, to be conservative the 2024 recirculation also included brief discussions of the anticipated one-month construction period using an anticipated crew of nine workers. This would result in a minimal (0.16 metric tons [MT] carbon dioxide equivalent [CO₂e] per year) change to total emissions already disclosed for the Project and does not change the significance determination. That information, as well as discussion of why mitigation elements would not trigger an exclusion from the exemption, was discussed in the recirculation and are incorporated into this 2025 FEIR.

Court Identified Issue	Resolution	Location within Current Subchapter 2.7 and Technical Report (TR)*
The 2018 FEIR mitigation proposed credits from a qualified registry. The PDS Director was allowed to approve any “reputable” alternative agency with no reference to a standard by which the Director must evaluate a registry’s reputation.	Mitigation has been revised to delete references to credit purchase—net zero will be obtained via direct action in San Diego County.	FEIR Summary, Section 2.7.5, Chapter 7.0, and Chapter 8.0 Technical Report (TR) pp xiv-xvii, TR pp 51-54
There was no assurance that the chosen registry’s credits would be legitimate.	Please see above.	FEIR as noted above TR as noted above
<i>Companion Writ:</i> Mitigation Measure M-GHG-1 failed to ensure that the GHG offsets would occur within the County in accordance with Policy CO-20.1 of the General Plan.	The requirement for in-County location of mitigation is an integral component of the new mitigation measure. It is spelled out in current M-GHG-1, along with identification of specific feasible methodology.	FEIR as noted above TR as noted above

The 2018 FEIR conclusion as to pre-mitigation CEQA significance (significant and mitigable) remains the same. The post-mitigation conclusion of less than significant also remains the same, as emissions would be assessed as net zero based on implementation of proposed PDFs and off-site PV installation.

The County also finds that changes made to EIR Subchapter 2.7 have not changed CEQA conclusions in other sections of the 2018 FEIR because: (1) GHG emissions from all Project sources would remain at net zero, (2) on-site Project footprint remains the same and therefore impacts have not changed from those previously assessed, and (3) potential off-site impacts associated with mitigation implementation would be both minimal as documented in Subchapter 2.7, and the installation of the off-site solar panels must qualify for an exemption from CEQA in accordance with state law. Potential changes (or lack thereof) to 2018 FEIR Project description and technical analyses are addressed below by topic.

The 2024 recirculated GHG section wholly replaced 2018 FEIR Subchapter 2.7 and is included in this 2025 FEIR. Similarly, technical documents included in the 2024 recirculation replace and

augment analogous 2018 documents, although the earlier report is retained on the County website under the Project for reference. The new reports are identified as FEIR Appendices J1 and J2. Appendix J1 incorporates the *Global Climate Change* technical report by Ldn Consulting, Inc., including the 2024 updated ConSol evaluation, and the Off-site Solar Panel Installation for GHG Mitigation Set Aside Fund Review, as attachments.

The Court's decision stated that the "EIR adequately considered the cumulative effect of GHG emissions." Topical elements of the 2018 analyses that were assessed as adequate during CEQA litigation included elements related to vehicle miles traveled (VMT), construction period elements, sequestration, and CEQA significance thresholds, as detailed in the matrix beginning on page 2, above.

Finally, although not required as part of the judgment, the County took the opportunity to update legislative discussion, GHG modeling with a more recent and conservative model, and re-confirmation of the amount of on-site solar that the Project roofs would support, in addition to the mitigation measure. Although not required because this issue has already been resolved in the Project's previous litigation, Appendix J2 was provided in the 2024-circulated materials related to the infill screening analysis for VMT by Intersecting Metrics.

Affordable Housing Condition

The Project will also be required to provide affordable housing. As a condition of approval, the Project will provide 10 percent of the Project's total dwelling units as on-site affordable housing (as defined by California Health and Safety Code Sections 50052.5 and 50053). This will consist of five percent reserved as affordable for low-income households and five percent reserved as affordable for moderate income households.

Implementation of this condition will not result in changes to Project design (i.e., the number of units, the number of structures, the need for associated infrastructure, the design style, and/or the footprint). These all remain as previously proposed and approved. As a result, no physical changes would occur to the Project as part of the condition. Consistent with CEQA Guidelines Appendix G, the significance thresholds in the "Land Use and Planning" discussion (2018 FEIR Section 3.1.5) concern policies to protect environmental concerns, community character, and potential division of communities. The inclusionary housing condition addresses only economic concerns, and no physical changes would occur to the Project. Thus, no EIR analytical modifications were required for this issue, and FEIR modifications were not made. The condition of approval has been included in the appropriate Project documents, including the Staff Report List of Conditions, and will be represented on the Vesting Tentative Map, as applicable.

Comments Received During 2024 Recirculation

Pursuant to the legal principles described above and CEQA Guidelines Section 15088.5(f)(2), the County requested that reviewers limit their comments to 2024 Subchapter 2.7 revisions and appended supplemental documents (e.g., the *Global Climate Change* Report) and, although not required by CEQA, to the proposed affordable housing condition referenced above. All interested persons and organizations had an opportunity during the public review period to submit their written comments on the revised FEIR to the County of San Diego.

Relatively few comments were received on the topics recirculated in conformance with the Court findings. Rather, numerous comment letters were provided on a number of topics that were not part of the recirculation. As appropriate, and in the spirit of clarification, the County has responded to comments received. Additional global responses also have been prepared for issues raised by commenters relative to potentially new information/regulations/thresholds relevant to the Project, which supplement global responses prepared for the 2018 FEIR. The new global responses address detailed information regarding res judicata principles specifically as applicable to the Project and new information, lack of need for additional recirculation, General Plan consistency (including affordable housing), and fire and evacuation. The list of commenters, the comment letters received during the 2024 public review period, and both the individual and global responses to them, are located in FEIR Volume III.

All responses are provided for purposes of clarification. The additional information provides clarification and additional documentation, but does not contain significant new information changing any CEQA conclusions from the 2018 FEIR or otherwise requiring recirculation. The remainder of this Readers Guide addresses each Chapter/Subchapter/Section in the FEIR, providing clarification regarding whether or not changes have been made to 2018 FEIR text.

Discussion of 2025 FEIR Modifications and Clarifications to 2018 FEIR Text

As appropriate, the 2025 FEIR reflects analogous changes throughout the document as related to the 2024 recirculation. More specifically, references to GHG mitigation have been changed as appropriate, and PDFs feeding into GHG analyses have been updated as appropriate. The County has determined that the portions of the 2018 EIR that were not found deficient will not be recirculated as they have been through the CEQA process and have withstood legal challenge.

