

## COMMENTS

## RESPONSES



Julie Procopio, P.E.  
Assistant Director of Public Works/Engineering  
201 North Broadway, Escondido, CA 92025  
Phone: 760-839-4801 Fax: 760-839-4597

January 27, 2017

Ms. Michele Chan  
Planning and Development Services  
5510 Overland Avenue  
San Diego, CA 92123

Re: Valiano Specific Plan: PD2013-SP-13-0012, PDS2013-GPA-13-001,  
PDS2013-REZ-13-001, PDS2013-TM-5575, PDS2013-STP-13-003,  
PDS2014-MUP-14-019, LOG NO. PDS2013-ER-13-08-002.

Dear Ms. Chan:

In response to request for comments on the recirculated Draft EIR, City of Escondido has certain roadway and intersection improvements identified in attached Exhibit "A".

We appreciate your consideration to include the attached traffic mitigation requirements in the EIR and project conditions of approval.

If you have any questions, please feel free to contact me.

Best Regards,

  
Homi Namdari  
Assistant City Engineer  
(760)839-4085  
[hnamdari@escondido.org](mailto:hnamdari@escondido.org)

Sam Abed, Mayor

Michael Morasco, Deputy Mayor

Olga Diaz

Ed Gallo

John Masson

R-A-1 The comment is related to traffic and is not related to the changes in the Draft EIR (Land Use and Greenhouse Gas Emissions) that were the subject of the recirculation and Revised Draft EIR and as such, the topic of your comment is either included in the responses to comments from the original Draft EIR or was deemed to be outside the scope of recirculated topics. The Notice of Availability for the Recirculated Draft EIR dated December 8, 2016 stated: "The County requests that reviewers limit the scope of their comments to only the portions of the Draft EIR that have changed and are included in this Draft Revised EIR. Both sets of comments (Draft EIR circulated from April 30, 2015 to June 15, 2015) and this Draft Revised EIR will be included in the Final EIR." In addition, the Recirculation Reader Guide stated: "Pursuant to CEQA Guidelines Section 15088.5(f)(2), reviewers should limit their comments to the revised chapters or portions of the recirculated EIR only." CEQA Guidelines Section 15088.5(f)(2) provides that: "(2) When the EIR is revised only in part and the lead agency is recirculating only the revised chapters or portions of the EIR, the lead agency may request that reviewers limit their comments to the revised chapters or portions of the recirculated EIR. The lead agency need only respond to (i) comments received during the initial circulation period that relate to chapters or portions of the document that were not revised and recirculated, and (ii) comments received during the recirculation period that relate to the chapters or portions of the earlier EIR that were revised and recirculated. Please refer to responses (Topicals through Comment Letter DD) that were prepared for comments received during the first public review period of the Draft EIR that took place from April 30, 2015 through June 15, 2015."

## Exhibit "A"

## Valiano Project Traffic Mitigation/Improvement Requirements

## 1. Improvements to the Country Club Drive at Auto Park Way Intersection:

- a. The Intersection at Country Club Drive / Auto Park Way shall be restriped to provide one eastbound right turn lane, one shared left turn/through lane and one left turn lane with a signal timing modification to change the east/west approach to "split" phasing to improve functionality.
- b. Country Club Drive, beginning approximately 220' west of Auto Park Way shall be widened to provide 36' of asphalt width consisting of two travel lanes and a 10' center turn lane for a distance of approximately 830'.
- c. At the north/east end of Country Club Drive south/west of Auto Park Way where the roadway is widened as referenced above, the Developer will install a five foot sidewalk for a distance of approximately 830' on the north/west side of the road connecting two currently disconnected sections of sidewalk; one extending approximately 220' south/west of Auto Park Way and one extending approximately 1380' north/east of the intersection of Country Club Drive and Hill Valley Drive. The sidewalk does not have to be contiguous to the roadway. A six inch curb and gutter will be located adjacent to the pavement on the westerly section of the roadway. Three of the existing overhead utility poles would retain their existing position as depicted in the attached illustration.
- d. Improvements to the south/east side of Country Club Drive shall consist of a six inch asphalt berm backed by a 4' wide decomposed granite pathway and required biofiltration swales as depicted.
- e. All improvements shall be realized within existing Right-of-Way

## 2. Improvements to Kauana Loa Drive:

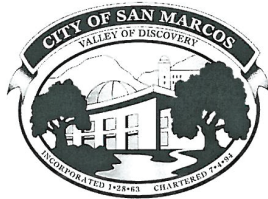
The project includes a Project Design Feature to improve Kauana Loa Drive from approximately 1,500' east of Country Club Drive to Harmony Grove Road. Improvements shall consist of adding 2' of pavement to the eastbound side of Kauana Loa Drive and the installation of traffic calming measures including speed and curve signage, striping, "Bott's Dots" along the centerline and radar speed signs in both directions approaching the angled curve along the segment.

