

**Law Offices of Abigail Smith Letter dated May 10, 2018 (on behalf of the Elfin Forest Harmony Grove Town Council)**

***Comment 1:** The Town Council continues to oppose this Project in its current form. The Project seeks significantly more units (326) than would be allowed by the site's present land use designations (118 units). As we have repeatedly stated, we urge the County to consider a viable alternative to the Project with fewer units that preserves the rural and semi-rural character of the surrounding area. In fact, the Town Council has put forth a feasible alternative – namely the “Valiano Vineyards” alternative – which the County determined not to evaluate in the EIR. This alternative is feasible on its face in that it meets the “basic” project objectives and it reduces significant project impacts. Moreover, this alternative strikes a reasonable balance between the interests of the applicant and those of the Elfin Forest- Harmony Grove Community. This alternative should be meaningfully considered in the EIR and by decision-makers.*

**Response 1:** The comment does not raise any new CEQA issues related to the Project currently considered for approval and does not require any change to any conclusion in the EIR. There is no substantial evidence in the record or in the comment showing that subsequent environmental review is necessary or that the EIR did not consider a reasonable range of alternatives. Moreover, the EIR analyzed a reasonable range of alternatives, and the County is not required to consider this “Vineyard Vines” alternative. CEQA does not require an EIR to consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. No set number of alternatives is necessary to constitute a legally adequate range of alternatives. The scope of alternatives comprising a reasonable range of alternatives will vary from case to case depending on the nature of the project under review. The lead agency has the discretion to determine how many alternatives will constitute a reasonable range. An EIR's discussion of alternatives need not include alternatives that do not offer significant environmental advantages in comparison with the project or with the alternatives that are presented in the EIR.

The EIR 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. The Elfin Forest Harmony Grove Town Council submitted an additional alternative (Valiano Vineyard) for consideration. The alternative proposes the same density as the General Plan Density alternative and will replace housing on the eastern-facing slopes with a vineyard. The County as the Lead Agency is responsible for selecting a range of project alternatives (CEQA §15126.6). Because the Valiano Vineyard alternative is similar to the General Plan Density alternative, it was not included as an alternative.

***Comment 2:** Most troubling is the proposed General Plan Amendment which, if approved, will remove the approximately 44 acres of the southern area of the “Project site” (“Neighborhood 5”) from the Elfin Forest-Harmony Grove Subarea Plan, a subarea within the San Dieguito Community Plan Area. As discussed further below, this proposed action is strongly opposed by the very community that the subarea plan is intended to preserve and protect. The sole reason for this General Plan Amendment is to avoid the requirements of the subarea plan. Carving out a portion of the subarea is simply illogical. See land use diagram attached. The Staff Report notes that a previous attempt to change the land use designation of this area was not accepted by*

*the County when the County considered and adopted the General Plan in 2011. The County should likewise reject the Project's attempt to modify the land use designation of the area via the proposed General Plan Amendment.*

**Response 2:** Please see Topical Response: General Plan Amendment and Subarea Boundary Adjustment CEQA Analysis. The entire Project Site is already located within the San Dieguito Community Plan Area, with Neighborhood 5 located within the Elfin Forest – Harmony Grove Subarea Plan, and Neighborhoods 1-4 are located outside of this Subarea Plan.

The intent of Community Plan Amendment is to remove the planning inconsistency of having different parts of the project governed by different land use plans. The Project would neither divide Harmony Grove, nor would it implement high density development. The Project Site is generally located at the western extent of Eden Valley where County jurisdiction meets the City of San Marcos. The residential uses proposed are semi-rural in nature (SR-0.5), which is the same general land use designation (SR) as other properties in Eden Valley, and less dense than the village densities located in Harmony Grove Village, which it abuts to the south. No division of community is anticipated. To the contrary, it is anticipated that the improved roads and trails provided by the Project, as well as the agricultural set aside, and park facility open to the neighborhood, could facilitate community interaction.

The amendment would ensure continuity in design and development, consistent application of policy throughout the Project and integrated conformance with the San Dieguito Community Plan and General Plan. In essence, this amendment is a boundary line adjustment to conform the Project Site with the newly created Specific Plan boundary as proposed by the Project. Contrary to this comment, the adjustment to exclude Neighborhood 5 will achieve continuity and consistency of applied principles.

Moreover, every Specific Plan is a *change to a community plan*. By definition, Specific Plans are separate geographic areas within a community plan; and allocate specific uses and development regulations that would apply to the entire specific plan area. Operating within a focused specific plan is more respectful of the overall community plan than proposing large global changes to the Subarea Plan, which would result in the application of new development standards to the entire subarea as opposed to only the 48 acres within the Project area. Utilization of a Valiano Specific Plan and the Community Plan Amendment leaves intact the integrity of the Subarea Plan language for continued application to the remainder of the subarea.

**Comment 3:** *The Final EIR's Project Description is confusing to the reader. The Project Description states that the Project proposes a total of 326 single-family units. Yet, the EIR later mentions that a significant number of additional "secondary" units are permitted (Neighborhood 2 - 23 units; Neighborhood 3 - 8 units; Neighborhood 5 - 20 units). The potential for an additional 51 units -for a total of 377 units-must be fully disclosed.*

**Response 3:** The EIR's project description, and the accompanying analysis, is consistent throughout the EIR. The Project will consist of a semi-rural residential community with 326 single-family dwelling units (du) and related facilities within a total grading area of approximately 125 acres. (FEIR, pg. 1-4.) Each of the five neighborhoods would have a unique

housing type product and some would include accessory dwelling units which is clearly specified in the descriptions of each neighborhood in Section 1.2.1 of the FEIR.

**Comment 4:** *The Project conflicts with a number of County General Plan policies including Policy LU-3.2 in that the Project does not, in reality, present a “range” of housing types (there is no “affordable housing” for instance); Policy LU-14.4 in that the Project may induce growth by providing sewer service to an area currently using septic systems; Policy H.-1.9 in that there is no “affordable housing” component to the Project; Policy H.-2.1 in that the development “degrade(s) or detract(s) from” the character of the rural area; Policy ME-8 .1 regarding transit stops; and Policy S-6.4 in that the Project does not show that the minimum travel times will be met for fire service.*

*With respect to General Plan Policy H.-1.9, the Project should be required to provide an affordable housing component because it is a “large-scale residential project” for which a “General Plan Amendment” has been requested. Moreover, the provision of affordable housing in the Project is “legally permissible.” See, Calif Building Industry Ass’n v. City of San Jose (2015) 61 Cal.41h 435. There is a documented need for affordable housing in the County, as reflected in the General Plan policy. The Staff Report acknowledges that the Project does not provide “affordable housing.” The Project is therefore not consistent with the General Plan.*

*With respect to General Plan Policy S-6.4, the Staff Report indicates that San Marcos Fire Station No. 3 is 7.0 minutes from the furthest structure within the Project, while the minimum acceptable response time per the General Plan is five minutes. The Staff Report vaguely notes that an agreement has been reached with the Rancho Santa Fe Fire Protection District to provide some portion of the property which is beyond the 5-minute travel time with fire service. The Project must be fully conditioned to require that fire service is provided to meet General Plan minimum travel times. Further, the Project should not rely on the promise of future fire service within the Harmony Grove Village project. The Project must fully mitigate its impacts through enforceable conditions/mitigation measures.*

**Response 4:** Section 3.1.4 in the FEIR describes land use policies applicable to the Project, identifies guidelines for determination of significance, evaluates potential impacts related to Project implementation, evaluates cumulative impacts, and discusses feasible mitigation measures.

Please see section 3.1.4.2 of the FEIR for a discussion on the Project’s consistency with applicable land uses, including the San Dieguito Community Plan, and the Project’s compatibility with adjacent land uses and community character. (See FEIR, pg. 3.1.4-7 – 3.1.4-8 re aesthetics; FEIR, pg. 3.1.4-9 – 3.1.4-10 re air quality; FEIR, pg. 3.1.4-15-3.1.4-17 re transportation; FEIR, pg. 3.1.4-27 – 3.1.4-28 re circulation; FEIR, pg. 3.1.4-31 re noise; FEIR, pg. 3.1.4-40 – 3.1.4-42 re community character.)

Supported by substantial evidence, the FEIR determined the Project would be consistent with the applicable land use plans and potential impacts related to land use and community character would be less than significant. (FEIR, pg. 3.1.4-27. 3.1.4-31, 3.1.4-37, 3.1.4-38, 3.1.4-42, 3.1.4-43.)

The Rancho Santa Fe Fire Protection District station, located in the Harmony Grove Village is operational and will serve a portion of the project site through a Mutual Aid Agreement that will reduce response times to 5 minutes. As such, the entire project will meet the required response time as identified in General Plan Policy S-6.4.