Text below summarizes for each FEIR Chapter/Subchapter/Section whether the 2024 recirculation and comments received as a result of that recirculation required textual changes to the 2018 FEIR, and if so, where track changes text associated with those changes is located. The remainder of the substantive text is as approved in 2018 and confirmed as adequate by the Court. Changed text is very limited in extent, as explained below. The reader is also referred to Global Response: Res Judicata and New Information for both general discussion of the principle of res judicata and specific referencing of topical elements that do not require additional analysis and documentation thereof. *That global response is relevant to each of the subject areas discussed below.*

FEIR discussions below contain repetitive elements. This has been done so that readers interested in only one topical analysis can read that issue alone and understand FEIR changes, without having to read the entire Readers Guide.

Table of Contents

The Table of Contents has been updated in the 2025 FEIR to incorporate current Subchapter 2.7 and associated technical report appendices listing consistent with the 2024 recirculation and incorporate one section deletion in Volume II, as well as elements associated with Volume III of the 2025 FEIR (2024 comments and responses to comments). The list of abbreviations and acronyms also has been amended to include 2018 and 2025 FEIR references. Pagination has been updated as appropriate.

Summary

With the exception of focused mitigation measure language, the Summary stands as circulated in 2018. Consistent with the 2024 recirculation documents, Table S-1, *Summary of Significant Effects*, has been modified to delete 2018 GHG mitigation measures for construction and operational periods (see Chapter 7.0 for full deleted text) and incorporate the 2024-circulated mitigation measure on FEIR pages S-51 through S-58. Additionally, a 2018 footnote to Table S-1 on page S-58 noting that reductions in CO₂e totals were conservative as they did not include Project landscaping benefits has been deleted (2018 sequestration analysis totals were confirmed and incorporated into the 2024 emissions totals as detailed in the recirculation). No other changes were made to Project elements as described in the Summary or to other mitigation measures summarized on Table S-1. No changes were required to Table S-2, *HGV South Full-Build Alternatives Comparison of Impacts*.

Project Description, Location, and Environmental Setting

The physical Project design is identical to the design analyzed in the 2018 FEIR, with no changes to footprint, number of residences, roads, Project amenities, etc. Similarly, the nearby surrounding area, including buildout of adjacent HGV as a baseline condition, is consistent with those assumed in the original EIR analyses.

Changes to this chapter are contained within Table 1-2, *Project Design Features*. As described in the 2024 recirculation of GHG information, PDFs were revised and/or added to further clarify, update, and strengthen PDFs that were included in the 2018 FEIR. The changes are shown on Table 1-2, pages 1-48 through 1-51. Some changes were made to utilize the latest building and energy Codes, increase the number of EV charging stations required on site, or reflect future changes in building requirements such as prohibiting the use of wood burning fireplaces or natural gas. Where PDFs have solely been renumbered to match Subchapter 2.7 and *Global Climate Change* Report numbering (i.e., no change to PDF substance), only the number is shown in track changes. Text is shown in track changes where certain PDF elements have been modified between the 2018 and 2025 FEIR documents. These amendments strengthen or update the noted PDFs but do not result in changes to the GHG CEQA conclusions (less than significant post-mitigation), or to any other CEQA significance conclusions discussed in the FEIR. Analogous consistency changes regarding 2016 Title 24 and CALGreen to match the circulated revised PDFs were made on page 1-25, which has been updated consistent with 2024 Subchapter 2.7 recirculation and to delete an outdated Title 24 comparison.

2.1 Aesthetics

No changes have been made to this subchapter as approved in 2018. Comments received on visual elements during 2018 public review were responded to, were part of the 2018 FEIR and remain part of this FEIR. There was no CEQA challenge to the 2018 analyses for this issue and Project design relative to visual resources has not changed since 2018 circulation. Development design and impact footprint remain the same. The nearby surrounding area, including buildout of adjacent HGV as a baseline condition, is consistent with those assumed in analyses.

Implementation of the off-site GHG mitigation measure would occur under a CEQA exemption such as PRC Section 21080.35, and therefore would be exempt from environmental analysis. For purposes of clarity, however, it is noted that consistent with 2018 less than significant findings for solar installation on the Project itself, as well as with 2024 recirculation of Subchapter 2.7, Section 2.7.5.1, potential visual effects would be less than notable as modern panels are not largely reflective, and they would be installed on an existing commercial/industrial building, within a developed setting.

A few comments made in response to 2024 GHG recirculation variously noted grading into steep slopes, community character concerns, and the County's dark sky policy. None of the comments provided new information varying from 2018 Project analyses. Although responses were authored for purposes of clarity, the comments do not change any CEQA conclusions in the 2018 FEIR and are immaterial to this FEIR as they are neither new nor substantial.

No revisions to the aesthetic topics, analysis, or CEQA conclusions are required.

2.2 Transportation/Traffic

No changes have been made to this subchapter as approved in 2018. Comments received on traffic/transportation during 2018 public review were responded to, were part of the 2018 FEIR and remain part of this FEIR. There was no CEQA challenge to the 2018 analyses for this issue, and Project uses and related traffic generation assumptions for purposes of Project-related traffic effects remain identical to that analyzed.

It is noted, however, that as disclosed in Attachment H to Appendix D of the 2018 FEIR, Project trip generation was determined to be 4,010 ADT, not the 4,530 originally cited in the 2018 FEIR, or over 500 fewer daily trips on area roads. It is also noted that a major upgrade to Citracado Parkway in the City of Escondido, which was originally discussed in the 2018 FEIR, has since been completed and is now open. Regardless, no adjustment is required to impact analyses or required mitigation.

It is also noted that the County's Transportation Guidelines relevant to VMT were updated in September 2022 in compliance with SB 743. CEQA Guidelines Sections 15007 and 15064.3 (the sections requiring use of VMT to analyze traffic impacts). However, subsequent changes to CEQA guidelines such as VMT are not considered "significant new information" that would trigger additional review because the underlying information was otherwise known or should have been known when the 2018 FEIR was certified. (*Olen Properties Corp v. City of Newport Beach*, 93 CA5th at 280-281.) Because VMT (and the adoption of VMT guidelines) were already well known when the 2018 FEIR was prepared, the public was not deprived of a meaningful opportunity during the preparation of the 2018 FEIR to comment upon any potential adverse environmental effect that the Project would have regarding VMT (see CEQA Guidelines Section 15088.5[a]). In fact, the issue of VMT was raised by commenters, litigated, and resolved by the courts and res judicata applies. Finally, CEQA Guidelines Section 15064.3(c) directly addresses "Applicability," stating: "The provisions of this section shall apply prospectively... Beginning on July 1, 2020, the provisions of this section shall apply statewide."

Clarification on this issue is provided in both global and individual responses to comments.

CEQA impact conclusions also do not change based on implementation of the off-site GHG mitigation measure. For purposes of clarity, however, it is noted that consistent with the 2024 recirculation of Subchapter 2.7, PV system installation is anticipated to require no more than six loaded semi delivery trucks for delivery, construction assumes a crew of nine people to install systems over a period of one month, and this would occur in an area already supporting commercial/industrial activities. This short term and limited additional traffic would not result in any change to assessed CEQA impacts related to transportation.