## 3 One time Fair share contribution of \$250,000 for improvements to Citracado Parkway

RA-2 Exhibit "A" was received and these traffic mitigation requirements are included in Section 2.8.3 of the Final EIR.

## COMMENTS

## RESPONSES



1 Civic Center Drive  
San Marcos, CA 92069-2918

Telephone  
760.744.1050  
FAX: 760.591.4135

January 30, 2017

Ms. Michelle Chan  
County of San Diego  
Planning & Development Services  
5510 Overland Avenue, Suite 310  
San Diego, California 92123

Re: Comments regarding Recirculation of Draft Environmental Impact Report. PDS2013-SP-13-001, PDS2013-GPA-13-001, PDS2013-STP-13-003, PDS2013-TM-5575, PDS2013-REZ-13-001, & PDS2014-MUP-14-019; LOG NO. PDS2013-ER-13-08-002. 326-Unit Residential Subdivision; West of Country Club Drive.

Ms. Chan,

Thank you for giving the City of San Marcos an opportunity to comment on the Recirculation of the Draft Environmental Impact Report (EIR) for a 326-Unit residential subdivision. The following comments are based upon the Recirculation Draft EIR posted on the County website at [http://www.sandiegocounty.gov/pds/ceqa\\_public\\_review.html](http://www.sandiegocounty.gov/pds/ceqa_public_review.html). The subject property is located on the eastern City limit boundary.

1. The City has no comments regarding the recirculated chapters related to Global Greenhouse Gases and Land Use and Planning.
2. Previous City comments (dated June 15, 2015) regarding the initial Draft EIR (posted April 30, 2015 to June 15, 2015) are attached.

If you have any questions, please contact me at (760) 744-1050, extension 3236, or [npedersen@san-marcos.net](mailto:npedersen@san-marcos.net)

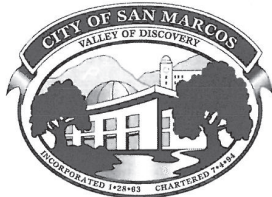
Sincerely,

Norm Pedersen  
Associate Planner

- R-B-1 Introductory comment noted. Please see responses to specific comments, below.
- R-B-2 The County acknowledges that that the City of San Marcos has no comments on the recirculated sections of the Draft EIR.
- R-B-3 The comment refers to previous comments on the Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.

## COMMENTS

## RESPONSES



1 Civic Center Drive  
San Marcos, CA 92069-2918

Telephone  
760.744.1050  
FAX: 760.591.4135

June 15, 2015

Ms. Beth Ehsan  
County of San Diego  
Planning & Development Services  
5510 Overland Avenue, Suite 310  
San Diego, California 92123

Re: Comments Regarding Draft Environmental Impact Report (PDS2013-ER-08-002); PDS2013-SP-13-001, PDS2013-GPA-13-001, PDS2013-STP-13-003, PDS2013-TM-5575, PDS2013-REZ-13-001, & PDS2014-MUP-14-019; 326-Unit Residential Subdivision; West of Country Club Drive; APNs: 228-313-13, 232-013-01, 232-013-02, 232-013-03, 232-020-55, 232-492-01, 232-500-18, 232-500-19, 232-500-20, 232-500-21, 232-500-22, 232-500-23, & 235-031-41.

Ms. Ehsan,

Thank you for giving the City of San Marcos an opportunity to comment on the Draft Environmental Impact Report (EIR) for a 326-Unit residential subdivision. The following comments are based upon the Draft EIR posted on the County website at [http://www.sandiegocounty.gov/pds/ceqa\\_public\\_review.html](http://www.sandiegocounty.gov/pds/ceqa_public_review.html). The subject property is located on the eastern City limit boundary.

