

June 15, 2015

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

Dear Ms. Ehsan:

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

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

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

The Valiano DEIR proposes an on-site wastewater treatment and water reclamation facility to treat wastewater¹ instead of septic, as required by the San Dieguito Community Plan (Elfin Forest - Harmony Grove)² The DEIR also evaluated six alternatives: No Project/No Development

¹ Valiano DEIR, Chapter 1.2.1.1, p. 1-7 to 1-10.

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

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

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

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

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

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

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

³ Valiano DEIR, Chapter 4, p. 4-1 (italics added)

⁴ See County of San Diego Board Letter, June 10, 2015 and June 24, 2015, “Approve Amendments to Division 8 of Title 6 of the San Diego County Code of Regulatory Ordinances to Adopt and Implement a Local Agency Management Program for Onsite Wastewater Treatment Systems (6/10/15 – First Read; 6/24/15 – Second Reading (Districts: All),” p. 4.

⁵ The septic option would only accommodate 35 single-family residences. See Valiano DEIR, Chapter 4.7, p. 4-38.

⁶ Valiano DEIR, Chapter 4.7, p. 4-41.

⁷ See Valiano DEIR, Chapter 4.1, p. 4-2 to 4-3.

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

The DEIR Inadequately Analyzes Transportation/Traffic Impacts

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

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

The DEIR Inadequately Analyzes Fire Safety

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

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

⁹ Valiano DEIR, Chapter 2.8.2.10, p. 2.8-21 (emphasis added).

¹⁰ Valiano DEIR, Chapter 1.2.1.2, p. 1-11.

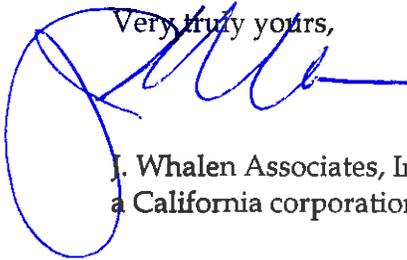
and the magnitude of risk to public safety during such an event. The Fire Protection Plan should be revised to address these issues.

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

Conclusion

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

Very truly yours,



J. Whalen Associates, Inc.,
a California corporation

by: James E. Whalen
President

¹¹ Valiano Fire Protection Plan (Firewise 2000, Inc., 2015), p. 23 of 92.

¹² Valiano Fire Protection Plan, p. 24 of 92.

¹³ Valiano Fire Protection Plan, p. 25 of 92.

¹⁴ Valiano Fire Protection Plan, p. 27 of 92.