

**JWA** J. Whalen Associates, Inc.

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**RE: Comments on the Draft Environmental Impact Report for the Valiano Specific Plan**

Dear Ms. Ehsan:

On behalf of our clients, Friends of Eden Valley and the Elfin Forest Harmony Grove Town Council, we appreciate the opportunity to provide comments on the draft Environmental Impact Report (DEIR) for the proposed Valiano Specific Plan. We have concerns about the adequacy of the document's analyses of fire and traffic impacts, as well as the omission of an analysis of an alternative that would utilize alternative septic. The following letter will discuss these issues.

**The DEIR Should Have Analyzed an Alternative Onsite Wastewater Treatment Systems Alternative**

An EIR must discuss project alternatives. CEQA Guidelines § 15126.6(a). The "range of potential alternatives [ . . . ] shall include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects." CEQA Guidelines § 15126.6(c).

The Valiano DEIR proposes an on-site wastewater treatment and water reclamation facility to treat wastewater<sup>1</sup> instead of septic, as required by the San Dieguito Community Plan (Elfin Forest - Harmony Grove)<sup>2</sup> The DEIR also evaluated six alternatives: No Project/No Development

<sup>1</sup> Valiano DEIR, Chapter 1.2.1.1, p. 1-7 to 1-10.

<sup>2</sup> San Dieguito Community Plan (Elfin Forest - Harmony Grove) (2011), Policy CM-10.2.1: "Require all proposed new development to use septic systems with one septic system per dwelling unit."

J-1

J-2a

J-1

The comment is introductory and expresses concern about the adequacy of the DEIR's fire and traffic analysis and omission of analysis for use of alternative septic. See Topical Responses: Fire/Evacuation and Sewer, and responses to specific comments, below.

J-2a

The commenter is correct that the DEIR evaluates six alternatives including a Septic Option Alternative. The DEIR considered a range of reasonable alternatives that feasibly accomplish most of the basic objectives of the Project and avoid or substantially lessen one or more significant effects. Alternative wastewater treatment systems (Alternative Septic - AS) referred to in this comment were not permitted directly through the County and were not accepted according to County design standards and principles at the time the DEIR was prepared so there was no opportunity to evaluate it as an alternative. The Septic Option Alternative analyzed in Subsection 4.7 of the DEIR was based on the assumption that "...each house could have five bedrooms and each lot could be at least 5 acres in size to accommodate septic systems." Pursuant to the Final County Local Agency Management Program (LAMP) for Onsite Wastewater Treatment Systems which was issued after the Notice of Preparation was issued for the Project, this assumption has been changed to allow minimum 2-acre lots (with the number of potential bedrooms per house to remain unchanged). Accordingly, the revised Septic Alternative

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J-2a cont. Alternative, General Plan Density Alternative, Reduced Grading Alternative, Biologically Enhanced Alternative, *Off-site Sewer Options Alternative*, and *Septic Option Alternative*.<sup>3</sup> In addition to these last two alternatives, the DEIR should have evaluated a project alternative incorporating alternative Onsite Wastewater Treatment Systems (OWTS).

J-2b Alternative OWTS includes advanced treatment in addition to the primary treatment that occurs in the septic tank.<sup>4</sup> Alternative OWTS should be evaluated as an alternative because it would allow the Valiano project to be consistent with the septic policy of the San Dieguito Community Plan (Elfin Forest - Harmony Grove) and achieve a more robust unit count than the Septic Option Alternative.<sup>5</sup> The DEIR concludes the Septic Option Alternative would “fail to meet all of the Proposed Project objectives[.]”<sup>6</sup> The DEIR does not explicitly state which of the objectives would not be met, but 35 single-family residences on five-acre lots – the development limit with conventional septic – would presumably fail to provide a variety of lot sizes, increased density, or a range of housing types.<sup>7</sup>

J-2c

J-2d Alternative OWTS, however, would allow the Proposed Project to utilize septic, thus conforming with the Community Plan, *and* achieve the project’s stated objectives, including accommodation of a variety of lot sizes, increased density, and a range of housing types. Because alternative OWTS would meet most of the basic objectives of the Proposed Project and could avoid or lessen significant impacts associated with the project, the DEIR should be revised to include evaluation of an Alternative OWTS Alternative.