Some comments made in response to 2024 GHG recirculation generally mentioned “traffic” but provided no additional information. As a specific response could not be provided, the commenter was referred to the comprehensive discussion in FEIR Subchapter 2.2. More specific traffic comments received during 2024 GHG were largely repetitive with prior contentions, or identified issues that were either not new, not substantial, or were immaterial. Queries about overall volumes and impact locations, inclusion of HGV (and other cumulative projects) in Project analyses, etc. were addressed in responses to comments, reminding the reader that traffic generation rates used in impact modeling were conservative (i.e., assumed higher numbers than necessary as disclosed in the 2018 FEIR) and that all significant Project direct and cumulative impacts had mitigation identified. Other traffic-mentioning comments had to do with either VMT or evacuation congestion/concerns (addressed in the paragraph above and/or, respectively, under GHG and Hazards discussions below). Although responses were authored for purposes of clarity, the comments do not change any CEQA conclusions in the 2018 FEIR and are immaterial to this FEIR as they are neither new nor substantial.

No revisions to the transportation/traffic topics, analysis, or CEQA conclusions are required.

2.3 Biological Resources

No changes have been made to this subchapter as approved in 2018. Comments received on biological resources during 2018 public review were responded to, were part of the 2018 FEIR, and remain part of this FEIR. There was no challenge to the 2018 analyses for this issue and Project design relative to biological resources has not changed since 2018 circulation; impact footprint remains the same.

Implementation of the off-site GHG mitigation measure would occur under a CEQA exemption such as PRC Section 21080.35, and therefore would be exempt from environmental analysis. For purposes of clarity, however, it is noted that consistent with 2018 less than significant post-mitigation findings for the Project, with the 2024 recirculation of Subchapter 2.7, Section 2.7.5.1, conclusions would be the same. Several items relevant to biological resources are identified as

excluded from the general exemption provided by PRC Section 21080.35.⁵ None of those potential exclusions, however, pertains to the mitigation proposed for the Project because solar panels would be installed upon an existing building on existing impervious surface (a roof) within a developed site. No impact to stream courses or water resources would occur. No take permits for species protected under the federal ESA or California ESA are anticipated. No trees at all would be removed. Potential biological effects would be minor as actions would take place within developed areas and within a limited timeframe for construction, after which installation effects would be relatively passive.

Comments in response to 2024 GHG recirculation suggest need for Hermes copper butterfly, Western spadefoot toad, *Brodiaea filifolia* (thread-leaved Brodiaea) and *Calandrinia breweri* (Brewer's Calandrinia), surveys as well as for "other species." Pre-construction and permitting requirements in the 2018 FEIR will address sensitive species associated with habitat addressed within Habitat Loss Permit requirements. Appropriate habitat for the toad is absent from the site. The single comment as to plant species is not relevant as it appears to be a cut and paste from a 2018 comment previously responded to, topically identified as adequate by the court, and not raised in CEQA challenge to the Project. The butterfly, toad, and brodiaea were addressed in the 2018 documents and no impacts were identified. Brewer's Calandrinia would have been identified if present during comprehensive vegetation inventories. One comment contends that the butterfly and toad categories were changed conditions based on listing categories and expiration of survey period applicability. Both were already considered in the 2018 FEIR analysis, however, and the shifting of a species up or down in terms of sensitivity listing would not change whether the species was identified or the mitigation recommended. Comments regarding alternative site use (purchase and permanent set-aside), and concern over Escondido Creek watershed were also received. Some comments also noted that the Project site is within draft pre-approved mitigation area (PAMA), although that does not directly require conservation. None of the comments received would materially change Project analyses (i.e., result in identification of a new significant impact or deletion of a prior mitigation measure). Readers are referred to more detailed response in the responses to comments to the current FEIR. Although responses were authored for purposes of clarity, the comments would not change any CEQA conclusions in the 2018 FEIR and are immaterial to this FEIR as they are neither new nor substantial.

No revisions to the biological resources topics, analysis, or CEQA conclusions are required.

2.4 Cultural Resources and Tribal Cultural Resources

No changes have been made to this subchapter as approved in 2018. Comments received on cultural and tribal cultural resources during 2018 public review were responded to, were part of

⁵ Potential exclusions include: (d.1) An individual federal permit pursuant to Section 401 or 404 of the federal Clean Water Act (33 U.S.C. Sec. 1341 or 1344) or waste discharge requirements pursuant to the Porter-Cologne Water Quality Control Act (Division 7 (commencing with Section 13000) of the Water Code); (d.2) An individual take permit for species protected under the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.) or the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code); (d.3) A streambed alteration permit pursuant to Chapter 6 (commencing with Section 1600) of Division 2 of the Fish and Game Code; if (e) installation of a solar energy system occurs at an existing parking lot and involves: (e.1) The removal of a tree required to be planted, maintained, or protected pursuant to local, state, or federal requirements, unless the tree dies and there is no requirement to replace the tree, or (e.2) The removal of a native tree over 25 years old.

the 2018 FEIR, and remain part of this FEIR. There was no challenge to the 2018 analyses for this issue and Project design relative to cultural resources and Tribal cultural resources has not changed since 2018 circulation. Development design and impact footprint remain the same. The Project site and nearby surrounding area remains in similar condition to that analyzed; and HGV buildout is consistent with that assumed in baseline conditions.

Implementation of the off-site GHG mitigation measure would occur under a CEQA exemption such as PRC Section 21080.35, and therefore would be exempt from environmental analysis. For purposes of clarity, however, it is noted that consistent with 2018 less than significant post-mitigation findings for the Project, as well as with 2024 recirculation of Subchapter 2.7, Section 2.7.5.1, potential adverse cultural resources/Tribal cultural resources effects would not occur. Panels would be installed on an existing rooftop of a commercial/industrial building without historical sensitivity. No ground disturbance (which otherwise could result in location of currently unknown resources) would occur.

No revisions to the cultural resources and tribal cultural resources topics, analysis, or CEQA conclusions are required.

2.5 Noise

No changes have been made to this subchapter as approved in 2018. Comments received on noise analyses during 2018 public review were responded to, were part of the 2018 FEIR, and remain part of this FEIR. There was no challenge to the 2018 analyses for this issue. The Project site and abutting/nearby surrounding development remains in similar condition to that analyzed; no grading or building has taken place on site and HGV buildout is consistent with that assumed in baseline conditions.

Implementation of the off-site GHG mitigation measure would occur under a CEQA exemption such as PRC Section 21080.35, and therefore would be exempt from environmental analysis. For purposes of clarity, however, it is noted that consistent with 2018 less than significant post-mitigation findings for the Project, as well as with 2024 recirculation of Subchapter 2.7, Section 2.7.5.1, potential noise associated with mitigation implementation would be minimal. Panels would be installed on an existing rooftop of a commercial/industrial building in an existing developed setting and construction would occur within construction-period windows allowed by ordinance.