### 1. Comments by City Planning Division:

- a. The amount of landform modification for the proposed hillside lots on the western portion of the subdivision should be reduced. Lot layout should conform with the natural terrain. The height of graded slopes is excessive. Slopes should typically be graded at a 2:1 ratio, and undulated to provide a natural appearance. All slopes should be landscaped with a mixture of trees, shrubs, and ground cover prior to occupancy of the first building.
- b. Properties directly to the west (in the City) are designated as very-low residential (0.125 to 1 du/ac). The proposed hillside lots on the western portion of the subdivision are much smaller in size, and do not provide an adequate transition in lot size from very-low density to the west to higher density to the east.

R-B-4 The attachment was received and the comments dated June 15, 2015 are addressed in the Final EIR. (Letter F).



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June 15, 2015  
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2. Comments by City Engineering Division:

- a. Figure 6-8 of the Specific Plan depicts offsite Vallecitos Water District improvement options through the Casitas Del Sol Mobile Home Park in the City of San Marcos. A condition should be placed on this project to require any improvements required within the City of San Marcos' jurisdiction shall be reviewed and approved by the City of San Marcos.
- b. In regards to the Traffic Impact Analysis prepared by Linscott, Law and Greenspan (dated April 10, 2015), the applicant should verify if a horizon year intersection analysis was performed. In addition, the applicant's cumulative project list should be revised to include the Rancho Coronado (Hanson) and DMV projects.

3. Comments by San Marcos Fire Protection District:

- a. Fuel Management Plan is required. A 150' fuel modification is required from all sides of all structures. The plan to be approved by this office. The plan must be implemented before final approval of project.
- b. The applicant shall provide an addendum to San Marcos Fire Department 'Community Wildfire Protection Plan'. This addendum shall evaluate the WUI fire risk of the Valiano Development (what risk is when development is complete) and categorize area of this development into type of hazard (extreme risk, very high, high, etc.) The Applicant shall utilize the consultant previously used by San Marcos Fire Dept. to provide this info: Anchor Point LLC Consultants. The report shall be forwarded to San Marcos Fire Protection District-Fire Marshal upon completion.
- c. Provide a Resource Management Plan for wetland area as previously required.
- d. All access roads shall provide a minimum of 24 foot paved and usable road width. No parking will be allowed on roads 24 feet wide. Roads shall be designed to support the imposed loads of fire apparatus, approximately 75,000lbs.
- e. Hill Valley Rd. shall be improved to provide separate means of emergency access for fire department. A minimum 24 foot wide paved road, meeting design criteria will be required.
- f. Each dwelling shall be equipped with a residential fire sprinkler system that complies with 2013 edition of NFPA-13D. Plans shall be submitted to Parsley Consulting; fire sprinkler plan review consultant for San Marcos Fire Protection District.

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- g. Install bronze residential fire hydrant(s) at location(s) required by fire department. The minimum fire flow required is 1,500gpm for two hours. See other notes below:
- (1) Installation of all fire hydrants for this project shall be per local Water District and Fire Dept. specifications, whichever is applicable. Hydrant Type shall be Jones or Clow with one, 4-inch connection and one, 2-1/2 inch connection.
  - (2) Fire Hydrant blue dot markers shall be installed to indicate location of all fire hydrants served by this project.
  - (3) Project Engineer shall set-up appointment with Fire Marshal to discuss fire hydrant locations. Hydrants shall be shown on a map.
- h. Use of Building Materials shall comply with Enhanced Construction design using San Diego County Building Code.
- i. Any automatic gates are required to have a Knox rapid entry system and emergency vehicle strobe detector.
- j. Provide monument signs in key locations as determined by San Marcos Fire Department
- k. Prior to delivery of combustible building construction materials to the project site all of the following conditions shall be completed to the satisfaction of the Fire Department:
- (1) All wet utilities shall be installed and approved by the appropriate inspecting department or agency.
  - (2) As a minimum the first lift of asphalt paving shall be in place, prior to delivery of combustible materials on site; to provide a permanent all weather surfaces for emergency vehicles.
  - (3) All fire hydrants shall be installed, in service and accepted by the Fire Department and applicable water district.
- l. All new developments and any existing development where construction necessitates updating of emergency response maps by virtue of new structures, hydrants, roadways or similar features, shall be required to provide map updates in one of the following formats (AutoCad, DWG, DXF, ESRI shapefile, ESRI) and shall be charged a reasonable fee for updating all response maps.