**Comment 5:** *The Valiano Project has been revised from its original form to include a General Plan Amendment that would remove roughly 44 acres comprising the Project 's proposed Neighborhood 5 from the Elfin Forest Harmony Grove Subarea Community Plan ("Subarea Community Plan"). The EIR describes that,*

*the proposed General Plan Amendment would remove the planning inconsistency of having Neighborhood 5 governed by the Elfin Forest-Harmony Grove subarea plan, with the rest of the Proposed Project being governed by only the San Dieguito Planning Area. Following the approval of this General Plan Amendment, Neighborhood 5 would no longer be subject to any of the requirements set forth in the Elfin Forest-Harmony Grove subarea portion of the San Dieguito CPA. The Amendment to the General Plan would ensure consistent application of policy throughout the Proposed Project and integrated conformance with the San Dieguito Community Plan and the County of San Diego's General Plan goals and policies.*

*As we've expressed, the developer's proposal to amend what is considered by the community to be an essential land use planning tool (i.e., the Subarea Community Plan) is a brazen attempt to serve the interests of the developer and no one else. There is no justification - apart from the developer's desire to maximize profits - for removing roughly 44 acres from the boundaries of the Subarea Community Plan. Any "inconsistency" between proposed Neighborhood 5 and the remainder of the Project site is self-induced. The developer purchased the subject properties with full knowledge of the applicable land use designations, boundaries, and planning documents. The implication that the developer is somehow aiding the orderly development of the area is a red herring. The community articulated its vision and desires for the development of the area in its Subarea Community Plan. Very plainly, the community wishes to keep in place the current land use designations, boundaries, and planning policies and requirements.*

*The Subarea Community Plan advises that it "supplements [] countywide policies and diagrams and further directs land uses and development desired to achieve the community's vision." (p. 5) The developer's proposal is antithetical to the community's vision for the Subarea Community Plan area. It is not the desire or interest of the community to "remove" the area of Neighborhood 5 from the Subarea Community Plan. Further, the policies of the Subarea Community Plan should be adhered to as the first priority as the document "supplements" and "further directs land uses" within the larger San Dieguito Community Plan. Additionally, the EIR contains no evidence of any actual inconsistency between current land use plans or uses that would warrant the proposed General Plan Amendment. Indeed, the alleged "inconsistency" between the land uses proposed by the Project and the Subarea Community Plan and/or the San Dieguito Community Plan and County General Plan is purely manufactured. If the developer desires consistency, it should design the Project to be consistent with applicable land use plans.*

*Simply, the General Plan Amendment is not necessary where the Project could be built in a way that is consistent with applicable land use plans.*

**Response 5:** The comment does not raise any new CEQA issues related to the Project currently considered for approval and does not require any change to any conclusion in the EIR. There is no substantial evidence in the record or in the comment showing that subsequent environmental review is necessary or that the EIR fully analyze and disclose this issue

Please see Topical Response: General Plan Amendment and Subarea Boundary Adjustment CEQA Analysis.

**Comment 6:** *Furthermore, the land use amendments do not remove the inconsistency with respect to the Project's inconsistency with adjacent uses and land use plans including the Community Subarea Plan. Adjacent uses are large-lot, rural residential. The Project proposes a higher density development with a sewer system, a waste water treatment plant, roadways, sidewalks, lighting, new streets, and manufactured slopes and walls in a community where rural residential is the dominant land use, and where community plans applicable to the adjacent areas direct that developments should be on septic, should not have sidewalks, and should have lots 2 acres or more in size, etc. There are impacts (such as aesthetic, air quality, noise, and traffic) that are intensified due to the Project's inconsistency with surrounding land uses. These "land use impacts" are not eliminated by virtue of a general plan amendment.*

**Response 6:** See Response 4.

**Comment 7:** *Finally, with respect to the San Dieguito Community Plan ("SDCP"), we note that the land use map shows the Project site as outside the "Village Boundary". More intense land uses are directed within these village areas. The SDCP does not anticipate the intensity of the proposed Project, nor does it demonstrate any need for this development to resolve any planning inconsistency between land use plans. Also, the land use map is apparently identical to the land use map in the Subarea Community Plan. The Subarea Community Plan area anticipates that future growth will be balanced to ensure that the community is "able to keep its rural voice." (p. 21) As to the Harmony Grove area, the community expressed that "the Village development pattern as shown in the General Plan Land Use Map must be strictly adhered to as the formal development model for the area." (p. 21.) The Subarea Community Plan further states, "As the population increases in San Diego County and statewide, there will be continual pressure to put higher density residential into or adjacent to Elfin Forest. However, given the challenges facing the community, this should not be allowed to occur." (pp. 12-13) (emphasis added).*

**Response 7:** The Land Use Element of the County of San Diego General Plan defines densities for land uses within the County. An urban residence within the County is categorized within the Village densities. Village land uses are defined as higher intensity land uses which include pedestrian-oriented commercial areas, mixed-use development, higher-density residential developments, and community-serving private and public facilities. Village densities incorporate a range of residential densities from 30 units per gross acre at the high end to 2 units per gross acre at the low spectrum of density. Semi-rural residential land uses without those higher density and associated commercial uses are defined as lower-density transition land uses from the Village areas, blended development with the natural landscape, with higher densities located closer to the

Village core. Semi-Rural densities range from 1 unit per half acre to 1 unit per 10 acres. The Valiano Specific Plan area is proposing a General Plan Amendment to Semi-Rural 0.5, a rural land use designation. Additionally, the Valiano project proposes none of the typical land uses or facilities included within the Village land use designation which would define the project as urban. Therefore, the Valiano project adds no structures which can be defined as urban residences to the Harmony Grove Community Plan area. See Response G-6 in the RTCs for the Draft EIR.

***Comment 8:** In sum, the evidence shows that the applicable land use plans, including the County's General Plan, do not envision more intense development for the Project area. Nor does the community desire the proposed land use changes. The developer's rationale that the General Plan Amendment "removes" a land use inconsistency is simply unsupported and contrary to the wishes of the community.*

**Response 8:** Please see Response 5 through Response to 7 above.

***Comment 9:** The Project's reliance on carbon offsets as mitigation for significant GHG emission impacts is inadequate, and the EIR should be recirculated based on the new information and findings presented in the Final EIR with respect to GHG emissions.*

**Response 9:** The Project is a vesting tentative map project whose application was complete before notification of the CAP hearings and is therefore independent of but consistent with the current CAP. As such, the Project is following pre-CAP policies. The County's pre-CAP policy after a Court prohibited the County from using the Service Person Efficiency Threshold was that a project-specific GHG threshold could be used. The Project will attain "net zero" GHG emissions through a combination of on-site project design features to reduce GHG and the purchase of carbon credits from certain carbon credit registries, as such, "net zero" GHG was set as the project-specific threshold. Accordingly, the Project EIR's GHG analysis and administrative record stands on its own and does not tier off of the County's recently certified CAP EIR.

As explained in the "Supplemental Memo for the Valiano Project Environmental Impact Report Appendix J Greenhouse Gases Analyses Report", the Project is required to implement a long list of GHG-reducing project design features. One feature is that 100% of the Project's electricity needs to be supplied by renewable energy, first through rooftop solar to the extent feasible, then through an enrollment in a renewable energy supply program, such as San Diego Gas & Electric's ("SDG&E") EcoChoice program. The project design feature does not allow the Applicant to decide what is feasible. The criteria is whether on-site solar is technically feasible based upon roof angle, roof surface area, and shading sources, as verified by a solar contractor. Solar contractor's routinely visit homes to evaluate the technical feasibility of solar energy on a residential rooftop based on these objective factors. Development permits are conceptual approvals, not final engineering so the exact shape, size and shading sources of its future rooftops is not known at this time. Nevertheless, the Project contains objective criteria and specific feasible on-site actions it must take to reduce GHG emission before turning to carbon-credit purchases.

The Project's use of carbon complies with CEQA. Specifically, CEQA Guidelines section 15126.4(c)(3) states that "measures to mitigate the significant effects of GHG emissions

may include, among others: Offsite measures including offsets that are not otherwise required, to mitigate a project's emissions." The CEQA Guidelines expressly allow the purchase of carbon credit offsets as a form of mitigation and do not require lead agencies to use only local or state carbon credit trading registries.

The County has determined that this Project must first purchase credits from either a California Air Resources Board ("CARB") approved registry, such as the Climate Action Reserve, the American Carbon Registry, and the Verified Carbon Standard; or through the California Air Pollution Control Officers Association Registry ("CAPCOA") GHG Rx. (See Mitigation Measure M-GHG-1, Site Plan Conditions of Approval no. 24 and no. 28.) If no registry is in existence as identified above, then any other reputable registry or entity that issues carbon offsets, to the satisfaction of the Director of PDS, may be used. Evidence that offset credits sufficient to offset all GHG emissions from construction and operations shall be provided to the County Department of Planning and Development Services ("PDS") to the satisfaction of the Director of PDS.

The report and article cited by this comment criticizes the United Nations' Clean Development Mechanism ("CDM") under the Kyoto Protocol. However, these articles are now outdated and does not relate to the offsets proposed to be provided by the Project for the following reasons: (i) reforms were made to international trading via the Paris Agreement; and (ii) the registries identified above, which the Project is to use, are not ones that follow the controversial Kyoto Protocol CDM policies. Instead, the registries the Project would utilize follow CARB-approved policies that are required to be enforceable and verifiable.

In the unlikely event that the above-identified registries have no carbon credit supply, the Applicant is not free to choose any registry. It has to be one approved by the Director of PDS, who is required to comply with CEQA's rules on enforceable mitigation.

A lead or responsible agency adopts mitigation measures described in the EIR when it approves the project. The mitigation measures that are adopted must be enforceable through conditions of approval, contracts or other means that are legally binding. (Pub. Res. Code § 21081.6(b); CEQA Guidelines § 15126.4(a)(2).) Incorporating mitigation measures into conditions of approval is sufficient to demonstrate that the measures are enforceable. (Pub. Res. Code § 21081.6(b))

The Project includes a number of project design features and mitigation measures that will ensure GHG emissions are offset to zero. These requirements are documented in the following Conditions of Approval for Site Plan PDS2013-STP13-003: No. 22 (GHG #1 – Carbon Offset Tabulation); No. 27 (GHG#2 [M-GHG-1] – Carbon Offset – Construction-Related GHG); No. 31 (GHG#3 [M-GHG-1] – Carbon Offset – Operations-Related GHG); No. 53 (GHG#8 – Renewable Energy Implementation); and No. 64 (GHG#9 – Renewable Energy Implementation – Annual Reporting). Completion of all these mitigation measures/conditions of approval are required prior to the issuance of any permits. Therefore, contrary to the comment, GHG mitigation measures are not illusory, but instead are enforceable, even in the unlikely event of there are no local carbon credit supplies.