A few comments made in response to 2024 GHG recirculation generally mentioned “noise” but provided no specific concern. As no specific response could be provided, commenters were referred to the comprehensive discussion in FEIR Subchapter 2.5.

No revisions to the noise analyses topics, analysis, or CEQA conclusions are required.

2.6 Air Quality

No changes have been made to this subchapter as approved in 2018. Comments received on air quality analyses during 2018 public review were responded to, were part of the 2018 FEIR, and remain part of this FEIR. The discussion retains a single reference to natural gas fireplaces in the analysis on page 2.6-9.

Issues related to air quality modeling and Regional Air Quality Strategy analyses were specifically litigated as part of the CEQA challenge to the 2018 Project approval. Construction and operational period emissions were identified as less than significant in the 2018 FEIR and the analyses were upheld by the Court. The Project remains the same, nearby surrounding development remains substantially the same to that analyzed, and HGV buildout was assumed in the prior baseline conditions. Current deletion of natural gas use would incrementally lower the less than significant operational emissions shown in Tables 2.6-7 and 2.6-8, but would not result in any change to the less than significant CEQA conclusions and no reduction is taken. This results in a more conservative (assuming greater impact) assessment, but as noted, the conclusion remains less than significant related to operational emissions.

Implementation of the off-site GHG mitigation measure would occur under a CEQA exemption such as PRC Section 21080.35, and therefore would be exempt from environmental analysis. For purposes of clarity, however, it is noted that consistent with 2018 less than significant findings for Project emissions, potential air quality effects would be minimal. Potential daily construction activities would fall well within those assumed in the 2018 EIR. Criteria pollutants emissions would need to be magnified by 4 to 500 times to reach the analyzed threshold for all emissions but VOCs, which is primarily related to architectural coatings. Architectural coatings would not be part of solar panel installation, so no adverse effect would occur. It is also noted that the Project assumed use of Tier III construction equipment where available. Tier IV is now available in some instances, which could further lower the already less than significant impacts identified for the Project in 2018.

A few comments made in response to 2024 GHG recirculation mentioning “air,” pollution, or that “GHG emissions would affect air quality” etc., provided no specific concern, and the commenter was referred to the comprehensive discussion in FEIR Subchapter 2.6.

No revisions to the air quality analyses topics, analysis, or CEQA conclusions are required.

2.7 Greenhouse Gas Emissions

GHG comments received during 2018 public review were responded to, were part of the 2018 FEIR, and remain part of this FEIR. One exception consists of comments received on credit purchase, which is no longer part of the Project. The Project site and abutting/nearby surrounding development remain in substantially the same condition as previously analyzed in 2018; no changes have been made to the Project and HGV buildout is consistent with that assumed in baseline conditions.

During the CEQA challenge and appeal process, the 2018 FEIR GHG analysis was expressly found to have “adequately considered the cumulative effect of GHG emissions.”⁶ As indicated on the matrix beginning on page 2 above, 2018 GHG elements assessed as adequate during CEQA litigation include: approach and analysis (including traffic generation information such as ADT and VMT, as well as associated roadway effects); a three-year construction period, with duration of specific construction efforts and specified associated construction equipment; sequestration

⁶ See references in footnote 1, above.

effects during construction and subsequent landscaping; and CEQA thresholds of significance (net zero GHG emissions taking into consideration GHG reduction measures).

The current GHG text replaces text provided in the 2018 FEIR and was circulated for public review and comment from August 22 through October 7, 2024. The County updated the regulatory discussion, strengthened PDFs, remodeled impacts with a more recent version of the California Emissions Estimator Model (CalEEMod), and assumed the use of more updated and effective PV panels.

The 2024 GHG recirculation also expressly addressed mitigation measure issues identified as inadequate by the Court. A detailed new mitigation measure addressing installation of solar panels on an existing commercial/light industrial building in the County that would not otherwise be required to install such a system was identified; including detail as to timing, responsibility, funding, reporting, insurance, maintenance/repairs, actions in the event that the property changes hands, a necessary covenant to run with the mitigation property land, and details as to required elements in the HGV South Homeowners Association Covenants, Conditions and Restrictions, etc.

The 2018 FEIR conclusion as to pre-mitigation CEQA significance (significant and mitigable) remains the same. The post-mitigation conclusion of less than significant also remains the same, as emissions would be assessed as net zero based on implementation of proposed PDFs and off-site PV installation. No change to CEQA impact conclusions would occur based on off-site GHG mitigation measure implementation. (Implementation would occur with a CEQA exemption such as PRC Section 21080.35.) Consistent with the 2024 recirculation of Subchapter 2.7, Section 2.7.5.1, it is noted that construction emissions during that one month would generate 4.72 MT CO₂e and after a 30-year amortization, would generate 0.16 MT CO₂e annually. Operationally, the system would avoid 603.61 MT CO₂e annually. Therefore, total avoidance after construction would be 603.45 MT CO₂e (603.61 minus 0.16) annually per megawatt, or 0.60345 MT CO₂e annually per kW of solar installed.

Two clarifying edits are provided. One is in a footnote on page 2.7-20, text addressing track changes text from the 2024 recirculation has been updated to address the current subchapter. The second is provided on page 2.7-29 relative to reductions in GHG emissions related to use of charging stations, where the recirculated section identified the number only for the Center House stations (rather than the Project as a whole and consistent with Table 2.7-5). In addition, administrative references to technical appendix elements circulated with the 2024 GHG analysis have been renamed from 2024 Appendix 1 and 2, to be Appendices J1 and J2, which is consistent with the overall FEIR appendix naming protocol.

Although the 2018 FEIR was found to be legally adequate and sufficient in respect to the Transportation/Traffic analysis, including VMT and the consistency discussion, the Project prepared an Infill Analysis to determine if the Project also met the County's "Infill" requirements, as outlined in Section 3.3.1 of the 2022 TSG. Subsequent to the preparation of Subchapter 2.7 and Attachments, the Court, Division One, held that the evidentiary record developed by the County failed to support the adopted VMT thresholds for: (1) "infill" projects proposed to be built within the County's unincorporated villages (the infill threshold), and (2) projects expected to generate no more than 110 automobile trips per day.