R-B-4  
cont.

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PDS2013-ER-13-08-002  
June 15, 2015  
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- m. Signs reading "NO PARKING FIRE LANE" are required for public and private streets that are 24 feet or less in width. The number of, placement and wording for all fire lane signs and/or red curbs shall be as required by *CA. Vehicle Code, section 22500.1, 22658(a)* and San Marcos Fire Protection District –(fire dept. shall approve sign locations).
- n. All parcels within the project area must be annexed into Cities Community Facilities District (CFD) before any building plans will be approved.
- o. Update the Valiano Specific Plan to include the following information:
  - (1) All tree Canopies shall be spaced so crowns of all mature trees maintain a 30 foot horizontal separation. This applies to both fire resistant and non-fire resistant trees.
  - (2) Trees and vegetation shall be maintained so branches and limbs provide a minimum vertical clearance of 13 feet 6 inches above ground at all times.
  - (3) No pine trees or similar flammable vegetation shall be planted within the project boundaries.
- p. Requirements for Homes with Reduced Defensible Space. The following construction mitigation requirements shall be met for each dwelling within the Valiano Development that provides more than the 100 foot defensible space, but less than the 150 foot defensible space required by San Marcos Fire Protection. These requirements exceed chapter 7a of 2013 CBC and the Enhanced Construction requirements of San Diego County Fire Authority. All construction and landscape requirements listed below shall be met for specific dwellings.
  - (1) All dwelling with less than 150 feet defensible space shall be called out on a separate plan sheet in plan submittal. The plan sheet for these dwelling units shall list the following requirements shown below in items 2 thru 13.
  - (2) Exterior Walls of dwellings shall be two-hour fire rated. Provide a detail sheet on plan that identifies two-hour rated exterior walls as approved by I.C.C. Evaluation Services.
  - (3) All roofs shall be Class 'A' material. Roof or floor coverings for patio covers or balconies shall also be Class 'A' rated or non-combustible material.
  - (4) All eaves, overhangs or projections shall be non-combustible material. No exposed wood allowed.
  - (5) All Windows shall be dual pane, with both window panes being tempered glass. This also applies to any skylights being installed.

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Draft EIR Comments  
PDS2013-ER-13-08-002  
June 15, 2015  
Page 5 of 5

- (6) All vents shall be Ember-Resistant type with Baffles; Brandguard, O'Hagan or equivalent. No vents shall be on side of dwelling facing vegetation.
- (7) Any accessory attachments or structures such as patio covers, decks, partially enclosed exterior patios; sheds play structures, etc; shall be non-combustible or heavy timber and comply with OSFM requirements for fire resistive materials.
- (8) Exterior fire sprinklers will be required for any projection from dwelling that exceeds four feet in width and/or length.
- (9) All spaces of dwelling shall be sprinklered throughout; including attic and concealed spaces, closets or other areas.
- (10) Exterior fences attached to dwellings shall be non-combustible material.
- (11) No fire pits will be allowed. Enclosed exterior fireplaces may be allowed on case by case basis.
- (12) New Trees shall be planted a minimum of 40 feet from dwelling. No tree canopy at full maturity shall grow within 20 feet of any wall of dwelling. Trees shall be planted in a manner that tree canopies at full maturity shall be spaced a minimum of 30 feet from each other.
- (13) Any new vegetation planted shall be fire resistive, drought tolerant and meet SD County list of requirements for plants, shrubs and trees.

Please notify the City when the environmental document is available for public review and future public hearings. If you have any questions, please contact me at (760) 744-1050, extension 3236, or npedersen@san-marcos.net

Sincerely,

*N. Pedersen for*

Norm Pedersen  
Associate Planner

## COMMENTS

## RESPONSES

**From:** [Merri Lopez-Keifer](#)  
**To:** [Beddow, Donna](#); [Carmen Mojado](#)  
**Subject:** Valiano Revised DEIR - Response to comments on DEIR  
**Date:** Wednesday, January 11, 2017 4:08:09 PM

Dear Donna,

I am preparing SLR's comments on the *Revised* Valiano Specific Plan DEIR and I was wondering if there was a section where the original letters were responded to by the County. I reviewed the online table of contents, but was unable to locate such a section. I noticed that some of our comments were taken into consideration in the revised draft, but not others, like a requirement for clean fill materials, and would like to be able to respond to those comments.