The presumption that the Director of PDS will not follow the CEQA rules is speculation and not a basis for overturning a project approval. It is also speculation to assume that the Director of PDS will allow the use of an offset registry that does not have enforceable and verifiable protocol rules. In contrast, because the permit requirement is to follow registries with enforceable and verifiable offsets as part of their protocols. Furthermore, the project is conditioned to purchase carbon offsets in geographical hierarchy which requires purchase of carbon offsets first within the unincorporated County.

CEQA requires an EIR to be recirculated when the addition of new information deprives the public of a meaningful opportunity to comment on substantial adverse project impacts or feasible mitigation measures or alternatives that are not adopted. The critical issue in determining whether recirculation is required is whether any new information added to the EIR is “significant.” If added information is significant, recirculation is required under Public Resources Code section 21092.1. The purpose of recirculation is to give the public and other agencies an opportunity to evaluate the new data and the validity of conclusions drawn from it.

Any new information concerning GHG emissions, carbon offsets and GHG-related mitigation measures serves simply to clarify or amplify information already found in the DEIR and recirculated DEIR, and does not identify a *new* significant environmental effect or raise important new issues about significant effects on the environment. Nothing in the FEIR alters the conclusion that the Project will result in net zero emissions and therefore is not required to propose new mitigation measures or alternatives that reduce impacts relating to GHG emissions. Because the FEIR does not disclose any new or different significant GHG impacts, no new mitigation measures for GHG emissions are required.

**Comment 10:** *The County of San Diego updated its General Plan in 2011. The General Plan Update EIR found that climate change impacts were “potentially significant” with regard to compliance with Assembly Bill (“AB”) 32. The General Plan Update EIR included mitigation measures for GHG and climate change impacts, including Mitigation Measure CC-1.2 requiring the County to: “Prepare a County Climate Change Action Plan with an update[d] baseline inventory of greenhouse gas emissions from all sources, more detailed greenhouse gas emissions reduction targets and deadlines; and a comprehensive and enforceable GHG emissions reduction measures that will achieve a 17% reduction in emissions from County operations from 2006 by 2020 and a 9% reduction in community emissions between 2006 and 2020.” The County determined that CC-1.2’s 17% and 9% reduction levels were necessary to comply with AB 32. Mitigation Measure CC-1.8 requires the County to revise its Guidelines for Determining Significance based on the CAP. The County’s General Plan Update also contains Policy COS-20.1 requiring the preparation of a CAP. The General Plan’s Mitigation Monitoring and Reporting Program (“MMRP”) also includes provisions requiring the County to prepare a CAP (6.9.1.A) and revise its thresholds of significance based on its CAP (6.9.3.A). The County approved a CAP on June 20, 2012 (“2012 CAP”). The 2012 CAP was intended to serve as a mitigation measure to mitigate otherwise significant adverse impacts resulting from the County’s 2011 General Plan Update. The Sierra Club successfully challenged the 2012 CAP resulting in a Court judgment requiring the County to vacate the 2012 CAP. This decision was upheld by the Court of Appeal.*



**Response 10:** Noted. This comment serves as an introduction and does not require a detailed response.

The Project is a vesting tentative map project whose application was complete before notification of the CAP hearings. As such, the Project was processed following pre-CAP policies. The County's pre-CAP policy after a Court prohibited the County from using the Service Person Efficiency Threshold was that a project-specific GHG threshold could be used. The Project will attain "net zero" GHG emissions through a combination of on-site project design features to reduce GHG and the purchase of carbon credits from certain carbon credit registries. As such, "net zero" GHG was identified as the project-specific threshold. Accordingly, the Project EIR's GHG analysis and administrative record stands on its own and does not tier off of the County's recently certified CAP EIR.

***Comment 11:** On November 7, 2013, the County adopted a document titled Guidelines for Determining Significance and Report Format and Content Requirements ("2013 GHG Thresholds Document") which detailed GHG analysis report content requirements and set thresholds of significance for GHG impacts. The 2013 GHG Thresholds Document provided four methods for determining significance of a project's GHG impacts: Efficiency Threshold, Bright Line Threshold, Stationary Source Threshold, and Performance Threshold. Under the 2013 GHG Thresholds Document's "Efficiency Threshold," "[a] proposed plan or project would have a cumulatively considerable contribution to climate change impacts if it would result in a net increase of construction and operational [GHG] emission, either directly or indirectly, at a level exceeding 4.32 metric tons of CO<sub>2e</sub> per year." On or about July 29, 2016, the County issued "2016 Climate Change Analysis Guidance: Recommended Content and Format for Climate Change Analysis Reports in Support of CEQA Documents" ("2016 GHG County Efficiency Metric Document"). The document was apparently never approved by the Board of Supervisors. It included a "County Efficiency Metric," screening criteria, and recommended mitigation measures.*

**Response 11:** Please see Response 10 above.

***Comment 12:** The Recirculated DEIR's analysis of the Valiano Project's GHG impacts was based on the Efficiency Metric Document. Using that specific methodology, the RDEIR concluded that the Project's GHG impacts were less-than-significant and no mitigation was required. The Final EIR, in contrast, discloses significant GHG impacts based on an entirely new analysis. The Final EIR relies upon a new threshold - "net zero emissions (i.e., carbon neutrality)", which derives from the County's Climate Action Plan adopted by the Board of Supervisors in February 2018 ("2018 CAP")<sup>3</sup>. By law, the EIR must be recirculated must be based on this new information, methodology and the changed conclusion.*

**Response 12:** Please see Response 9 above.

***Comment 13:** Apart from the need for recirculation, the Final EIR fails to demonstrate based on substantial evidence how the Project, which requests a General Plan Amendment, enables the County to achieve the emission reduction goals and targets set forth in the CAP insofar as the CAP admits that its emission reduction calculations do not include the various "General Plan Amendments" that are currently being processed/considered by the County. Instead, the CAP*

*apparently includes a guidance document (“Guidelines for Determining Significance”) which in theory allows applicants to process General Plan Amendments and still be consistent with the CAP.*

**Response 13:** Please see Response 10 above. The Project also is consistent with mitigation measure M-GHG-1 (option 2) of the CAP SEIR.

**Comment 14:** *The Guidelines for Determining Significance claims that achieving “net zero emissions” through the purchase of “carbon credits” is consistent with the CAP notably the CAP’s emission reduction targets and goals. However, there is not substantial evidence in this case to demonstrate that the purchase of “carbon credits” allows the County to achieve its emission reduction targets and goals because the “carbon credits” are ill-defined and not shown to be related to reducing emissions in the County of San Diego, which is the sole purpose of the CAP. The applicant is allowed under the Project’s mitigation program to purchase offsets from an unspecified registry without showing that the credits will actually reduce carbon emissions or achieve the reductions necessary to off-set total Project emissions. More information is needed about the off-set programs to ensure that they meet minimum standards and will be effective. For instance, the off-sets must meet legal standards. Cal. Code. Regs., Tit. 17, § 95973 (a)(2). It is noteworthy that CARB’s Scoping Plan (2017) prioritizes onsite GHG mitigation measures, and the percentage of GHG reductions that come from offsets will lower to 4% in 2021. Health & Safety Code, § 38562(c)(2)(E). Moreover, are there sufficient credits available from adequate programs when there are a number of “general plan amendment” projects that intend to rely on the credits (e.g., the Harmony Grove Village South project)?<sup>4</sup> Also, the Project’s off-sets will only cover 30 years of Project impacts which does not seem adequate when the life of the Project is much longer than 30 years.*

**Response 14:** See Response 9 above.

**Comment 15:** *Furthermore, the Guidelines for Determining Significance states that “Option 2” is available only if all feasible on-site design features and mitigation measures have been incorporated into the subject project; and all said design features and mitigation measures must be supported by substantial evidence that impacts have been reduced per the Guidelines for Determining Significance. This makes sense since it is the goal of the 2018 CAP to reduce County-wide emissions and not simply rely on off-sets which may serve to off-set emissions in other areas. The Valiano Project has not first adopted all feasible on-site design features and mitigation measures for GHG emissions. For instance, the Project will not be served by public transit. The Project should endeavor to connect to public transit or should provide shuttle service to nearest transit centers. The Project does not provide for a trail or bike paths to connect pedestrians and/or bicyclists to transit centers. (There will be a multi-purpose trail within the Project site.) In fact, the Project does not conform to a number of General Plan policies aimed at reducing GHG emissions by encouraging the use of public transit. The Project does virtually nothing to reduce vehicle miles traveled (VMT) which is the primary cause of the Project’s GHG emissions. Available mitigation would also include creating a ride share program for homeowners.*

**Response 15:** See Response 9 above.

A lead agency is not required to adopt all feasible mitigation measures, only those that could, individually or in combination, reduce the impacts to below a level of significance. (See Pub. Res. Code § 21002.1(b); CEQA Guidelines § 15096(g)(2).)