**The DEIR Should Be Recirculated to Include an Evaluation of Alternative OWTS**

J-3a Because the Valiano DEIR failed to include an evaluation of an alternative OWTS alternative, the DEIR should be revised and recirculated. Per CEQA Guidelines § 15088.5(a), if new significant information is added to an EIR after public notice but before certification, it must be recirculated. Significant new information includes: “[a] feasible project alternative [ . . . ] considerably different from others previously analyzed [that] would clearly lessen the significant environmental impacts of the project [ . . . ].” CEQA Guidelines § 15088.5(a)(3). An alternative OWTS alternative would present a feasible project alternative, different from both an on-site wastewater treatment facility or conventional septic, that would lessen the significant environmental impacts of the project.

J-3b Table 4-1 of the DEIR, “Comparison of Project Alternative impacts to Proposed Project Impacts,” clearly shows the Proposed Project causing significant but mitigable impacts with respect to most of the environmental issue areas. In comparison, the Septic Option achieves *less impacts* with respect to *all* the environmental issue areas, and improves upon the Proposed Project by achieving less than significant impacts in aesthetics, air quality, noise, paleontological

<sup>3</sup> Valiano DEIR, Chapter 4, p. 4-1 (italics added)  
<sup>4</sup> See County of San Diego Board Letter, June 10, 2015 and June 24, 2015, “Approve Amendments to Division 8 of Title 6 of the San Diego County Code of Regulatory Ordinances to Adopt and Implement a Local Agency Management Program for Onsite Wastewater Treatment Systems (6/10/15 - First Read; 6/24/15 - Second Reading (Districts: All),” p. 4.  
<sup>5</sup> The septic option would only accommodate 35 single-family residences. See Valiano DEIR, Chapter 4.7, p. 4-38.  
<sup>6</sup> Valiano DEIR, Chapter 4.7, p. 4-41.  
<sup>7</sup> See Valiano DEIR, Chapter 4.1, p. 4-2 to 4-3.

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J-2a cont. included in Subsection 4.7 of the FEIR is based on 2-acre minimum lots and up to five bedrooms per unit, with a total of 58 lots (compared to the 35 lots in the DEIR). Based on the previously described LAMP, related amendments to the San Diego County Code of Regulatory Ordinances (Division 8 of Title 6), and comments received during the EIR public review process, the Septic Option Alternative has also been expanded to include consideration of both conventional and alternative on-site wastewater treatment system (OWTS) designs. Therefore, an additional alternative is not required as both type of septic systems are analyzed in the EIR. See Topical Response: Septic and Response I-29.

J-2b See Topical Response: Septic and Response I-29.

J-2c There are numerous Project objectives articulated in the EIR and accompanying Specific Plan including, but not limited to, the provision of needed housing in proximity to infrastructure, places of work and transportation. The preservation of resources and a balanced, contemporary approach to planning a new community require the careful balance of many considerations.

J-2d See Topical Response: Septic and Responses I-29 and J-2a.

J-3a See Topical Response: Septic and Response I-29. The Septic Option Alternative has been expanded to include consideration of both conventional and alternative on-site wastewater treatment system (OWTS) designs. Therefore, an additional alternative is not required as both type of septic systems are analyzed in the EIR. Based on existing site conditions, the conventional septic would allow 58 units and the alternative sewer would allow 66 units. Impacts are very similar between the conventional and alternative systems. Therefore, recirculation of the EIR is not required. Additionally, if the objective is to achieve the desired general plan densities, please be advised that Subchapter 4.3 the DEIR studied that alternative.

J-3b The impact conclusions would not be less than significant as stated by the commenter, but most issue areas would also require mitigation as with the Proposed Project (aesthetics, noise, paleontological cultural, and biological). Based on the updated Septic Alternative contained in Subchapter 4.7 of the EIR, the alternative septic alternative would have impacts similar but slightly higher than the conventional septic alternative (66 homes versus 58 homes), which slightly reduces impacts in every impact area. The commenter posits that alternative septic would allow a more robust lot yield, but this would be likely to have impacts similar to the existing General Plan density alternative that reduces impacts in aesthetics, air quality, noise, paleontological resources, transportation/traffic, and geology. In either case, an alternative septic alternative would not add significant new information to the EIR.

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J-3b cont. resources, and transportation/traffic. An alternative OWTS alternative would likely exceed the impacts of the Septic Option because alternative OWTS would allow for a greater number of units; nevertheless, if evaluated, alternative OWTS may have impacts closer to those of the Septic Option than to the Proposed Project. If an alternative OWTS alternative is evaluated and determined to be feasible, the DEIR should be revised and recirculated to allow public review of this significant new information.

