

COMMENTS

RESPONSES

Ehsan, Beth

From: allsaid <allsaid@cox.net>
Sent: Wednesday, June 10, 2015 6:58 PM
To: Ehsan, Beth
Cc: Loy, Maggie A; Sibbet, David
Subject: Comment to Valiano PDS2013-SP-13-001 DEIR

Beth Ehsan,

1.2 (pg. 1-1) Planning Objectives
Develop a Community which compliments and responds to the unique topography and character of the plan area and surrounding areas.

CM-1

Comment: The Valiano Project is in direct conflict with the Eden Valley Community character which is single-family, rural-residential, and agricultural in use, with large lots, residential livestock keeping, dark skies, no sewer, no curbs, no street lights, no traffic lights, no sidewalks, low traffic volumes, and trails for all residents. Eden Valley generally remains in its natural state with density appropriate to existent zoning.

Valiano has 326 homes on 209 acres, 12 detached condo lots, and 54 lots could accommodate second dwellings.

1.2 (pg. 1-4) Planning Objectives
Design a safe and efficient circulation system that adequately supports the anticipated levels of traffic in and around the planned area that is pedestrian safe.

CM-2

Comment: According to 11.0 Access and Other Issues and 11.1 Access Road Discussion, they state "Project access is proposed via Eden Valley and Mt. Whitney Rd. all connecting to Country Club Dr." But Eden Valley and Mt. Whitney are private road ways for their entire length. They are currently paved curb to curb with less than private road standards of 24 feet. They will be graded to 28 feet for the 24 foot paved improvement. Eden Valley currently has 480 ADT. This roadway is expected to carry 1,862 ADT. Mt. Whitney's current ADT is 200, but will be increased to 1,662 ADT. Both of these roads, Mt. Whitney and Eden Valley, will be Valiano's main access roads to their development. These flow onto Country Club Dr., the main access out of Eden Valley, which is a rural, two-lane, tree-lined road with no curbs and commercial weight limits. All of these roads currently have no sidewalks and are used for pedestrians and equestrians. This is in direct conflict with the safety to the surrounding area Valiano claims it will have. The Valiano development will drastically effect the traffic and safety to the current residents of Eden Valley and their rural lifestyle.

Reference: Traffic Impact Analysis (pg. 18, sec. 5.11)

Significantly impacting congestion on roads that operate at LOS "E" or "F." If impacts cannot be mitigated, the project cannot be approved unless a statement of overriding findings is made pursuant to state CEQA guidelines.

CM-3

1.6.1 (pg. 1-6) Regional and Local Setting

CM-1

The "SR" portion of the SR-0.5 land use designation in the County is an abbreviation for "Semi-rural." The existing land use designation on the site and in the neighborhood is also semi-rural (SR-1 and SR-2). The rural themes relate to incorporation of horse properties in Neighborhoods 3 and 5, retention of equestrian elements in the southeastern portion of the Project in Neighborhood 5, incorporation of bridle trails along Project roads, including three-rail equestrian fencing, retention of agricultural elements/easement on Project parcels, etc. See Response AR-2 regarding sewer and septic questions. Sidewalks would be limited (see Figure 1-16 for locations). Trails would have decomposed granite. Asphalt berms are proposed instead of concrete curbs, precisely for their rural feel. No traffic lights are proposed as part of this Project. The locations of Project-proposed street lights are depicted on EIR Figure 1-30. With regard to street lights, see Response AG-1. Regarding trails, the Project would provide trails along primary Project roadways, including a provision for (currently non-existent) a public trailway along Mt. Whitney Road and along the portion of Country Club Drive that abuts Neighborhood 5. In this latter area, a trail would be provided along the north-easternmost portion of the parcel boundary, entering the Project to access the Neighborhood park and equestrian staging area before exiting at the Project's southern boundary adjacent to trail segments to be provided by Harmony Grove Village. Although Eden Valley contains a variety of rural and semi-rural uses, the majority of the "natural" area is on the Project site, where oaks and drainage areas still exist. The rest of the valley has largely been converted to private use. See Responses U-2a, AD-5, and K-11b as well as Topical Response: General Plan Amendment and Subarea Boundary

CM-2

The Project would improve Project access roads (Eden Valley Road, Mount Whitney Road, and the future entrance roads to the south) to County of San Diego Private Road Standards to the extent possible. If there are physical and structural limitations, it is possible that not all of Mount Whitney Road could be constructed to County standards. If this is the case, a design exception would be requested from the County. The County must ensure that the road is safe to grant the design exception. The Project also proposes a system of public and private trails and pathways for pedestrians, bicyclists, and equestrian users within the Project site as described in Subsection 1.2.1.2 in Chapter 1.0 of the EIR. Mitigation is recommended for each of the Project's impacts to County roadways.