***Comment 16:** In fact, it is not certain based on substantial evidence that the Project adopts all feasible mitigation ensuring that impacts have been reduced prior to the purchase of the carbon credits, as required. Specifically in terms of energy consumption, the Final EIR's GHG analysis concludes that the Project generates 396 MTC02e annually for residential energy use. This calculation is based on the deployment of 100% solar energy production. But solar is not necessarily required as discussed further below. Furthermore, it is not clear based on the available information that PV solar is sufficient to provide 100% of the Project's residential energy needs. Are the solar panels of a sufficient size and production value to produce 100% of the Project's residential energy needs? Also, the carbon credits are dubious where they are purchased only after Project approval (prior to building permits) subject to only planning-level approval. The public has no way of verifying whether the carbon credits are sufficient to reduce the Project's GHG emissions, and certainly no way to determine whether the off-sets are related to emissions in the County of San Diego which would be necessary to ensure the "net zero" scenario required by the CAP to ensure that the County can achieve emission reduction goals.*

**Response 16:** See Response 9 above.

***Comment 17:** Realistically, the Project locates a large housing tract far away from major employment centers. Downtown San Diego is 30-40 miles from the Project site. It is a plain fact that traffic congestion on Interstate 15 is disastrous during "rush hours". Indeed, the Project is located outside of the Urban Area Transit Strategy Boundary according to SANDAG's Regional Transportation Plan/Sustainable Community Strategy ("RTP/SCS"). The Project is inconsistent with the RTP/SCS because its density is greater and the number of dwelling units is higher than what was included in the land use input assumptions for San Diego County. The Project must evaluate the Project's unplanned growth on regional climate goals and plans. The RTP/SCS assumes the development of denser communities, namely that 80% of all housing would be developed within the urbanized areas of the western part of San Diego County - not the Project area. The RTP/SCS is based on the fact that VMT will be reduced because of the concentration of development in certain urban areas. The Project is contrary to the assumed development patterns and therefore has impacts that have not been evaluated and have not been shown to be mitigated by the proposed mitigation program.*

**Response 17:** San Diego Association of Governments ("SANDAG") publication, *Smart Growth in the San Diego Region*, which was developed with the Smart Growth Concept Map as part of the implementation of SANDAG's 2004 publication, *Regional Comprehensive Plan*, defines smart growth as:

“...a compact, efficient, and environmentally-sensitive urban development pattern. It focuses future growth and infill development close to jobs, services, and public facilities to maximize the use of existing infrastructure and preserve open space and natural resources. Smart growth is characterized by more

compact, higher density development in key areas throughout the region that is walkable, near public transit, and promotes good community design. Smart growth results in more housing and transportation choices for those who live and work in smart growth areas.”

The Project would represent infill development between the Village Residential, Semi-Rural Residential and mixed uses of Harmony Grove Village, and the urban development of the surrounding cities of Escondido and San Marcos. The Specific Plan area is near four Smart Growth Opportunity Areas (“SGOA”) identified in the SANDAG Smart Growth Concept Map – North County, including within approximately 1 mile of ES-8 (Potential Special Use Center associated with the SPRINTER Station and the Escondido Research and Technology Center [ERTC]), and within approximately three (3) miles of ES-2 (Mixed-Use Transit Corridor along Mission Road), SM-2 (California State University, San Marcos Campus), and SM-1 (District mixed-use area [a Town Center]). The Project’s location is consistent with regional plans to focus housing and job growth in urbanized areas where there is existing and planned transportation infrastructure.

The Project is also located near the 2035 Potential Transit Priority Project Areas that run along Citracado Parkway and the SPRINTER line. While the Project is not located within the “walkable” 0.25 to 0.5 buffer zone of a transit hub that defines a SGOA, it would place residences within a very short commute of nearby employment centers, thus reinforcing and complementing the local economy on a sustainable basis. In addition, the farthest Project Site ingress/egress at the southern end of Neighborhood 5 is within approximately two (2) miles driving distance of the Nordahl SPRINTER rail station (which links to the COASTER rail and BREEZE buses). Placing infill residential uses near transportation, employment, shopping and service centers would help minimize travel times and vehicle miles traveled (“VMT”) by comparison with developments in more distant areas, and would be consistent with the goals of the RCP, 2050 RTP/ SCS, County General Plan Housing Element, and Senate Bill (SB) 375 regarding GHG reduction.

The Project also proposes a trail network to encourage non-vehicular forms of mobility to reduce emissions and promote health. The Project traffic analysis addresses the potential for significant hazards to pedestrians, bicyclists or equestrians, per County significance guidelines.

As described in the FEIR section 1.8.1, the Project would be generally consistent with project growth in both the General Plan and SANDAG 2050 RTP with adoption of the General Plan Amendment. The increase in density proposed would help the Project be growth-accommodating, and not growth-inducing, as hundreds of thousands of new housing units are forecasted to be needed in the region in the near future. The Project would not be expected to be growth-inducing by adding infrastructure to the area.

As described in Section 1.8, the Project would not be a major employment center that would attract new residents and would instead complement existing employment centers. The roadway improvements proposed by the Project would generally serve Project residents and would not create significant roadway infrastructure to induce growth.

To increase fire flow capacity and enhance regional and area fire safety, the Project would design and construct the R7 Reservoir for the Rincon MWD. This reservoir has been planned for in the 2014 Rincon MWD Water Master Plan to serve existing growth and growth forecasted in the General Plan. Therefore, the R7 Reservoir would not provide opportunities for additional growth beyond that forecasted in the General Plan and would not be considered growth-inducing.

With regard to sewer services, residences and businesses in the Project Site vicinity currently use septic systems for treatment of wastewater. The Project includes provision of a system of private sewer mains and a private on-site WTWRF. The on-site WTWRF would be a small treatment facility proposed to accommodate only the wastewater generated by the Project and would not include the processing equipment or capacity to treat effluent from other areas or future growth. As such, the WTWRF is not considered to be growth-inducing.

***Comment 18:** The Final EIR's energy mitigation is unenforceable and illusory. EIR Table 3.1.2-9 indicates significant reductions in energy consumption based on the use of solar energy. The EIR implies that the Project's residential component will be 100% solar, but solar energy is not necessarily required. The EIR discloses that the Project may employ solar energy, participation in EcoChoice, or "equivalent" measures. SDG&E's EcoChoice program appears to be a voluntary program for consumers, meaning that individual consumers would need to apply, participate, and continue participation in the program. Further, energy mitigation can be "equivalent" to PV solar panels or EcoChoice, whatever this means. In sum, the mitigation language is vague and unenforceable. The Project should be conditioned so that the entire Project is built with solar ready roofs and that use of PV solar panels is implemented as a condition of the Project's development. Otherwise, the Project cannot take substantial credit for the reduction of energy consumption and, moreover, GHG emissions.*

**Response 18:** Please see response 9 above.

***Comment 19:** The EIR lists a number of "design considerations"; the EIR apparently relies on these design considerations in the analysis of Project impacts. Thus, all design considerations must be made enforceable CEQA mitigation measures. See, Lotus v. Dept. of Transportation (2014) 223 Cal.App.4th 645, 658. "Design feature" no. 12 states that construction of the proposed project "would utilize Tier 4 certified equipment." The Project must include as an enforceable CEQA mitigation measure the requirement that the Project shall utilize Tier 4 certified equipment. This makes the measure enforceable pursuant to CEQA. See Guidelines §§15097 (a), 15126.4 (a)(2). Also, the alleged requirement to use solar energy or "equivalent" measures shall be made enforceable CEQA mitigation measures. If these measures are not adopted through the CEQA mitigation program, they are not enforceable pursuant to CEQA and should not be relied upon in the analysis.*

**Response 19:** A lead or responsible agency adopts mitigation measures described in the EIR when it approves the project. The mitigation measures that are adopted must be enforceable through conditions of approval, contracts or other means that are legally binding. (Pub. Res. Code § 21081.6(b); CEQA Guidelines § 15126.4(a)(2).) Incorporating mitigation measures into conditions of approval is sufficient to demonstrate that the measures are enforceable.

This requirement is designed to ensure that mitigation measures will actually be implemented, not merely adopted and then ignored. When mitigation is built into the project's design, the lead agency may presume that the project will be implemented consistent with the project description. When an agency approves a plan that provides a legal or policy framework for later approvals, it may comply with the requirement that mitigation measures be enforceable by incorporating the mitigation measures into the plan, policy, regulation, or design of the overall project. (Pub. Res. Code § 21081.6(b); CEQA Guidelines § 15126.4(a)(2).)

***Comment 20:** The Project's Findings and Statement of Overriding Considerations are based in large part on features and mitigation measures that are necessary to implement the Project; that is, they are not "overriding benefits" of the proposed Project. The Project is also justified by the County's need for additional housing. Yet according to the General Plan, the County's Land Use Plan provides adequate housing to meet the planning cycle's overall Regional Housing Needs Assessment (RHNA) of 22,412 units. And, according to the Housing Element, "locating future growth in [remote, rural communities] is not consistent with the County's multiple planning objectives." The Project is not shown based on substantial evidence to be necessary to meet housing demand. Furthermore, the Project is justified by the vague claims that it provides access to housing for individuals in different phases of life. This does not translate to providing access to housing for a range of income levels. For instance, in 2013, the County determined that most single-family homes sold for between \$225,000 to \$425,000 and concluded that "[s]ingle-family homes are generally not affordable to lower income household." According to Zillow, the median home price in San Marcos is currently \$582,748. The median home price in San Diego County in 2017 was \$529,000. These prices are clearly out of reach for persons in lower socio-economic brackets or even first-time homeowners. The Project does not in the practical sense present a range of housing products to service varying income levels.*

**Response 20:** See Responses 18 and 19 regarding enforceability of mitigation measures and project design features.

While the County has identified sufficient sites available for production of RHNA units, actual production of units is significantly behind the pace required to satisfy applicable RHNA allocations. In fact, the County is 16,000 housing units short of meeting its RHNA allocation for the year 2020.

For the cycle running from 2010-2020, the County was allocated 22,412 housing units, and has only built 4,644 units so far. (See Housing Element, p. 6-10; SANDAG Fact Sheet on RHNA.) The County has acknowledged that the County is experiencing a housing crisis and needs to encourage the production of housing at all income levels to meet the regional housing supply needs. (See April 18, 2018 BOS Report, at p. H; see also April 18, 2018, Staff power point for BOS hearing slides on Development Trends showing that the County needs to issue 2,241 building permits per year to meet its RHNA requirements, but is averaging much less [655 in 2017, 522 in 2016].)