The Project's preparation of an Infill Analysis and its inclusion in Subchapter 2.7 does not change the conclusion that the issue of VMT was raised, litigated, and resolved by the courts, and res judicata applies. As stated by the Appellate Court, "According to the EIR, SANDAG's average trip length is 7.9 miles, and the average distance for Project trips was calculated to be 7.88 miles." Also, "the analysis of the Project's efforts to reduce vehicle emissions through design, location, and minimization of off-site vehicle trips complied with the County's efforts to reduce sprawl and associated emissions" (Appellate Decision, pages 63-64). Moreover, VMT (and the adoption of VMT guidelines) were already well known when the 2018 FEIR was prepared, and the public was not deprived of a meaningful opportunity during the preparation of the EIR to comment upon any potential adverse environmental effect that the Project would have regarding VMT (see CEQA Guidelines Section 15088.5[a]). In fact, VMT was an active topic of discussion during preparation of the 2018 FEIR.

Therefore, comments received on GHG analysis circulated in 2024 and as related to VMT were addressed and were either not substantial, or immaterial (incorrect or previously approved by the Court), as detailed in the responses to comments provided for clarification as part of this FEIR.

No additional revisions to the GHG analyses topics, analysis, or CEQA conclusions are required.

2.8 Significant Irreversible Environmental Changes Resultant from Project Implementation

A single element of this summary discussion has been changed from the 2018 approved FEIR. A reference to use of natural gas has been deleted, as natural gas use is no longer proposed for the Project. This potentially significant adverse effect is now deleted, as shown in track changes on page 2.8-2.

As described throughout this Readers Guide, off-site mitigation proposed under 2024-recirculated M-GHG-1 would not result in significant off-site impacts. In addition, implementation of the off-site GHG mitigation measure would occur under a CEQA exemption such as PRC Section 21080.35, and therefore would be exempt from environmental analysis. See Section 2.7.5.1, *Potential Subsequent Environmental Impacts Related to Mitigation Measure Implementation and CEQA Exemption*.

No additional revisions to the summary of irreversible environmental changes presented in this subchapter are required.

3.1.1 Energy

No changes have been made to this section as approved in 2018. The update to GHG modeling conducted for revised Subchapter 2.7 would result in even lower less than significant impacts related to energy. As a result, no changes are needed to Section 3.1.1, which reflects a more conservative less than significant CEQA conclusion. Comments received on energy use during 2018 public review were responded to, were part of the 2018 FEIR, and remain part of this FEIR. There was no CEQA challenge to the 2018 analyses for this issue and Project use categories and acreages remain identical to those analyzed.

Existing site conditions have not changed relative to energy use. Future site energy demands, however, have been lessened. The 2018 FEIR analyzed energy based on 2018 Project GHG PDFs and 2018 modeling. That text, which supported a less than significant CEQA impact finding, has been retained. As detailed in Subchapter 2.7 of the 2025 FEIR, the overall amount of CO₂e emissions post PDF implementation in Subchapter 2.7 has been lowered from the totals disclosed in the 2018 FEIR. On-site natural gas use assumed in 2018 is no longer part of the Proposed Project. Additionally, more electrical generation would occur on site through improved PV systems. Also, the recirculated Subchapter 2.7 updated PDFs to require use of Title 24 and CALGreen in effect at the time of building permit issuance. This results in the 2018 Court-approved analysis being conservative relative to current conditions and potential Project effects. The CEQA conclusion of less than significant energy impacts remains the same. No comments were received on energy specific to Section 3.1.1 following recirculation in 2024.

The current Project also would lower use of community-wide available electrical resources by providing an existing off-site use with PV panels, thereby reducing its reliance on the grid. Project GHG mitigation would be implemented with a CEQA exemption such as PRC Section 21080.35. The mitigation would not require changes to any transmission or distribution facility or connection, which can constitute an exception to the exemption. Rather, mitigation would install solar panels on an existing commercial/industrial building within a developed setting that is already served by such connections. It is also noted that, consistent with the 2024 recirculation of Subchapter 2.7, the mitigation would result in energy use avoidance, with energy operational effects therefore being beneficial.

Consistent with CEQA Guidelines Section 15088.5, recirculation is not required simply because new information is added, or where new information clarifies an adequate discussion, which is the case here. The *lessening* of less than significant energy impacts that would occur if the Project is approved does not meet thresholds for recirculation. There would be: (1) no new significant energy impact, or (2) no substantial increase in the previously identified less than significant energy impact (in fact, the reverse would occur).

No revisions to the energy section analyses topics, analysis, or CEQA conclusions are required.

3.1.2 Geology and Soils

No changes have been made to this section as approved in 2018. Comments received on geotechnical issues during 2018 public review were responded to, were part of the 2018 FEIR, and remain part of this FEIR. There was no challenge to the 2018 analysis for this issue. The Project site remains the same and nearby surrounding area remains substantially the same to that analyzed; no grading or building has taken place.

Implementation of the off-site GHG mitigation measure would occur under a CEQA exemption such as PRC Section 21080.35, and therefore would be exempt from environmental analysis. For purposes of clarity, however, it is noted that consistent with 2018 less than significant findings for the Project, as well as with 2024 recirculation of Subchapter 2.7, Section 2.7.5.1, potential geological/soils effects would not occur. GHG mitigation would install solar panels on an existing commercial/industrial building within a developed setting, with no ground disturbance or change

to the existing building structure. There would therefore be no change to susceptibility to geotechnical issues.

No revisions to the geology/soils analyses topics, analysis, or CEQA conclusions are required.

3.1.3 Hazards and Hazardous Materials

No changes have been made to this section as approved in 2018. Comments received on hazards/wildfire/emergency evacuation analyses during 2018 public review were responded to, were part of the 2018 FEIR, and remain part of this FEIR. In addition to Section 3.1.3, detailed global responses were provided in the 2018 FEIR (Sections 8.3.3, *Fire Hazards Impact Analysis* and 8.3.4, *Adequacy of Emergency Evacuation and Access*). The Project site and abutting development remain substantially the same to that analyzed; no grading or building has taken place on site and HGV buildout is consistent with that assumed in baseline conditions. The Project footprint design and use categories and build components remain identical to that analyzed relative to these issues, and issues raised during CEQA challenge of the Project were not successful. Among other issues, topics related to fire starts, evacuation and secondary access were specifically litigated during CEQA challenges to the Project. The challenges to the 2018 analyses for this topic were not successful. The Court found that:

“the EIR contains a CEQA-compliant discussion of the potential wildland fire risks or exacerbation caused by the Project and the fire risks in the Project’s vicinity, and that substantial evidence supports its conclusion that the Project measures would reduce them to a level of insignificance”

and also concluded that:

“the EIR’s discussion of evacuation routes and timing satisfies CEQA requirements” (Appellate Decision pages 40 and 51, respectively).

Implementation of the off-site GHG mitigation measure would occur under a CEQA exemption such as PRC Section 21080.35, and therefore would be exempt from environmental analysis. For purposes of clarity, however, it is noted that consistent with 2018 less than significant findings for the Project, as well as with 2024 recirculation of Subchapter 2.7, Section 2.7.5.1, potential hazards/hazardous materials effects would be minimal. GHG mitigation would install solar panels on an existing commercial/industrial building within a developed setting, with no change to existing associated hardscape, landscape, or non-roof existing building structure. Potential fire and (any potential current) hazardous materials handling issues would not be changed. Following the short-term installation period, personnel would be on site only for maintenance as necessary. There would therefore be virtually no change to susceptibility to fire, fire starts, etc. issues.