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This plan area's location near these transportation and services resources make it an ideal location for a "infill smart growth" project. The Harmony Grove Village Specific Plan abuts the southern portion of Valiano Specific Plan whereas the Harmony Grove Village Specific Plan is further from infrastructure as described above compared to the Valiano Specific Plan.

CM-3
cont.

Comment: That statement might be factual for the location of the Valiano Project, but under a false narrative. The Valiano Project does not meet SANDAG's smart growth criteria. The Harmony Grove Village Specific Plan's implementation was agreed to by the surrounding communities; and the number of homes was calculated with the county to support the commercial infrastructure and growth to the current zoning 2020 General Plan, so the build out would not disturb the current residents so dramatically as the Valiano Specific Plan, which will now surround the current community of Eden Valley. Also, Neighborhood 5 is not in the City of Escondido's sphere of influence, but falls within the Elfin Forest Harmony Grove Community Plan policy LU-1.5.3, which calls for large two acre lots, all horse keeping, no sewer. Neighborhood 5 is within the Harmony Grove Village limit line, which was designed to be a buffer to the existing community of Eden Valley as per the 2020 General Plan.

2.6.1.4 Existing Noise Sensitive Land Uses

"Additionally, livestock located in the general vicinity project site may be sensitive to noise generated during construction activities."

"The purpose of the noise ordinance include controlling disturbing, offensive, and excessive noise. Providing an environment in which noise is not detrimental to life, health, and enjoyment of property [...] securing and promoting the public health, comfort, convenience, safety, welfare, prosperity, peace and quiet of San Diego County and its inhabitants. (County Code Sections 36.401 [b], [d], and [e]."

CM-4

Comments: Though CEQA does not have any "noise level analysis" for hearing of farm/livestock and its effects, they are included in the DEIR's 2.6.4 Existing Noise Sensitive Land Uses. This project surrounds or is adjacent to many large animal-keeping properties. Eden Valley has a large horse-keeping population. There are many horse training and breeding facilities, also including a large three-tiered, permitted, first of the County's kind, breeding-training facility. It is well documented the "inherent nature" of horses and the risk involved with them. Horses have binaural hearing and can hear sounds concurrently. They can detect sounds, but not accurately detect location. This trait can cause a horse to easily be frightened with undetectable sounds. Horses hear frequencies which range from 55 to 35,500 Hz. A frightened horse can be extremely dangerous to itself, a rider, or handler. They are motion and sound sensitive, and their general instinct is to flee any situation which they perceive dangerous. Reactions usually consist of, but not limited to, bolting, spinning, kicking, bucking, or running away. Any large animal facility near construction or blasting will suffer unmitigated "safety and loss of property use."

Subchapter 2.6 Noise Mitigation Measures of a 12 foot high barrier erected along a length of "off site structures" might visually obstruct equipment but DO NOTHING for the resident's safety while working with livestock, not to mention the animals themselves.

CM-5

Subchapter 2.6 Oversight Proposed Project Effects
The proposed projects geotechnical reports note that the site is underplayed by granite rock formation [...] Hard rock handling, ripping of materials, drilling of nonrippable materials, and breaking of oversized

CM-3

See Responses D-1 and D-4a regarding Project proximity to smart growth areas. See Response AD-2 regarding the need for a GPA, Topical Response: General Plan Amendment and Subarea Boundary Adjustment CEQA Analysis regarding EFHGCP policy LU-1.5.1, Response K-129 regarding animal keeping, and Responses G-3 and G-7 for discussion of the EFHGCP's direction regarding septic versus sewer.

CM-4

The noise mitigation measures include a 12-foot barrier (M-N-7) to control noise from ripping, drilling, or excavation activities and equipment. The visual obstruction of the equipment is a major reason for the effectiveness of the noise barrier, as it blocks the direct path of sound between the noise source and the noise receiver. Based upon the noise analysis in the EIR, noise would be reduced to below a level of significance for sensitive receptors per County standards at the specified distances with a nose barrier for ripping, drilling, or excavation. The effectiveness of the noise barriers to reduce noise levels to below significance thresholds is confirmed by decades of empirical data and industry-standard noise models.