The comment correctly states that the Project is not an affordable housing project. RHNA sites for very low-, low- and moderate-income housing are listed in the General Plan's Housing Element Background Report, Appendix 1 available at <https://www.sandiegocounty.gov/pds/generalplan.html>. The Project Site is not on the list and,

therefore, is not counted on as an affordable housing site for RHNA purposes. Nevertheless, the Project will contribute indirectly to housing affordability by providing move-up housing, clustered housing and ADUs that could provide housing for individuals and families on the lower end of the spectrum.

People that move into the Valiano Project are expected to vacate their current residences, freeing up lower priced homes for occupancy by others. The Project will also provide approximately fifty (50) accessory dwelling units which the Housing Element encourages as a form of affordable housing. (Housing Element, p. 6-8 [“Affordable housing that is consistent with rural character includes ...second units... Existing regulations should facilitate this type of development.”]; Policy H-3.7 [“Alternative Affordable Housing Options. Provide programs that support the development of alternative types of affordable housing such as ... second dwelling units ...”]; Housing Element Background Report, p. 99 [“The County promotes second units as a viable option for affordable housing.”]) It should also be noted that Valiano provides a range of single family housing types, from detached condominium (courtyard homes) in Neighborhood 1, to lots averaging more than 0.34 acres in Neighborhood 4. This range of home types will provide a range of affordability for potential homebuyers.

### **Endangered Habitats League Letter dated May 7, 2018**

*Comment 1: Endangered Habitats League (EHL) opposes this proposed General Plan Amendment. For your reference, EHL is a long-term stakeholder in County planning endeavors and a Southern California regional conservation group.*

**Response 1:** Noted. This comment serves as an introduction and does not require a detailed response.

*Comment 2: There is no demonstrable need to amend the General Plan for this automobile dependent proposal outside of Village boundaries on the basis of housing capacity. The County is in compliance with all RHNA and housing element requirements. Instead, we urge diligent build-out of existing Villages, and not undermining such build-out with competing units. The project itself is standard suburban density, presumably with no housing affordable to households with mean income levels.*

**Response 2:** The commenter incorrectly states the County is compliance with the RHNA. While the County has identified sufficient sites available for production of RHNA units, actual production of units is significantly behind the pace required to satisfy applicable RHNA allocations. In fact, the County is 16,000 housing units short of meeting its RHNA allocation for the year 2020.

For the cycle running from 2010-2020, the County was allocated 22,412 housing units, and has only built 4,644 units so far. (See Housing Element, p. 6-10; SANDAG Fact Sheet on RHNA). The County has acknowledged that the County is experiencing a housing crisis and needs to encourage the production of housing at all income levels to meet the regional housing supply needs. (See April 18, 2018 BOS Report, at p. H; see also April 18, 2018, Staff power point for BOS hearing slides on Development Trends showing that the County needs to issue 2,241

building permits per year to meet its RHNA requirements, but is averaging much less [655 in 2017, 522 in 2016].)

The comment correctly states that the Project is not an affordable housing project. RHNA sites for very low-, low- and moderate-income housing are listed in the General Plan's Housing Element Background Report, Appendix 1 available at <https://www.sandiegocounty.gov/pds/generalplan.html>. The Project Site is not on the list and, therefore, is not counted on as an affordable housing site for RHNA purposes. Nevertheless, the Project will contribute indirectly to housing affordability by providing move-up housing.

People that move into the Valiano Project are expected to vacate their current residences, freeing up lower priced homes for occupancy by others. The Project will also provide approximately fifty (50) accessory dwelling units which the Housing Element encourages as a form of affordable housing. (Housing Element, p. 6-8 ["Affordable housing that is consistent with rural character includes ...second units... Existing regulations should facilitate this type of development."]; Policy H-3.7 ["Alternative Affordable Housing Options. Provide programs that support the development of alternative types of affordable housing such as ... second dwelling units ..."]; Housing Element Background Report, p. 99 ["The County promotes second units as a viable option for affordable housing."]) It should also be noted that Valiano provides a range of single family housing types, from detached condominium (courtyard homes) in Neighborhood 1, to lots averaging more than 0.34 acres in Neighborhood 4. This range of home types will provide a range of affordability for potential homebuyers.

***Comment 3:** In regard to land use, the project includes an outrageous proposal to remove Neighborhood 5 from the Elfin Forest-Harmony Grove subarea of the San Dieguito CPA so that the entire Project site would be located within the San Dieguito Community Plan. Any changes to community plan boundaries should be considered comprehensively in the context of the community plan as a whole. Such changes should not be driven by the convenience of individual projects and decided in that narrow forum. This proposed boundary change is reason enough for project denial.*

**Response 3:** Please see Topical Response: General Plan Amendment and Subarea Boundary Adjustment CEQA Analysis.

The entire Project Site is already located within the San Dieguito Community Plan Area, with Neighborhood 5 located within the Elfin Forest – Harmony Grove Subarea Plan, and Neighborhoods 1-4 are located outside of this Subarea Plan.

The intent of Community Plan Amendment is to remove the planning inconsistency of having different parts of the project governed by different land use plans. The Project would neither divide Harmony Grove, nor would it implement high density development. The Project Site is generally located at the western extent of Eden Valley where County jurisdiction meets the City of San Marcos. The residential uses proposed are semi-rural in nature (SR-0.5), which is the same general land use designation (SR) as other properties in Eden Valley, and less dense than the village densities located in Harmony Grove Village, which it abuts to the south. No division of community is anticipated. To the contrary, it is anticipated that the improved roads and trails



provided by the Project, as well as the agricultural set aside, and park facility open to the neighborhood, could facilitate community interaction.

The amendment would ensure continuity in design and development, consistent application of policy throughout the Project and integrated conformance with the San Dieguito Community Plan and General Plan. In essence, this amendment is a boundary line adjustment to conform the Project Site with the newly created Specific Plan boundary as proposed by the Project. Contrary to this comment, the adjustment to exclude Neighborhood 5 will achieve continuity and consistency of applied principles.

Moreover, every Specific Plan is a *change to a community plan*. By definition, Specific Plans are separate geographic areas within a community plan; and allocate specific uses and development regulations that would apply to the entire specific plan area. Operating within a focused specific plan is more respectful of the overall community plan than proposing large global changes to the Subarea Plan, which would result in the application of the new development standards to the entire subarea as opposed to only the 48 acres within the Project area. Utilization of a Valiano Specific Plan and the Community Plan Amendment leaves intact the integrity of the Subarea Plan language for continued application to the remainder of the subarea.

***Comment 4:*** *The GHG analysis is flawed. The project proposes to use “Option 2” within the County’s recently adopted Climate Action Plan (CAP). The CPA [sic], including its provisions for GPAs, is currently the subject of litigation. Option 2 for ‘net zero’ GHG emissions has no criteria for feasible on-site GHG reduction but rather depends upon the applicant’s own and hardly objective assessments. Additionally, the project proposes to use “carbon offsets,” which are inexpensive but also often ineffective if not illusory (see enclosures). The County even allows out-of-state and foreign offsets, which are outside of its monitoring and enforcement ability. There are no local carbon credits available. We urge you to reject this unaccountable and unsound scheme.*

**Response 4:** The Project is a vesting tentative map project whose application was complete before notification of the CAP hearings and is therefore independent of but consistent with the current CAP. As such, the Project is following pre-CAP policies. The County’s pre-CAP policy after a Court prohibited the County from using the Service Person Efficiency Threshold was that a project-specific GHG threshold could be used. The Project will attain “net zero” GHG emissions through a combination of on-site project design features to reduce GHG and the purchase of carbon credits from certain carbon credit registries, as such, “net zero” GHG was set as the project-specific threshold. Accordingly, the Project EIR’s GHG analysis and administrative record stands on its own and does not tier off of the County’s recently certified CAP EIR.

As explained in the “Supplemental Memo for the Valiano Project Environmental Impact Report Appendix J Greenhouse Gases Analyses Report”, the Project is required to implement a long list of GHG-reducing project design features. One feature is that 100% of the Project’s electricity needs be supplied by renewable energy, first through rooftop solar to the extent feasible, then through an enrollment in a renewable energy supply program, such as San Diego Gas & Electric’s (“SDG&E”) EcoChoice program. The project design feature does not allow the

Applicant to decide what is feasible. The criteria is whether on-site solar is technically feasible based upon roof angle, roof surface area, and shading sources, as verified by a solar contractor. Solar contractor's routinely visit homes to evaluate the technical feasibility of solar energy on a residential rooftop based on these objective factors. Development permits are conceptual approvals, not final engineering so the exact shape, sized and shading sources of its future rooftops is not known at this time. Nevertheless, the Project contains objective criteria and specific feasible on-site actions it must take to reduce GHG emission before turning to carbon-credit purchases.

The Project's use of carbon complies with CEQA. Specifically, CEQA Guidelines section 15126.4(c)(3) states that "measures to mitigate the significant effects of GHG emissions may include, among others: Offsite measures including offsets that are not otherwise required, to mitigate a project's emissions." The CEQA Guidelines expressly allow the purchase of carbon credit offsets as a form of mitigation and do not require lead agencies to use only local or state carbon credit trading registries.

The County has determined that this Project must first purchase credits from either a California Air Resources Board ("CARB") approved registry, such as the Climate Action Reserve, the American Carbon Registry, and the Verified Carbon Standard; or through the California Air Pollution Control Officers Association Registry ("CAPCOA") GHG Rx. (See Mitigation Measure M-GHG-1, Site Plan Conditions of Approval no. 24 and no. 28.) If no registry is in existence as identified above, then any other reputable registry or entity that issues carbon offsets, to the satisfaction of the Director of PDS, may be used. Evidence that offset credits sufficient to offset all GHG emissions from construction and operations shall be provided to the County Department of Planning and Development Services ("PDS") to the satisfaction of the Director of PDS.