Comments received during 2024 GHG review were largely repetitive with prior contentions, or identified issues that were either not new, not substantial, or immaterial. These included allegations of general fire risk, evacuation concerns (including assertions regarding worst-case assumptions of numbers of cars on the road), existence of “new” regulations, guidance, etc., and references to a Fire Safe and Low VMT Alternative in the 2024 CAP. None of the queries raised resulted in changes to 2018 CEQA significance conclusions. For clarification purposes, each of these issues

was addressed in current responses to comments, both individually and in global responses, as appropriate.

No revisions to the hazards/wildfire/emergency evacuation analyses topics, analysis, or CEQA conclusions are required.

3.1.4 Hydrology / Water Quality

No changes have been made to this section as approved in 2018. Comments received on hydrology/water quality analyses during 2018 public review were responded to, were part of the 2018 FEIR, and remain part of this FEIR. There was no challenge to the 2018 analyses for this issue. The Project site remains in a similar condition to that analyzed; no grading or building has taken place.

Implementation of the off-site GHG mitigation measure would occur under a CEQA exemption such as PRC Section 21080.35, and therefore would be exempt from environmental analysis. For purposes of clarity, however, it is noted that consistent with 2018 less than significant findings for the Project, as well as with 2024 recirculation of Subchapter 2.7, Section 2.7.5.1, potential hydrology/water quality effects would be minimal. Solar panels would be installed upon an existing building on existing impervious surface (a roof) within a developed site. No impact to stream courses or water resources would occur. Because there would be no grading, there would not be any discharge or fill material associated during roof-top installation and long-term PV system operation. Runoff would continue to flow from the rooftop with no change to volume or water quality as under existing conditions. Potential exclusions from the exemption therefore do not apply, and adverse hydrology/water quality effects are not expected.

Some comments received during GHG recirculation review mentioned impacts on “water” but did not identify specific concerns. As specific responses could not be provided, the commenter was referred to the comprehensive discussion in FEIR Section 3.1.4. Another comment mentions water supply. The Project does not meet the threshold for Water Supply Assessment preparation (500 residential units), but analysis did project supply need over a 20-year planning period and address availability of water during drought years. None of the comments provided new information varying from 2018 Project analyses. Although responses were authored for purposes of clarity, the comments would not change any CEQA conclusions in the 2018 FEIR and are immaterial to this FEIR as they are neither new nor substantial.

No revisions to the hydrology/water quality analyses topics, analysis, or CEQA conclusions are required.

3.1.5 Land Use and Planning

No substantive changes have been made to this section as approved in 2018. Comments received on land use and planning analyses during 2018 public review were responded to, were part of the 2018 FEIR, and remain part of this FEIR. In addition to Section 3.1.5, detailed global responses were provided in the 2018 FEIR (Sections 8.3.1, *Project Consistency with General Plan Policy LU-1.4* and 8.3.2, *General Plan/Community Plan Amendments CEQA Impact Analysis*). The Project site and nearby surrounding area remains similar to that analyzed; no grading or building has taken place on site and HGV buildout is consistent with that assumed in baseline conditions.

Issues related to village expansion/boundary line and plan conformance, conformity with San Diego Forward, as well as a contention that HGV South was subject to Elfin Forest septic restrictions, were explicitly litigated during the CEQA challenge to the 2018 Project. Challenges to the 2018 analyses for this topic have withstood legal challenge. The analyses were not found deficient and recirculation was not required. See also Global Response: Res Judicata and New Information.

Implementation of the off-site GHG mitigation measure would occur under a CEQA exemption such as PRC Section 21080.35, and therefore would be exempt from environmental analysis. For purposes of clarity, however, it is noted that consistent with 2018 less than significant findings for the Project, as well as with 2024 recirculation of Subchapter 2.7, Section 2.7.5.1, potential off-site adverse land use and planning effects would not occur. GHG Mitigation would install solar panels on an existing commercial/industrial building within a developed setting that would not already be required to support solar panels (i.e., on an existing building that would not require a permit as part of other improvements). As shown throughout the associated focused discussions on mitigation implementation, no notable environmental impacts would occur as a result of off-site mitigation.

In fact, mitigation implementation would provide a benefit in line with County planning efforts to decrease use of non-renewable energy sources, increase use of renewable energy sources, and add solar capability to existing structures that would not otherwise be mandated, which is also consistent with CARB's Scoping Plan, Appendix D.

Comments received during GHG recirculation review again suggest Project inconsistencies with planning document policies; including development patterns, development outside village boundaries, land use designations, land use density, sprawl, adequacy of public services, policies included within other elements of the General Plan (e.g., Safety), and both Project specific and General Plan Amendment concerns, as well as concern over perceived commitments by the County regarding potential for additional development in the Harmony Grove area. None of the comments provided new information varying from 2018 Project analyses. Although responses were authored for purposes of clarity, the comments would not change any CEQA conclusions in the 2018 FEIR and are immaterial to this FEIR as they are neither new nor substantial. One clarification has been made consistent with recirculated Subchapter 2.7. On page 3.1.5-38, an outdated year reference relative to CALGreen has been deleted and the appropriate reference for current PDFs has been restricted to Table 1-2. These minor clarifications are for purposes of consistency and do not affect the conservative nature of the analysis, or affect the less than significant CEQA conclusions.

No additional revisions to the land use and planning analyses topics, analysis, or CEQA conclusions are required.

3.1.6 Paleontological Resources

No changes have been made to this section as approved in 2018. Comments received on paleontological resources analyses during 2018 public review were responded to, were part of the 2018 FEIR, and remain part of this FEIR. There was no challenge to the 2018 analyses for this issue. The Project site and nearby surrounding area remain in a similar condition to that analyzed;

no grading or building has taken place on site and HGV buildout is consistent with that assumed in baseline conditions.

Implementation of the off-site GHG mitigation measure would occur under a CEQA exemption such as PRC Section 21080.35, and therefore would be exempt from environmental analysis. For purposes of clarity, however, it is noted that consistent with 2018 less than significant findings for the Project, as well as with 2024 recirculation of Subchapter 2.7, Section 2.7.5.1, potential adverse paleontological effects would not occur. Solar panels would be installed on an existing rooftop of a commercial/industrial building. No ground disturbance would occur; the GHG mitigation location would therefore lack potential paleontological sensitivity.

No revisions to the paleontological resources analyses topics, analysis, or CEQA conclusions are required.