Blasting impacts would be mitigated with the implementation of a blasting control plan developed and approved according to established County Sheriff standards (M-N-9) that would ensure that blasting activities comply with all applicable federal, state, and County regulations. The Project would also implement Project Design Features to minimize blasting effects to livestock.

See Response K-149b with respect to potential impacts to livestock and a Project alternative that minimizes grading and blasting.

CM-5

See Response K-149b with respect to potential impacts to livestock.. Any evacuation of horses would be strictly voluntary; and the horse owner's decision whether to participate. Residents will be given at least 48-hour notice prior to blasting to make alternative preparations.

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CM-5
cont.

materials via the use of a large dozer is one of the main noise issues related to proposed project construction [...] therefore impacts from ripping would be potentially significant (Impact N-7) [...] Impacts associated with breaker noise would be potentially significant (Impact N-8).

*Potential Blasting Locations Helix Figure 1-30
Notice to residents within or partially within 600 feet of blasting location and residents will be given the option to move their livestock to a designated remote location, and will be the responsibility of the blasting contractor.*

Comment: As a current horse trainer with 40 years experience, though this idea sounds good in theory, it is highly inadequate. Livestock not within the 600 foot radius will still feel the effects (vibration and noise) and can easily become injured, including handlers. Not all horses can be transported safely, and do not always get along with other livestock. Transporting them to an unfamiliar location without accommodations they are accustomed to can also pose a safety issue to them and their handlers.

CM-6

It is stated in the *Chapter 1.0 Project Design Features Table 1-4, pg. 1-38* “the remote locations will be identified on the blasting plan, and will be the responsibility of the contractor.” Will this blasting contractor be carrying “care, custody, and control” insurance? Will accommodations be made for hard-to-house livestock? Will transportation be provided for residents without trailers—at contractor’s expense? Will contractors have professional handlers to supervise horses and livestock in their care? What mitigation measures will be put in place for animals which cannot be safely transported?

CM-7

Valiano Existing Fuel Treatment Area Exhibit (PDF File: 2015-05-02)

Comment: Though fire is everyone’s concern, off-site property exhibits may fall into the “150 foot easement of the project required criteria of Zone 2. (SMFD Easement Agreement for Fuel Modification).” Valiano Development could dictate property owners use of the type of landscape on private off-site properties.

CM-8

*Valiano Fire Protection Plan (pg. 13 of 92) Map
Dated March 12, 2015:
However, Fire Wise 2000, Inc. did not find that any large fires had burned the project in the last 50 years. As stated earlier, existing and past agriculture activities in the majority of the project site has profoundly changed the native fuels. This history of agriculture in the area could be the reason and likely cause of no large catastrophic wildfires in the immediate area.*

Comment: False! The Cocos Fire, May 14 2014, one of 12 fires burning countywide burned over 35 homes and other structures, cost over \$28,000,000 total, and burned over 1,995 acres. Four major fires have burned through Harmony Grove since 1996.

CM-9

*1.3 Offsite Vegetation
“Western Boundary.” The western boundary is the most significant exposed to the project site. There are large interspersed, native fuel areas and residential structures. Ignition to these fuels greatest threat to the development would be by flying embers during above average 30 mph winds from the southwest and west. A wildfire approaching the wildfire perimeter along this exposure would be on a downhill slope. The fact is the*

CM-6

See Response K-149b with respect to potential impacts to livestock. All blasting planning and impacts and/or damages that may occur are the responsibility of the applicant and the blasting planning company. The Applicant is offering to relocate livestock during blasting as a service to the community and not as a mitigation measure. If the owner chooses to participate in this voluntary option, the owner would be responsible for the safety of his/her livestock.

CM-7

See Response I-49 regarding off-site fuel modification zones.

CM-8

Section 1.4.4 of the FPP has been revised to address this comment. The Cocos Fire was a disastrous fire. The FPP assumptions used to calculate fire behavior parameters for a worst-case scenario used more severe weather than that of the Cocos Fire. The FPP states that the worst-case climate parameters and assumptions used for the fire behavior modeling process were as follows:

- 1-Hour Fine Fuel Moisture of 2 percent
- 10-Hour Fuel Moisture of 3 percent
- 100-Hour Fuel Moisture of 5 percent
- Live Herbaceous Fuel Moisture of 30 percent
- Live Fuel Moisture of 50 percent
- 60 mph Santa Ana winds and 30 mph prevailing southwest winds

The Coco Fire conditions were not more severe than the assumptions listed above used to calculate potential fire behavior parameters during a worst case scenario wildfire incident. Therefore, more extreme assumptions in the FPP were used to provide the fuel modifications and other enhanced mitigations for the greatest protection to structures within the Project.