The report and article cited by this comment criticizes the United Nations' Clean Development Mechanism ("CDM") under the Kyoto Protocol. However, these articles are now outdated and does not relate to the offsets proposed to be provided by the Project for the following reasons: (i) reforms were made to international trading via the Paris Agreement; and (ii) the registries identified above, which the Project is to use, are not ones that follow the controversial Kyoto Protocol CDM policies. Instead, the registries the Project would utilize follow CARB-approved policies that are required to be enforceable and verifiable.

In the unlikely event that the above-identified registries have no carbon credit supply, the Applicant is not free to choose any registry. It has to be one approved by the Director of PDS, who is required to comply with CEQA's rules on enforceable mitigation.

A lead or responsible agency adopts mitigation measures described in the EIR when it approves the project. The mitigation measures that are adopted must be enforceable through conditions of approval, contracts or other means that are legally binding. (Pub. Res. Code § 21081.6(b); CEQA Guidelines § 15126.4(a)(2).) Incorporating mitigation measures into conditions of approval is sufficient to demonstrate that the measures are enforceable.

This requirement is designed to ensure that mitigation measures will actually be implemented, not merely adopted and then ignored. When mitigation is built into the project's design, the lead agency may presume that the project will be implemented consistent with the project description. When an agency approves a plan that provides a legal or policy framework for later approvals, it may comply with the requirement that mitigation measures be enforceable by incorporating the mitigation measures into the plan, policy, regulation, or design of the overall project. (Pub. Res. Code § 21081.6(b); CEQA Guidelines § 15126.4(a)(2).)

The Project includes a number of project design features and mitigation measures that will ensure GHG emissions are offset to zero. These requirements are documented in the following Conditions of Approval for Site Plan PLDS 2013-STP13-003: No. 22 (GHG #1 – Carbon Offset Tabulation); No. 27 (GHG#2 [M-GHG-1] – Carbon Offset – Construction-Related GHG); No. 31 (GHG#3 [M-GHG-1] – Carbon Offset – Operations-Related GHG); No. 53 (GHG#8 – Renewable Energy Implementation); and No. 64 (GHG#9 – Renewable Energy Implementation – Annual Reporting). Completion of all these mitigation measures/conditions of approval are required prior to the issuance of any permits. Therefore, contrary to the comment, GHG mitigation measures are not illusory, but instead are enforceable, even in the unlikely event of there are no local carbon credit supplies.

The presumption that the Director of PDS will not follow the CEQA rules is speculation and not a basis for overturning a project approval. It is also speculation to assume that the Director of PDS will allow the use of an offset registry that does not have enforceable and verifiable protocol rules. In contrast, because the permit requirement is to follow registries with enforceable and verifiable offsets as part of their protocols. Furthermore, the project is conditioned to purchase carbon offsets in geographical hierarchy which requires purchase of carbon offsets first within the unincorporated County.

**Comment 5:** *The integrity of the 2011 General Plan is at stake here and no compelling planning rationale has been advanced to change it.*

**Response 5:** The comment constitutes a conclusion to the comment letter. The comment letter does not provide substantial evidence that supports a finding that further CEQA review of the Project beyond the EIR is required or the Project may have a significant environmental impact.

### **Elfin Forest Harmony Grove Town Council Evacuation Plan Letter dated May 9, 2018**

**Comment 1:** *This comment states the project's Evacuation Plan is deeply flawed, that an adverse environmental effect will result in a significant impact to wildland fire hazard and threat to public safety, that recommended mitigation is fatally flawed, and that the analysis omitted from consideration a typical adverse effect specified in the Guidelines for Determination of Significance.*

**Response 1:** The commenter provides no substantial evidence in support of these claims. The Evacuation Plan and other materials in the administrative record provide substantial evidence that the Project will not have a significant adverse environmental impact with respect to fire hazards. Section 6.4 of the Valiano Wildland Fire Evacuation Plan (Dudek 2018) provides a summary of available research indicating that human behavior during wildfire emergencies is

largely predictable and that directions provided by credible officials are routinely followed by the general public.

**Comment 2:** *This comment states that the Evacuation Plan indicates that a wildland fire hazard originating closer to the community could allow significantly less time for evacuation than would be required and could make one or more evacuation routes not usable.*

**Response 2:** The commenter accurately quotes from the Valiano Wildland Fire Evacuation Plan (Dudek 2018). For appropriate context, it should be noted that evacuation plans are not required by CEQA or any County or other regulations for new development. Additionally, in the comment's described situation, the Evacuation Plan states that available contingency options include evacuating or relocating a portion of the community (much lower number of vehicles and faster evacuation time, proportional to the vehicle total being relocated), or not evacuating any of the residents if it is safe to shelter on site. Valiano residents and residents from the existing community that are not in fire hardened communities can safely refuge onsite if that is determined to be a safer option than evacuating. The project's ignition resistant construction, fuel modification zones and other fire safety design features make temporarily sheltering on site a viable option if evacuation is considered unsafe.

**Comment 3:** *The comment asserts that the adverse environmental effect caused by the Valiano project that could potentially cause a significant impact to existing residents is from page 28 of the Evacuation Plan where it describes the project potentially adding up to 612 vehicles to some evacuation scenarios, resulting in longer timeframes for residents using Country Club Drive and other roads.*

**Response 3:** The Evacuation Plan acknowledges that the addition of Valiano residents could result in longer evacuation times for the area, but goes on to state that "Valiano offers options that do not require the community to evacuate in every emergency scenario". In most fire situations, Valiano and the surrounding community can be safely evacuated because there will be multiple hours to complete an evacuation. Where multiple hours are not available, residents in communities built and maintained to highly ignition resistant standards may not evacuate and could take temporary refuge onsite instead. Residents of newer communities built to modern fire standards, such as the proposed Valiano, Harmony Grove Village and the proposed Harmony Grove Village South, could temporarily refuge onsite if evacuation is not a safer option, freeing up road capacity for residents of older, less fire-safe homes to evacuate. Residents of those older homes could also take temporary refuge within the Valiano community if necessary. As described in the Evacuation Plan, residents will receive regular training from the Homeowners Association ("HOA") and the San Marcos Fire Department about wildfire emergency response options, including refuge onsite, which will reduce panic and make residents more comfortable with the concept of refuging on site. The Evacuation Plan states that, while San Diego County has never ordered residents to shelter in place during a wildfire, there are multiple examples of people having successfully refuged in place within fire resistant structures such as those that will be constructed at Valiano (Evacuation Plan, p. 45) and that an education program regarding taking refuge onsite can facilitate compliance with such orders, reducing the potential for panic (Evacuation Plan, p. 47).

**Comment 4:** *The comment refers to the Evacuation Plan’s statement that contingency options available to Valiano include evacuating or relocating a portion of the community or not evacuating any of the residents if it is safer to shelter on site.*

**Response 4:** This is consistent with the Evacuation Plan, except the comment inaccurately labels the contingency options as mitigation. These contingency options are not mitigation measures; mitigation is not required because substantial evidence demonstrates the project will not have significant wildland fire hazards.

**Comment 5:** *The comment continues a quote from the Evacuation Plan (mislabeling it as mitigation) stating evacuation will likely be ordered if multiple hours are available for evacuation; otherwise on-site refuge for short durations may be directed instead of evacuation.*

**Response 5:** The comment inaccurately labels the Valiano approach to evacuations as mitigation, but accurately quotes information provided in the Evacuation Plan. No additional response is required or necessary.

**Comment 6:** *The comment provides a quote from the evacuation plan regarding the Valiano approach to evacuations stating sheltering on site is an available option that mitigates potential impacts on existing resident evacuations.*

**Response 6:** The comment accurately quotes from the Evacuation Plan regarding the ability to safely refuge people on site. However, the evacuation plan generically utilizes the terms “mitigate” and “potential impacts” since the project’s CEQA analysis demonstrates that the project will not have a significant environmental impact requiring mitigation with regard to wildfire risks. Therefore, the comment is accurate by quoting from the Evacuation Plan, but then misinterprets the intent of the statement, which is not a conclusion of impact analysis, but is a generic summary of how on-site safe refuge, if enacted, would remove vehicles from roadways.

**Comment 7:** *The comment asserts that the “shelter on site” mitigation is fatally flawed as it is dependent on enforcement of shelter in place decisions of incident managers. It further states that incident managers cannot enforce shelter in place. The comment states that there is no certainty that shelter in place will be followed by the public. The comment purports that the most probable outcome is that many if not most of them will decide to leave. It states that for these reasons, shelter in place is fatally flawed as a mitigation measure that cannot be relied upon and doesn’t adequately mitigate potential impacts on existing resident evacuation.*

**Response 7:** As noted above, the option of taking temporary safe refuge onsite is not mitigation. The Project’s preferred option will be early evacuation according to the Ready, Set, Go! Evacuation model. The commenter offers no evidence, let alone substantial evidence supporting the statement that residents will disobey law enforcement orders to take temporary refuge onsite if it is determined to be a safer option than evacuating. The comment’s speculation of how residents will respond disregards the provided human behavior research described in Section 6.4 of the Evacuation Plan which supports the ability for incident managers to direct people who overwhelmingly follow direction from an official source. Further, the populace at Valiano will, through the HOA, be aware of the fire threat, be prepared for evacuations, and understand that

they may be directed to remain in their protected home if it is considered unsafe to evacuate. See Response 3 for further support.