3.1.7 Population and Housing

No changes have been made to this section as approved in 2018. Specific comments on the population and housing section were not received in 2018. There was no challenge to the 2018 analyses for this issue. The Project site and nearby surrounding area remain in a similar condition to that analyzed; no grading or building has taken place on site and HGV buildout is consistent with that assumed in baseline conditions.

Implementation of the off-site GHG mitigation measure would occur under a CEQA exemption such as PRC Section 21080.35, and therefore would be exempt from environmental analysis. For purposes of clarity, however, it is noted that consistent with 2018 less than significant findings for the Project, as well as with 2024 recirculation of Subchapter 2.7, Section 2.7.5.1, potential adverse population and/or housing effects would not occur. Installation of solar panels on an existing rooftop of a commercial/industrial building would not displace residents or result in housing removal.

No revisions to the population and housing analysis topics, analysis, or CEQA conclusions are required.

3.1.8 Public Services

No changes have been made to this section as approved in 2018. Comments received on public services during 2018 public review were responded to, were part of the 2018 FEIR, and remain part of this FEIR. There was no challenge to the 2018 analyses for this issue. The Project site and nearby surrounding area remain in a similar condition to that analyzed; no grading or building has taken place on site and HGV buildout is consistent with that assumed in baseline conditions.

Implementation of the off-site GHG mitigation measure would occur under a CEQA exemption such as PRC Section 21080.35, and therefore would be exempt from environmental analysis. For purposes of clarity, however, it is noted that consistent with 2018 less than significant findings for the Project, as well as with 2024 recirculation of Subchapter 2.7, Section 2.7.5.1, potential adverse public services effects would not occur. Installation of solar panels on an existing rooftop of a commercial/industrial building would not result in additional population requiring school, fire, or police services.

A number of comments received during GHG recirculation review voice concern over the Harmony Grove fire station not having been built by HGV. The comments do not provide new information varying from 2018 Project analyses, and do not relate to HGV South (which would pay appropriate fees). Although responses were authored for purposes of clarity, the comments would not change any CEQA conclusions in the 2018 FEIR and are immaterial to this FEIR as they do not relate to the HGV South (which would pay appropriate fees) and are neither new nor substantial.

No revisions to the public services analyses topics, analysis, or CEQA conclusions are required.

3.1.9 Recreation

No changes have been made to this section as approved in 2018. Comments received on recreation analyses during 2018 public review were responded to, were part of the 2018 FEIR, and remain part of this FEIR. There was no challenge to the 2018 analyses for this issue. The Project site and nearby surrounding area remain in a similar condition to that analyzed; no grading or building has taken place on site and HGV buildout is consistent with that assumed in baseline conditions.

Implementation of the off-site GHG mitigation measure would occur under a CEQA exemption such as PRC Section 21080.35, and therefore would be exempt from environmental analysis. For purposes of clarity, however, it is noted that consistent with 2018 less than significant findings for the Project, as well as with 2024 recirculation of Subchapter 2.7, Section 2.7.5.1, potential adverse recreation effects would not occur. Installation of solar panels on an existing rooftop of a commercial/industrial building would not result in additional population requiring new, or otherwise affect existing, recreational resources.

No revisions to the recreation analyses topics, analysis, or CEQA conclusions are required.

3.1.10 Utilities and Service Systems

No changes have been made to this section as approved in 2018 except for administrative consistency edits consisting of deletion of a reference to natural gas on page 3.1.10-1 and modification of Title 24 and CALGreen dates on page 3.1.10-7. These have both been updated consistent with 2024 Subchapter 2.7 recirculation and revised PDFs. These focused changes have no effect on the CEQA analysis or less than significant conclusions in this section. Comments received on utilities and service systems related to water supply and wastewater treatment analyses during 2018 public review were responded to, were part of the 2018 FEIR, and remain part of this FEIR. There was no challenge to the 2018 analyses for this issue. The Project site and nearby surrounding area remain in a similar condition to that analyzed; no grading or building has taken place on site and HGV buildout is consistent with that assumed in baseline conditions.

Implementation of the off-site GHG mitigation measure would occur under a CEQA exemption such as PRC Section 21080.35, and therefore would be exempt from environmental analysis. For purposes of clarity, however, it is noted that consistent with 2018 less than significant findings for the Project, as well as with 2024 recirculation of Subchapter 2.7, Section 2.7.5.1, potential adverse effects to utilities and service systems would not occur. Installation of solar panels on an existing

rooftop of a commercial/industrial building would not result in increased water or wastewater generation within the building.

A few comments received during GHG recirculation review noted concern over drought/water use. None of the comments provided new information varying from 2018 Project analyses. Although responses were authored for purposes of clarity, the comments would not change any CEQA conclusions in the 2018 FEIR and are immaterial to this FEIR as they are neither new nor substantial.

No additional revisions to the utilities and service systems analyses topics, analysis, or CEQA conclusions are required.

3.2 Effects Found Not Significant During Initial Study

This subchapter addresses two topics, Agricultural Resources and Mineral Resources. No changes have been made to these sections as initially approved in 2018. There was no CEQA challenge to the 2018 analyses for these issues, and Project footprint remains identical to that analyzed.

Implementation of the off-site GHG mitigation measure would occur under a CEQA exemption such as PRC Section 21080.35, and therefore would be exempt from environmental analysis. For purposes of clarity, however, it is noted that consistent with 2018 less than significant findings for the Project, as well as with 2024 recirculation of Subchapter 2.7, Section 2.7.5.1, potential adverse effects to agriculture or minerals would not occur. Implementation of off-site mitigation associated with M-GHG-1 would occur on a roof of an existing building on an existing developed site, without ground disturbance.

No revisions to the agricultural or minerals analyses topics, analysis, or CEQA conclusions as presented in the Project Initial Study/2018 FEIR are required.

4.0 Alternatives

No substantive analysis changes have been made to this chapter as initially approved in 2018. The Project footprint design and associated uses remain identical to that analyzed, as do the potential analyzed alternatives. The post-mitigation conclusions of less than significant also remain the same, as GHG emissions would be assessed as net zero based on implementation of proposed PDFs and off-site PV installation. Comments received on alternatives analyses during 2018 public review were responded to, were part of the 2018 FEIR, and remain part of this FEIR. Issues related to need for additional alternatives, including the “Harmony Commons Alternative/Council Alternative” were specifically addressed in 2018 RTC O3a-50. Issues related to need for additional alternatives were explicitly litigated during the CEQA challenge to the Project and were not successful. Project 2018 FEIR analyses were upheld by the Court.

Implementation of the off-site GHG mitigation measure would occur under a CEQA exemption such as PRC Section 21080.35, and therefore would be exempt from environmental analysis. For purposes of clarity, however, it is noted that consistent with 2018 less than significant findings for the Project, as well as with 2024 recirculation of Subchapter 2.7, Section 2.7.5.1, potential need for new alternatives would not occur. CEQA Project design alternatives do not change based on

off-site GHG mitigation measure implementation that would not result in significant impacts. This is the case for the HGV South Project, as discussed above for each CEQA FEIR resource topic.