**The DEIR Inadequately Analyzes Transportation/Traffic Impacts**

J-4a The Proposed Project is situated in a "bowl" shape valley, prone to fire, including the recent Coco's fire. Despite the probability of a fire occurring that will prompt an emergency evacuation - where all the residents and equestrian businesses will be seeking to evacuate simultaneously - the DEIR and transportation/traffic study failed to analyze the scenario where residents of Eden Valley, Elfin Forest, and Harmony Grove are all attempting to evacuate their homes. This is an especially problematic omission because the DEIR concludes "a significant impact to the Country Club Drive roadway segment between Auto Park Way and Hill Valley Drive in the City of Escondido under Existing Plus Project conditions would occur (Impact TR-1a)."<sup>8</sup> This conclusion fails to consider the natural follow-up question whether this roadway segment would be able to safely accommodate the traffic spike in the event of an evacuation scenario. The DEIR should be revised to include a modeled projection of roadway traffic in the event of an evacuation and to analyze whether an unacceptable risk to public safety would occur during an emergency.

J-4d A second transportation/traffic issue that was inadequately analyzed is Hill Valley Drive. The DEIR explains Hill Valley would need to be improved to a graded width of 28 feet and an improved (paved) width of 24 feet: "[t]hese improvements would allow Hill Valley Drive to meet the private road standards[.]"<sup>9</sup> Yet, these improvements are not proposed; instead, the Proposed Project discusses a design exception: "a design exception has been granted by the County PDS for one section of this road [ . . . ] that would only be improved to 20 feet wide due to easement access issues."<sup>10</sup> As with the traffic issues on Country Club Drive between Auto Park Way and Hill Valley Drive, this design exception is not analyzed in the context of an emergency evacuation. Presumably, the County maintains design standards for a reason - why an exception to these design standards is appropriate here should be explained and justified; or, the design exception disallowed.

**The DEIR Inadequately Analyzes Fire Safety**

J-5a Fire safety and transportation/traffic are closely related for the Proposed Project, but the nexus between the two is inadequately analyzed in the DEIR. As discussed above, the DEIR fails to address transportation/traffic impacts from an evacuation scenario and fails to adequately justify a design exception to the private road standards for Hill Valley Drive. In turn, the Fire Protection Plan fails to address the risks of inadequate roadways during an evacuation scenario

<sup>8</sup> Valiano DEIR, Chapter 2.8.2.3, p. 2.8-12 (emphasis in original).

<sup>9</sup> Valiano DEIR, Chapter 2.8.2.10, p. 2.8-21 (emphasis added).

<sup>10</sup> Valiano DEIR, Chapter 1.2.1.2, p. 1-11.

J-3c See response J-3a

J-4a See Topical Response: Fire/Evacuations. Regarding Impact TR-1a specifically, while the TIA (Appendix H of the EIR) does conclude a significant impact on Country Club Drive, improvements to mitigate several impacts would be completed by the Project. Preparing a LOS operational analysis of Country Club Drive for a full evacuation of the area is not the County's standard of practice and would not be useful due to the variables that cannot be included in modeling. Note that while the impact on Country Club Drive north of the Project would be both direct and cumulative, the Project includes improvements that would reduce impacts to before Project traffic levels.

J-4b The commenter asks if Country Club Drive north of the Project would be able to safely accommodate the traffic spike in an evacuation. Since circulation of the DEIR, the City of Escondido has required a center turn lane in the city segment of Country Club Drive (see Response E-12). In an emergency it would also be available for safety responders to use or for the Sheriff to use in directing traffic. The accommodation has been made to mitigate the Project's contribution to traffic impacts. The Project change does not result in impacts that require recirculation under CEQA because they do not result in important new information. See Response J-4a.

J-4c The comment requests a model of traffic during evacuation. Preparing a LOS-based operational analysis of Country Club Drive for a full evacuation of the area is not the County's standard of practice and would not be useful due to the number of variables that cannot be accurately included in modeling.

J-4d The Project would improve private roads to meet the County's Private Road Standards, with an exception for a portion of Hill Valley Drive. See Response E-6. The Project would also improve the intersection at Hill Valley Drive and Country Club Drive. Section 12.0 of the TIA contains an analysis of Hill Valley Drive and the Hill Valley Drive intersection at Country Club Drive. For the short distance where Hill Valley Drive is 20 feet in width, vehicles, including fire apparatus, would be able to pass and the width would not prevent fire apparatus from gaining access to a potential fire within the Project area or prevent those evacuating from leaving the area. SMFD and County PDS support the design exception to allow emergency access on this road.