**Comment 8:** *The comment asserts that there are no communities built to shelter in place standards in Harmony Grove to evacuate to, including the older homes and Harmony Grove Village.*

**Response 8:** The comment confuses shelter in place communities with the intent of the evacuation plans contingency option available at the Project. Valiano, Harmony Grove Village and Harmony Grove Village South (if approved by the Board of Supervisors) would provide the ability for their residents to remain in their homes as a form of temporary safe refuge if directed to do so by emergency managers. Although not a formal shelter in place community, the Project's fire protection design features are fundamentally equivalent to the features required to be designated a formal shelter in place community by RSFFD. In addition, these newer communities offer roadside refuge to evacuating existing residents in the older homes referred to in the comment. If a short notice evacuation occurred where residents did not have time to escape and roadways were compromised, it is possible that emergency managers and on-site responders would direct vehicles into these large communities with ignition resistant landscapes as a preferred method to a late evacuation. This option is currently limited to Harmony Grove Village and would be expanded upon development of Valiano and Harmony Grove Village South. Further, it is recognized by San Marcos Fire Department and SDCFA, as well as law enforcement that there are multiple potential evacuation routes from the Valiano Project (as defined in the Valiano Evacuation Plan) and that evacuation distances are short, less than 2 miles and much shorter to areas where unbroken urban landscapes would be encountered. As such, it is unlikely that the temporary on-site refuge option would need to be utilized, but it is available as a contingency option providing more flexibility to emergency response resources and decision makers.

**Comment 9:** *The comment suggests that the mitigation value of shelter in place has been mischaracterized in the evacuation plan. It further asserts that the adverse effect of "responses of people during a wildland fire (human behavior)" was omitted as a factor of evaluation according to the 2010 San Diego County Guidelines for Determining Significance.*

**Response 9:** This comment is misplaced because the Evacuation Plan does include an analysis of human behavior, which is found to support evacuation successes experienced in most evacuations. Please refer to Section 6.4 of the Evacuation Plan on the "Social Aspects of Wildfire Evacuation" for more information. Further, the Evacuation Plan is based on the San Diego County Emergency Operations Plan, Evacuation Annex. That plan includes concepts for evacuating large numbers of people and has been enacted numerous times since its creation. The techniques and procedures consider the typical populations being evacuated and their human behavior in San Diego County and have been successfully implemented during the 2007, 2010, 2014, and 2017 wildfires in San Diego County.

**Comment 10:** *The comment states that the evacuation plan did not consider human behavior during a wildland fire because it is highly likely that existing residents would disregard directions to shelter-in-place.*

**Response 10:** This comment that people will disregard instruction to take temporary refuge on site is based on pure speculation and is not substantiated by any evidence. Section 6.4 of the Evacuation Plan provides substantial evidence refuting the commenter's speculation by referencing scientific studies finding that people are likely to observe direction received from credible sources, such as law enforcement, who will likely be directing traffic to temporary onsite refuge spaces if evacuation is determined not to be safer. It is important to recognize that existing residents are not likely to be instructed to shelter in place because most fire circumstances will allow multiple hours to evacuate the entire community and where that is not the case, the evacuation of existing, non-fire safe communities will likely be prioritized over the evacuation of modern subdivisions, based on the typical procedures of evacuating populations at highest risk first (San Diego Sheriff's Department, Valiano Planning Commission Hearing 2018). If evacuation is determined not to be safe for residents of older non-fire safe homes, they may be directed to temporarily refuge within new communities, such as Valiano and Harmony Grove. The fuel break created by these ignition resistant communities, streetscapes and fuel modification zones create a temporary refuge space that may be safer than evacuation routes; this is particularly true with respect to interior subdivision streets. (Evacuation Plan, p. 48.)

*Comment 11: The comment suggests that a new potentially significant impact was acknowledged in the Evacuation Plan, that new mitigation recommended for that impact is inadequate, and that PDS should reevaluate the impact level, and shelter-in-place as mitigation and recirculate sections of the EIR.*

**Response 11:** The Evacuation Plan does not perform a CEQA analysis of impacts and mitigation measures. The Evacuation Plan was provided as a project resident tool to inform future homeowners of the potential for wildfires in the area and the various options that are available to them. Evacuation plans are not required by CEQA, San Diego County, San Marcos, or any other regulation or policy. The Evacuation Plan did not identify a new potentially significant environmental impact. Instead, it provided clarifying information consistent with and supporting the DEIR's conclusion that the Project will not have a significant wildland fire impact. The Evacuation Plan did not identify any new CEQA mitigation measures either, though recognizes that evacuation risks can be reduced because Valiano offers a temporary onsite refuge for the community in the event evacuation is considered unsafe. Neither the DEIR nor the Evacuation Plan identifies a significant wildland fire or evacuation risk, therefore no CEQA mitigation is required. Please refer to Response A12 for discussion about why recirculation of the EIR is not required for the Evacuation Plan.

*Comment 12: The comment states that the evacuation modeling did not account for traffic generated by current residents and requests the study to be redone to include all residents and the impact on road capacity. The comment also references that there are more horses than people and that needs to be considered.*

**Response 12:** Evacuation plans are not a required CEQA study and are not required by any other regulation or policy. The Project's Evacuation Plan was provided as a future resident awareness tool. Nevertheless, roads are not designed to accommodate emergency evacuation levels of traffic anywhere. That potentially would require much larger streets through the community, which would be inconsistent with the character of the surrounding environment, create street systems much larger than necessary and impose unacceptably on private property

rights to accommodate widened roadways. During emergency evacuations, law enforcement has the ability to control intersections (e.g., override signal lights) and change travel directions to add capacity to roadways (e.g., having all lanes moving in one direction instead of two) to ensure efficient evacuation and the free flow of traffic. It should also be noted that the Applicant has agreed to provide Shoulder Blading that will provide up to an additional 6-feet of driving surface on each side of Country Club Drive, where practicable. This also has the potential to aid evacuation in the event of a wildfire. Finally, the Evacuation Plan describes evacuation routes available to existing residents, Valiano residents and future residents, explains that as development occurs, the environment generally becomes less prone to wildfire due to the reduction in vegetation, and that all community residents can temporarily refuge in place at Valiano or other modernly designed subdivisions within Harmony Grove/Eden Valley if that is determined to be safer than evacuating.

**Comment 13:** *The comment requests ingress/egress improvements to mitigate an acknowledged impact. The comment specifically requests a condition of approval requiring development of a road extension to Lamoree Road.*

**Response 13:** As noted above, the project will not have a significant impact requiring additional mitigation and there is no nexus to require an extension to Lamoree Road. The project currently meets the code requirement for secondary access by providing four points and emergency egress points. Further, the San Marcos Fire Protection District and SDFCA, having accepted the FPP, concur with this conclusion. In addition, the existing evacuation roads provide access to Lamoree - by making a left on Progress off of Country Club and continuing through the industrial park on Corporate and Meyers, an evacuating vehicle can exit onto Barham Drive within a few hundred feet of the La Moree exit onto Barham.

**Comment 14:** *The comment requests that the Project's density be reduced, asserting that the reduced density would limit the impact on existing resident evacuation and maintain the refuge value of the ignition project design features.*

**Response 14:** The comment's request for reduced density would have the opposite effect on ignition resistance and the ability to temporarily refuge on this site. Fewer homes would result in more undeveloped area which typically would include unmaintained fuels, intermix of vegetative fuels within the community, and pathways for fire to enter into the community. Higher density communities in the wildland urban interface convert landscapes to maintained, ignition resistant spaces that provide buffers from unmaintained fuels. Furthermore, the requested density should be approved because the site is well suited for residential development given that it is within a couple of miles of major North County employment centers, including Cal State San Marcos, Palomar Medical Center and the over 283,000 employed within the nearby Innovate 78 corridor.

**Comment 15:** *The comment requests a condition of approval for a secondary exit via La Moree to mitigate extreme fire risk impact on current residents.*

**Response 15:** Please refer to Response 13 regarding an additional access road to La Moree Road.

**Comment 16:** *The comment requests that PDS fully evaluates the Valiano Vineyards alternative.*



**Response 16:** The comment is noted. Please refer to the detailed response to the request for consideration of the Valiano Vineyards alternative below.

**Elfin Forest Harmony Grove Town Council Valiano Vineyards Alternative Letter dated May 9, 2018**

*Comment 1: Please consider the Valiano Vineyards alternative to the proposed Valiano project. It would provide over 80% of the same affordable housing as the Proposed Project, with a greater range of housing types, while ensuring public safety in the fire-prone Eden Valley/Harmony Grove area by limiting the scope of the development to prudent general plan densities. Most significant impacts would be eliminated or reduced, and the lower total density would relieve daily traffic congestion promised with the Valiano project, and enable much safer egress in the event of an evacuation. A vineyard and winery would occupy the eastern-facing slopes, or the current orchard use could be continued, preserving steep slope topography while returning a yield on investment and long-term capital appreciation through value-added agriculture.*

**Response 1:** The comment does not raise any new CEQA issues related to the Project currently considered for approval and does not require any change to any conclusion in the EIR. There is no substantial evidence in the record or in the comment showing that subsequent environmental review is necessary or that the EIR did not consider a reasonable range of alternatives. (Pub. Res. Code § 21166; CEQA Guidelines § 15162).

Moreover, the EIR analyzed a reasonable range of alternatives, and the County is not required to include this “Vineyard Vines” alternative. CEQA does not require an EIR to consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. No set number of alternatives is necessary to constitute a legally adequate range of alternatives. The scope of alternatives comprising a reasonable range of alternatives will vary from case to case depending on the nature of the project under review. The lead agency has the discretion to determine how many alternatives will constitute a reasonable range.

An EIR’s discussion of alternatives need not include alternatives that do not offer significant environmental advantages in comparison with the project or with the alternatives that are presented in the EIR. (CEQA Guidelines § 15126.6(b)).

The EIR 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. The Elfin Forest Harmony Grove Town Council submitted an additional alternative (Valiano Vineyard) for consideration. The alternative proposes the same density as the General Plan Density alternative and will replace housing on the eastern-facing slopes with a vineyard. The County as the Lead Agency is responsible for selecting a range of project alternatives (CEQA §15126.6). Because the Valiano Vineyard alternative is similar to the General Plan Density alternative, it was not included as an alternative.