Thank you.

Best,

Merri

Merri Lopez-Keifer  
 Chief Legal Counsel  
 San Luis Rey Band of Mission Indians  
 (925) 457-3395  
[lopezkeifer@gmail.com](mailto:lopezkeifer@gmail.com)

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R-C-1 The comment refers to previous comments on the Draft EIR. The comments contained in the letter from the San Luis Rey Band of Indians dated June 15, 2015 have been responded to in the Final EIR (Letter T).



## ENDANGERED HABITATS LEAGUE

DEDICATED TO ECOSYSTEM PROTECTION AND SUSTAINABLE LAND USE



January 18, 2017

VIA ELECTRONIC MAIL

Dept. of Planning and Development Services  
 ATTN: Michelle Chan  
 5510 Overland Ave Suite 310  
 San Diego CA 92123

**RE: Valiano Specific Plan and GPA Recirculated Draft EIR**

Dear Ms. Chan:

Endangered Habitats League (EHL) appreciates the opportunity to submit comments in addition to those of June 10, 2015. For your reference, EHL is a long-term stakeholder in County planning endeavors and Southern California's only regional conservation group.

Our concerns over the proposed land use change have not changed since our original comments. 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.

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.

The GHG analysis is flawed from numerous perspectives. On both CEQA and General Plan grounds, the County should defer the Valiano project pending completing a Climate Action Plan (CAP). The RDEIR uses the methodology issued by the County in its July 29, 2016 "Recommended Content and Format for Climate Change Analysis Reports in Support of CEQA documents." This document contains *de facto* Thresholds of Significance and an Efficiency Metric. The Sierra Club has filed suit to set aside this document in its Second Supplemental Petition dated September 2, 2016 submitted to the San Diego County Superior Court (enclosure) and incorporated by reference. Also, as detailed in a letter submitted by Golden Door Properties on August 5, 2016 (Exhibit C in enclosure), there are numerous inadequacies under CEQA in using this approach, such as

- R-D-1 The comment is introductory and is not at variance with the environmental document. Please see Responses R-D-2 through R-D-10 below for responses to specific issues.
- R-D-2 The comment expresses remaining concern over the proposed land use changes stated in previous comments on the Draft EIR which are addressed in the Final EIR (Letter N).
- R-D-3 The comment states that "any changes to community plan boundaries should [be] considered comprehensively in the context of the community as a whole." Realignment of boundaries can be a standard practice by planning jurisdictions to support consistency within and between plans of various types. (Govt. Code §65350 [provision for the amendment of land use plans].) The land use plan sets forth the long-range planning vision. Such plans are intended to be periodically updated and to evolve, based on development proposals that reflect the County's changing needs and priorities. This improvement to plan consistency occurs at the same time as this Project is moving forward, and provides the County with an opportunity to receive wide review and comment on this issue as part of public review of a project already receiving scrutiny. This ensures that the proposed change is brought to the attention of the public affected by it. Please also see Topical Response: General Plan Amendment and Subarea Boundary Line Adjustment CEQA Analysis

## COMMENTS

## RESPONSES

- R-D-4 The comment states that the GHG analysis should be deferred pending a completed CAP. Please refer to Topical Response: Greenhouse Gasses Analysis for information regarding the Recirculated Draft EIR's GHG analysis compliance with CEQA and the County General Plan. Just as the existence of a valid CAP does not guarantee a project's compliance with CEQA, the absence of a CAP does not preclude compliance. Even without an adopted CAP, each development project must comply with CEQA. The absence of a CAP does not preclude the imposition of any necessary mitigation measure as a condition of approval of a particular project. For a more detailed explanation, please see Topical Response: Greenhouse Gases Analysis.
- R-D-5 The comment claims that the GHG analysis uses de facto thresholds. The GHG analysis was a project-specific threshold the County found appropriate for this particular project; however, the threshold has since been revised. Following a hearing on the allegations raised in the Sierra Club's Second Supplemental Petition, an injunction was issued prohibiting the County from using that particular service population efficiency metric threshold, which is now in appeal. For a discussion of the new project-specific, net zero GHG threshold that is being used instead, please see Topical Response: Greenhouse Gasses Analysis and the Supplemental Memo for the Valiano Project Environmental Impact Report Appendix J Greenhouse Gasses Analyses Report for more information regarding the appropriateness of the GHG Analysis methodology.
- R-D-6 Comment noted. The letter cited in this comment objects to the use of a particular form of the service population efficiency metric that is no longer being applied to this Project. Please see Responses R-D-5, the Topical Response: Greenhouse Gases Analysis, and the Supplemental Memo for the Valiano Project Environmental Impact Report Appendix J Greenhouse Gasses Analyses Report.