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CM-9 cont.

worst-case weather conditions do not occur from this direction. Generally the winds from this direction have a higher relative humidity and lower temperatures (as opposed to extreme worst-case Santa Ana northeast winds).

Comment: The western boundary they are referring to is the 99 acres owned by Valiano and the additional optioned Valiano Properties that run along the base of Coronado Hills from Mt. Whitney to Hill Valley. The Cocos Fire started on the backside of Coronado Hills near Cal State San Marcos in San Marcos, crossed up over Coronado Hills burning 95% of Valiano's property, raged straight down to Mt. Whitney—which would be one of their main ingresses and egresses to their proposed development—to Country Club Dr., destroying two homes, three outbuildings, and numerous vehicles along Mt. Whitney; burning five to 10% of Neighborhood 5 in the process. It then made its way into the one-hundred year-old Spiritual Association community, burning an additional 35 homes, THEN headed into Elfin Forest.

CM-10

Many residents of the planned community of San Elijo were stuck for two to four hours, not being able to evacuate. Please study the cumulative effect of evacuation times of the Harmony Grove Village Project and the proposed Valiano Project on the existing Eden Valley community.

CM-11

Noise – Subchapter 2.6.6
Conclusion: The proposed project would result in significant on-site noise impacts related to traffic. Specifically, noise levels at project's exterior use noise control. Mitigation for this impact include two six-foot high noise sound walls located around the residential exterior use areas in Neighborhood 5.

Comment: Neighborhood 5 is the only portion of the Valiano Project that faces Country Club Dr. The conclusion is the noise level would have to be mitigated by sound walls. How about the existing off-site properties along Country Club Dr.? Should those not be mitigated by sound walls? The existing properties along Country Club Dr. should not be expected to accept increased noise levels generated by the increased traffic (both during construction and after build out) from this project. Please address noise levels and mitigation for existing affected properties.

CM-12

Personal Property Comments: We are 27 year residents of Eden Valley/Harmony Grove who own a horse training facility on the corner of Country Club Dr. and Mt. Whitney, one of the two main ingress and egress points of this project's 326 homes. Our property has a permitted barn that runs along our easement on Country Club Dr. and an arena that runs the length of the property on Mt. Whitney Dr. Our personal property will be subjected to extreme noise levels/vibrations/dust/traffic from the construction build out and future traffic. This development will create an extremely dangerous safety situation for our existing “noise sensitive land use” (2.6.6 Noise; 2.6.1.4 Existing Noise Sensitive Land Use) for our horses, handlers, and riders.

We request this developer to erect permanent sound wall protection on our property for the safety of our property, inhabitants, and livestock—similar to the adjacent proposed sound walls around residential exterior use areas along Country Club Dr. in Neighborhood 5.

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CM-9

The FPP addressed fires such as the Cocos fire with different worst-case scenarios, including south to southwest moderate to strong winds and the potential fire danger. The FPP includes restrictions on specific building materials and methods suitable for building in high fire hazard severity zones as identified by CAL FIRE (even though the Project is located in a Moderate fire hazard zone within the San Marcos Fire Protection Zone Map) and identifies a series of other items such as enhanced water supplies, automatic fire extinguishing systems (interior sprinklers for all homes and enhanced extinguishing systems/sprinklers for identified structures and fire deflection walls along the Project perimeter), non-flammable fire deflection walls, and roadway widths. Overall, the development includes a redundant layering of fire protection features that have been proven to increase ignition resistance of structures and landscapes and result in communities that are less vulnerable to wildfire.

CM-10

See Topical Response: Fire/Evacuations regarding fire evacuation.

CM-11

The EIR analysis determined that the Project related traffic contributions on nearby roadways would not result in off-site direct noise impacts (see Subsection 2.6.2.1). See Response K-139 with respect to potential impacts to off-site residences.

CM-12

Your property was modeled as Receiver R 39 in Table 2.6-3. The Proposed Project would not generate sound levels at your property in excess of County standards, therefore a noise wall would not be required. Additionally, the noise model did not include intervening existing residential homes and structures. These existing features would further reduce traffic noise levels to 60 dBA CNEL and below at these existing residential lots.

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