*Comment 2: The Valiano Vineyards alternative meets all of the CEQA requirements for alternatives. It meets every project objective, in most cases better than does the Proposed*

*Project; is composed of portions of alternatives chosen for analysis in the DEIR in part for their feasibility and thus would be similarly feasible; and would substantially lessen the significant effects of the project.*

**Response 2:** See Response 1 above.

**Comment 3:** *And while the total density is the same as the General Plan Density alternative, the similarity stops there. Whereas the General Plan Density alternative meets perhaps three project objectives, Valiano Vineyards meets all of them, most of them better than the Proposed Project. The General Plan Density alternative offers one type of housing and lot type, while Valiano Vineyards offers more variety than the Proposed Project. No agricultural easement would likely be implemented under the General Plan Density alternative, while the agricultural easement would be expanded under the Valiano Vineyards alternative. Whereas the impacts of the General Plan Density alternative would be greater for three of ten environmental issue types than the Proposed Project, Valiano Vineyards would substantially lessen impacts for every one of the ten environmental issue types as per the extensive and detailed analysis presented in the submitted alternative. Because the Valiano Vineyards alternative is substantially dissimilar from any other alternative and offers superior advantages over any other alternative, the San Diego Planning Commission might want to consider whether the terms of CEQA would be better fulfilled by considering the Valiano Vineyards alternative rather than, or in addition to, the General Plan Density alternative.*

**Response 3:** See Response 1 above.

**Comment 4:** *Valiano Vineyards is completely unique among the alternatives proposed that meet the CEQA requirements for consideration. It is the only alternative, including the Proposed Project, that checks all the boxes:*

1. *meets every project objectives, and*
2. *substantially reduces environmental effects including every un-mitigatable impact (except the one impact unmitigatable even with no project), and*
3. *is feasible based on the four CEQA mandated evaluation criteria:*
  - a. *site suitability*
  - b. *economic viability*
  - c. *availability of infrastructure*
  - d. *General Plan consistency*

**Response 4:** See Response 1 above.

**Comment 5:** *The Proposed Project doesn't meet all of these criteria; neither does the General Plan Density alternative. Moreover, Valiano Vineyards not only meets these criteria, it is superior to the Proposed Project in terms of all three of these primary CEQA evaluation criteria:*

1. *Better project objective attainment, as thoroughly described in the proposal;*
2. *Substantially reduced environmental effects, also thoroughly described in the proposal;*
3. *Greater feasibility: Whereas Valiano Vineyards meets every feasibility evaluation requirement, as described in the proposal, the Proposed Project arguably fails to meet two*

*of the four CEQA feasibility evaluation criteria: (1) because area road infrastructure is inadequate to serve the project, rendering an LOS F rating for daily drivers, and creating an unacceptable cumulative evacuation bottleneck on Country Club Drive; and because it is inconsistent with the Harmony Grove Community Plan component of the General Plan as well as several Land Use and Safety Elements.*

**Response 5:** See Response 1 above.

**Comment 6:** *In fact, the Proposed Project is arguably infeasible. (1) because the area road infrastructure is insufficient to support the project density; and (2) the project is inconsistent with the General Plan in terms of Community Plan consistency, as well as Land Use Element LU-6.10 and Safety Elements S-1.1, S-2.6, S-3.5 and S-3.6 concerning wildland urban interface related hazards and safety.*

**Response 6:** This comment mischaracterizes and misuses the concept of “infeasible.” The term “feasible” is defined in Public Resources Code section 21061.1 as “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.” The Guidelines add the term “legal” to the list of factors to take into account. (CEQA Guidelines § 15364.)

To avoid impacts related to rural road safety, the Project must apply policies from the Land Use and Mobility Elements. The relevant policies are LU-2.8, LU-6.10, M-4.3, M-4.4, M-4.5 and M-9.1. The Project would be consistent with these policies by designing proposed roadways to meet County standards to avoid traffic safety hazards and accommodate emergency vehicle access, providing roadway improvements to Country Club Drive and incorporating design guidelines of the Project Specific Plan to include rural elements along Project roadways and trails. (FEIR, pg. 3.1.4-16.) By adherence to these policies, the Project would not be in conflict with applicable policies adopted for protection of environmental resources or values. (*Id.*)

The Safety Element of the General Plan addresses the natural hazards and human activity that may pose a threat to public safety in the areas of wildfires, geologic and seismic hazards, flooding, hazardous materials, law enforcement and airport hazards. The Project has been reviewed for safety in all of these areas. (See EIR Section 3.1.4 – Land Use and Planning.) This Project is consistent with the 15 goals of the County’s Safety Element. (FEIR, pg. 3.14-16, 3.1.4-18 – 3.1.4-19.) Also, an FPP was prepared for the Project consistent with Policy S-3.6 (Appendix L of the Final EIR). (*Id.*) The FPP was reviewed in detail by the San Marcos Fire Department and subsequently approved.

**Comment 7:** *Given the objectively favorable comparison of the Valiano Vineyards alternative to the General Plan Density alternative and the Proposed Project; and given that we have exhaustively demonstrated that the alternative meets the technical requirements of CEQA for consideration, and offers the best balance of benefits to all stakeholders; and given that exclusion of the alternative obviates a reasoned choice by decision makers, consideration of the Valiano Vineyards alternative is indeed warranted and the alternative should be considered by the County of San Diego as lead agency reviewing the Valiano project.*

**Response 7:** Please see Response 1 above.

**The Valiano Vineyards Alternative**

Please see the responses to the Elfin Forest Harmony Grove Town Council letter on the Valiano Vineyard alternative. The comments do not raise any new CEQA issues related to the Project currently considered for approval and does not require any change to any conclusion in the EIR. There is no substantial evidence in the record or in the comment showing that subsequent environmental review is necessary or that the EIR did not consider a reasonable range of alternatives. (Pub. Res. Code § 21166; CEQA Guidelines § 15162).

Moreover, the EIR analyzed a reasonable range of alternatives, and the County is not required to include this “Vineyard Vines” alternative. CEQA does not require an EIR to consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. No set number of alternatives is necessary to constitute a legally adequate range of alternatives. The scope of alternatives comprising a reasonable range of alternatives will vary from case to case depending on the nature of the project under review. The lead agency has the discretion to determine how many alternatives will constitute a reasonable range. An EIR’s discussion of alternatives will ordinarily be upheld if a range of options is presented.

An EIR’s discussion of alternatives need not include alternatives that do not offer significant environmental advantages in comparison with the project or with the alternatives that are presented in the EIR. (CEQA Guidelines § 15126.6(b)).

The EIR 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. The Elfin Forest Harmony Grove Town Council submitted an additional alternative (Valiano Vineyard) for consideration. The alternative proposes the same density as the General Plan Density alternative and will replace housing on the eastern-facing slopes with a vineyard. The County as the Lead Agency is responsible for selecting a range of project alternatives (CEQA §15126.6). Because the Valiano Vineyard alternative is similar to the General Plan Density alternative, it was not included as an alternative.

**Deb Toner e-mail dated May 10, 2018**

Comments noted as to Ms. Toner’s dispute and challenge of the Valiano Project.

**Johanna Maurice e-mail dated May 10, 2018**

Legal noticing requires that anyone who requests noticing of a project and all properties within 300 feet be noticed. Your property is located greater than 300 feet from the project site and a request for noticing was not received. A draft version of the EIR for the proposed Valiano project (SCH # 2013061042) was circulated for public review from April 30, 2015 to June 15, 2015 and the Draft Revised EIR was re-circulated for public review from December 8, 2016 to January 30, 2017. These documents were available on the County’s website for review and

comment and were provided to the San Dieguito Community Planning Group for consideration. Please note that Michael Wittmore's communication was responded to on April 30, 2018.

Please refer to chapter 2.8 regarding traffic impacts and mitigation, chapter 2.9 regarding fire protection, chapter 2.1 regarding aesthetics, chapter 3.1.4 regarding land use, and the Evacuation Plan. The commenter did not identify inadequacies with the environmental document.

**Karen Binns e-mail dated May 9, 2018**

The e-blast notice is an additional notice of the Planning Commission hearing. A 10-day notice of the Planning Commission was provided via regular mail and on the County's website. The commenter did not identify inadequacies with the environmental document.

**Camille Zeleny e-mail dated April 30, 2018**

Your opposition to the project is noted as part of the public record. The commenter did not identify inadequacies with the environmental document.

**Michael Wittmer e-mail dated April 30, 2018**

The County provided responses to questions from Michael Wittmer on April 30, 2018 regarding Hill Valley access and website address for EIR and supporting documentation. The commenter did not identify inadequacies with the environmental document.

**Mr. and Mrs. Brown e-mail dated May 3, 2018**

Your opposition to the Project is noted as part of the public record. The commenter did not identify inadequacies with the environmental document.

**Janine Young e-mail dated May 2, 2018**

Your opposition to the project is noted as part of the public record. The commenter did not identify inadequacies with the environmental document.

**Tina Pope letter dated May 6, 2018**

Your support of the project is noted as part of the public record.

**David Bennett letter dated May 6, 2018**

Your support of the project is noted as part of the public record.

**San Marcos Chamber of Commerce**

Your support of the project is noted as part of the public record.

**Byram Frost letter dated April 26, 2018**

Your support of the project is noted as part of the public record.

**Mike Lukic letter dated June 22, 2018**

Your support of the project is noted as part of the public record.

**Brendan Theissen letter dated June 27, 2018**

Your support of the project is noted as part of the public record.

**Gordan Fines letter dated June 30, 2018**

Your support of the project is noted as part of the public record.

**Steven and Jacqui White letter dated April 27, 2018**

Your support of the project is noted as part of the public record.

**Kirk Effinger e-mail dated May 8, 2018**

Your support of the project is noted as part of the public record.