A few comments made on alternatives during the public comment period for the 2024 recirculated GHG analyses have been responded to in 2025 responses to comments. None of the queries raised resulted in changes to 2018 CEQA significance conclusions. Administrative editorial edits have been made on pages 4-8, -13, 20, -27, and -34 to eliminate references to M-GHG-2 (Project mitigation is now accomplished under a single mitigation effort, as opposed to being separated into construction and operational phases). In addition, portions of a page 4-13 footnote relative to proposed credit purchase, also no longer a GHG mitigation element, have been deleted.

No additional revisions to the alternatives analyses topics, analysis, or CEQA conclusions are required.

5.0 References Cited

The list of references cited from 2018 is retained. In addition, four sections preceding the 2018 references have been added on pages 5-1 through 5-4. “References Cited in 2024-recirculated Subchapter 2.7” note updated/new references from Subchapter 2.7, *Greenhouse Gas Emissions*, text circulated for comment in 2024. “References Cited in 2024 by Project Commenters” includes references for items cited in hazards comments received during 2024 GHG text circulation and responded to as part of the 2025 clarifications/responses to comments. “Reference Cited in Response to Public Comments that is Part of the Official County Project Records” includes a reference to one document for a project previously approved and implemented in the County, and “Reference that is Part of the Official Project Records for the 2018 FEIR” includes a citation to the 2018 Planning Commission public hearing transcript.

6.0 List of EIR Preparers and Persons and Organizations Contacted

No new persons or organizations were contacted, but individuals who participated in 2024 recirculation and 2025 FEIR efforts include some additional staff who were not involved in 2018 Project efforts. These individuals have been added to the list of preparers. Ldn Consulting, a previous team member, had an expanded role in recirculation efforts, which is also clarified.

7.0 List of Mitigation Measures and Project Design Features

As described in the 2024 recirculation of GHG information, a new GHG mitigation measure (M-GHG-1) deletes 2018 reliance on credit purchase, and instead requires in-County mitigation through PV system installation on an existing building that would not otherwise be upgraded. That mitigation measure is shown in Section 7.1.7 in track changes. In addition, focused PDFs have been deleted, revised and/or added to further clarify and strengthen PDFs included in the 2018 FEIR. Duplicative of Subchapter 2.7 PDFs, changes are shown in track changes in Sections 7.2.8 through 7.2.11 and include focused applicable Air Quality PDFs as well as GHG PDFs. Identical to Table 1-2 discussed above, where PDFs have only been renumbered to match Section 2.7 and *Global Climate Change* Report numbering, only the number is shown in track changes. Text is shown in track changes where substantive elements have been modified between the 2018 and 2025 FEIR documents. These amendments to the mitigation measure and PDFs do not result in

changes to the GHG CEQA conclusions (less than significant post-mitigation), or to any other CEQA significance conclusions discussed in this FEIR.

8.0 Letters Received on the Draft EIR, Revised Draft EIR, 2024 GHG Recirculation, and Responses

Volume II of this FEIR remains largely as approved in 2018, including the Volume II Information for the Reader provided in the 2018 FEIR. Volume II addresses comments received during circulation of the DEIR in 2017, as well as recirculated Subchapter 2.7 in 2018 following County changes to GHG evaluation. The individuals who commented, responses to their comments, and global responses authored to address common themes in comments submitted remain largely the same. Changes are focused and limited. The 2018 document assumed GHG mitigation measures (M-GHG-1 for construction-period and M-GHG-2 for operational-period emissions) would be offset through purchase of credits from a qualified bank after implementation of proposed PDFs. That is no longer the case. As documented in the 2025 FEIR Summary, Subchapter 2.7, and Chapter 7.0, mitigation now consists of PV panel installation on an existing commercial/industrial structure(s) within the County. As a result, in the Volume II Information for the Reader, a reference to GHG credit purchase has been struck. Similarly, in global responses, a reference to credit purchase offset and reference to Section 8.3.7 in Section 8.3.6 (page 8-58), and all of 2018 Section 8.3.7 of this chapter (pages 8-59 through 8-70) have been struck. Global responses following deleted Section 8.3.7 have been renumbered. One change regarding 2016 Title 24 was made on page 8-73, which has been updated consistent with 2024 Subchapter 2.7 recirculation. Similarly, in addition to direction provided in the Volume II Information for the Reader, references to credit purchase or M-GHG-2, 2016 Title 24, CALGreen, or natural gas in Volume II individual RTCs of this chapter should be read as struck.

Volume III is wholly new and has been added to the FEIR post 2018 circulation based on the 2024 recirculation of Subchapter 2.7 and Attached Documents, comments received during recirculation public review, and responses authored to comments received. It could be shown entirely in track changes. For the ease of reader review, it is shown in clean format. Volume III includes a list of 2024 comment-period commenters, four global responses prepared in response to comments received, and all of the individual comments received during the public comment period as well as responses to them.

The four global responses address:

- Res Judicata and New Information
- Lack of Need for Recirculation
- Reconsideration of General Plan Consistency Determination
- 2024 Fire / Evacuation

The first two global responses support the County in providing clarification regarding the legal concept of res judicata as well as documentation of why additional recirculation is not required. The last two global responses address issues raised consistently in the comments, including topics for which recirculation was not required based on County consideration of Court decisions (the affordable housing condition is also spelled out in Global Response: Reconsideration of General Plan Consistency Determination).

Individual responses were prepared where comments did not fall into the general categories noted above or presented more individualized comment. They are organized into two overall categories, Organizations and Individuals. All responses are identified starting with Re (Recirculation), followed by O or I (Organization or Individual), and then organized in alphabetical order. Where a single commenter submitted more than one comment, they are additionally identified as a, b, etc.

It is noted that two groups of late comments include comments received after close of public review at 4:00 p.m. on October 7, 2024.(and within approximately one week thereafter), as well as a group of letters received in January 2025. Late comments are not included within the body of the FEIR, but both the late comments and responses to them are available on the County website Project files.

FEIR Modifications CEQA Summary

As described within technical discussions and responses to comments as appropriate, each of these focused changes are clarifying in nature, do not constitute significant new information regarding the Project, and are consistent with CEQA significance conclusions reached in the 2018 FEIR as amended by the 2024 recirculation for GHG of Subchapter 2.7 and Attached Documents. No changes were identified to CEQA impact assessments based on these data.

Files Availability. The 2024 revised EIR section, previous 2018 EIR, and 2025 FEIR, as well as all relevant technical reports and attachments are available on the PDS website: https://www.sandiegocounty.gov/content/sdc/pds/ceqa_public_review.html, or at the PDS Project Processing Counter at 5510 Overland Avenue, Suite 110, San Diego, California, 92123.