## COMMENTS

## RESPONSES

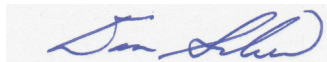
R-D-6  
cont. using a statewide metric of dubious relationship to new development in a specific area of the State. These concerns are equally valid for the Valiano project as for the subject of the Golden Door Properties letter. We also incorporate these concerns by reference.

R-D-7 More fundamentally, according to the 2011 General Plan, a valid Climate Action Plan (CAP) must be the basis for Thresholds of Significance and GHG analysis for ongoing development projects. As you know, the County does not yet have a CAP. Therefore, to comply with the General Plan, processing of this project should wait until the CAP is in place. These concerns are also detailed in the Sierra Club's Second Supplemental Petition.

R-D-8 Finally, it is a remarkable coincidence that the applicant's consultant has calculated the project's GHG emissions number to be exactly that of the threshold in the efficiency metric, and therefore asserting no significant impact. The underlying assumptions and methods should be the object of careful scrutiny by independent experts before being accepted by the County.

R-D-9 EHL is also aware of concerns expressed by the San Dieguito Community Planning Group and shares these. The integrity of the 2011 General Plan is at stake and no compelling planning rationale has been advanced to change it.

Yours truly,



Dan Silver  
Executive Director

Enclosure

Second Supplemental Petition dated September 2, 1016

R-D-7 The comment indicates that a CAP must be in place in order to process development project applications. Please see R-D-5 and Topical Response: Greenhouse Gases Analysis. There is no implied moratorium on development in the County's General Plan, there is no court order for a moratorium, and there is no County General Plan policy or mitigation measure prohibiting the use of project-specific GHG thresholds while the court-supervised CAP is pending. The court in Sierra Club's Second Supplemental Petition specifically rejected a proposal that the County no longer process individual projects, no longer make project-specific GHG threshold determinations, or apply a CAP-based threshold to all project-specific GHG thresholds.

R-D-8 The comment questions the methods and threshold used for the GHG analysis. The methods and threshold used were the result of careful consideration and are all detailed in the GHG technical report provided as Appendix J to the RDEIR. Please see Topical Response: Greenhouse Gases Analysis as it relates to the threshold used, estimate methods, and assumptions, as well as the project-specific net-zero GHG threshold now applied to the Project and described in the Supplemental Memo for the Valiano Project Environmental Impact Report Appendix J Greenhouse Gases Analyses Report. Additionally, please see Response R-F-56 for additional information about methods and assumptions.

R-D-9 The comment refers to San Dieguito Community Planning Group concerns. Please refer to Letter R-F for responses to the San Dieguito Community Planning Group comments.

COMMENTS

RESPONSES

1 CHATTEN-BROWN & CARSTENS LLP  
 2 Jan Chatten-Brown (SBN 050275)  
 3 Josh Chatten-Brown (SBN 243605)  
 4 302 Washington Street, #710  
 5 San Diego, CA 92103  
 6 619-940-4522; 310-798-2400  
 7 Fax: 310-798-2402

8 Attorneys for Petitioner Sierra Club

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

10 **FOR THE COUNTY OF SAN DIEGO**

11  
 12 SIERRA CLUB,  
 13  
 14 Petitioner,

15 v.

16 COUNTY OF SAN DIEGO,  
 17  
 18 Respondent.

) CASE NO.: 37-2012-00101054-CU-TT-CTL

) **SECOND SUPPLEMENTAL PETITION**  
 ) **FOR WRIT OF MANDATE**

) **IMAGED FILE**

) (CALIFORNIA ENVIRONMENTAL  
 ) QUALITY ACT)

) Judge: Hon. Timothy B. Taylor

) Dept: C-72

) Original Petition Filed: July 20, 2012

) First Supplemental Petition for Writ of

) Mandate Filed: February 18, 2014

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 SECOND SUPPLEMENTAL  
 PETITION FOR WRIT OF MANDATE

R-D-10 Attachments received. Please refer to responses R-D-5 and R-D-6.