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- J-4e The comment questions how the Hill Valley Drive exception would operate during an emergency evacuation. As mentioned, the road would be gated at the Project because it would be used for emergency access. For the short distance where Hill Valley Drive is 20 feet in width vehicles, including fire apparatus and horse trailers, would be able to pass. It is a straight segment of road with available sight distance and this would not prevent fire apparatus from gaining accessing to a potential fire within the Project area or for those evacuating to leave the area. SMFD and County PDS support the road design exception because the added traffic is only for emergency access. Hill Valley Drive would be improved to private road standards (24 feet paved width) if the right of way or easement becomes available for use or purchase; it would then be used as a day-to-day access and not only for emergency purposes. Improvements for Hill Valley Drive as an alternative access road are listed in Subsection 2.8.2.10 of the EIR.
- J-4f The comment questions the allowance of design exceptions in light of standards. The County has a process for requesting exceptions to Design Standards because not all facilities can fit the standard due to physical or other limitations. As discussed in Response E-6, a design exception was allowed because it was determined that the exception would not adversely affect the safety and flow of traffic in this area due to the following reasons: the Project conforms to all Fire Code access standards without the excepted access; only the Project's emergency traffic would likely utilize the narrower section due to its location near the gate; and that the SMFD found the reduced improvement and easement width to be acceptable. In addition, Section 12.0 of the TIA contained in Appendix H of the EIR includes an analysis of Hill Valley Drive and the Hill Valley Drive intersection at Country Club Drive.
- J-5a The nexus between fire safety and transportation/traffic is illustrated in the TIA. The FPP has been revised to document and illustrate the emergency evacuation routes and roadway improvements to be accomplished by the Project. Ingress and egress would be adequate in the event of an emergency.
- J-5b Previous responses have adequately addressed these comments and there have been appropriate revisions to the FPP. The additions to the FPP are clarifications and do not rise to the level of important new information that would require recirculation of the EIR under CEQA. See responses E-6 and J-4e.

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J-5b  
cont.

and the magnitude of risk to public safety during such an event. The Fire Protection Plan should be revised to address these issues.

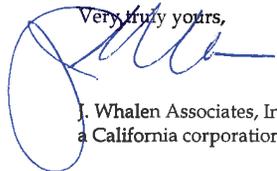
J-5c

The Fire Protection Plan notes that the Public Facilities Element of the County General Plan sets a policy for a five-minute response time by the first-in engine company for a fire suppression incident.<sup>11</sup> Yet, the nearest station, San Marcos Fire Department Station #3 at 404 Woodland Parkway, has an approximately 7.0-minute response time and the nearby Escondido Fire Department Station #6 at 1735 Del Dios Road has a 5.9-minute response time.<sup>12</sup> The Plan goes on to explain, “[t]he preferred option that could provide and/or meet the required travel time of 5 minutes for the Valiano Project is the future new fire station for the Harmony Grove Village Development [ . . . ]”<sup>13</sup>; yet, emergency service has yet to be negotiated with this new station.<sup>14</sup> For a project in a fire-prone area, failure to conform with the General Plan’s response time policy and failure to negotiate the terms of an agreement for adequate service from the new station are unacceptable deficiencies.

**Conclusion**

J-6

This letter has identified a major overlooked, but feasible, project alternative omitted from evaluation and identified two areas of study - fire and traffic - where we believe the DEIR inadequately analyzed the Proposed Project’s impacts. To sum, we urge County of San Diego Planning and Development Services to revise the DEIR to include an evaluation of an alternative OWTS alternative and recirculate the revised document for public review; additionally, the issues of fire safety and traffic must be better addressed and adequately analyze all potential impacts and risks, including an evacuation scenario and whether the local roadways would be able to effectively provide for the safe and efficient of residents during an emergency.

Very truly yours,  
  
J. Whalen Associates, Inc.,  
a California corporation

by: James E. Whalen  
President

<sup>11</sup> Valiano Fire Protection Plan (Firewise 2000, Inc., 2015), p. 23 of 92.  
<sup>12</sup> Valiano Fire Protection Plan, p. 24 of 92.  
<sup>13</sup> Valiano Fire Protection Plan, p. 25 of 92.  
<sup>14</sup> Valiano Fire Protection Plan, p. 27 of 92.

J-5c

Section 4.1 of the FPP has been revised to include more recent agreements and approvals for meeting the five-minute travel time by the first-in fire apparatus and to include that the temporary Harmony Grove Fire Station became operational in October 2015.

J-6

The comment is a summary conclusion statement and Responses J-1 through J-5 address the stated concerns.