**INTRODUCTION**

1. Petitioner Sierra Club (“Petitioner” or “Sierra Club”) files this Second Supplemental Petition for Writ of Mandate seeking to set aside the 2016 Guidelines for Determining Significance for Climate Change. This action is required because the County of San Diego (“County”) failed to circulate the 2016 document that it refers to as “Guidelines”, but is really Thresholds of Significance, and is therefore referred to as “2016 Thresholds.” (**Exhibit A.**) The 2016 Thresholds was adopted administratively, without public comment and review, and it was not adopted by ordinance, rule or regulation. This action violates CEQA and the County’s own procedural requirements.

2. The County also has approved the 2016 Thresholds in violation of the Court of Appeal’s conclusion that the project is the “C[limate] A[ction] P[lan] and Thresholds project.” In light of the Court of Appeal’s conclusion that “the County failed to analyze the environmental impacts of the CAP and Thresholds project itself,” the County may not approve Thresholds independently from the CAP and without performing environmental review.

3. The 2016 Thresholds also should be set aside as it is inconsistent with the County’s General Plan and the General Plan Environmental Impact Report (“EIR”), and the commitment the County made when it required a Climate Action Plan (“CAP”) and Thresholds of Significance based upon that CAP, as part of the 2011 General Plan Update. General Plan Mitigation Measure CC-1.8 requires the County to revise its thresholds of significance “based on the [CAP].” Since the thresholds of significance relies upon and even incorporates the CAP that this Court invalidated, the thresholds of significance cannot precede the CAP.

4. The approval of the 2016 Thresholds also violates this Court’s May 4, 2015 Supplemental Writ of Mandate. The Supplemental Writ of Mandate, which set aside the 2013 Guidelines for Determining Significance for Climate Change (“2013 Thresholds”), required the County to provide a schedule for preparing Guidelines for Determining



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1 Significance for Greenhouse Gas Emissions, as well as the CAP, and to comply with CEQA  
2 as it applied to this action. The County failed to do so.

3 5. The Sierra Club further seeks to enjoin the approval of major development  
4 projects requiring General Plan Amendments on lands that are currently greenfields within  
5 the County until the County approves a legally adequate CAP and Thresholds of Significance  
6 because proper environmental review cannot be conducted without such documents first  
7 being in place, and the premature approval of such developments would further jeopardize  
8 the ability of the County to attain the 2020 emission reduction goals to which it committed  
9 itself. Only if and when the County produces a legally adequate CAP and Thresholds of  
10 Significance based upon that CAP may major new development projects that require further  
11 amendments to the General Plan be considered.

12 6. In August 2011, the County adopted a General Plan Update, in which the  
13 County committed to preparing a CAP with greenhouse gas (“GHG”) emissions reduction  
14 targets and deadlines and comprehensive and enforceable GHG emissions reductions  
15 measures that will achieve specified quantities of GHG reductions by the year 2020.  
16 According to the County, the CAP was prepared to mitigate the impacts of climate change by  
17 achieving meaningful GHG reductions within the County. General Plan Update Mitigation  
18 Measure CC-1.2 required the preparation of a CAP within six months from the adoption date  
19 of the General Plan Update.

20 7. As this Court correctly stated in its April 24, 2013 judgment, “enforceable  
21 mitigation measures are necessary now.” Over three years after the issuance of this Court’s  
22 judgment, and five years after the County’s adoption of the General Plan Update, enforceable  
23 mitigation measures are still not in place. According to the First Return to the First  
24 Supplemental Writ of Mandate, the County provides for adoption of a new CAP by Winter  
25 2018.

26 8. Despite the absence of both a CAP to mitigate GHG impacts and Thresholds of  
27 Significance to assess whether impacts will be mitigated below the level of significance,  
28

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major development projects that require further amendments to the existing General Plan continue to be proposed and processed by the County. Approving such projects without complying with a legally adequate CAP and Thresholds is inconsistent with the County's General Plan commitment to mitigate GHG emissions and to comply with AB 32, CEQA, and general planning laws. Approval of amendments to the General Plan to allow further growth prior to the adoption of a legally adequate CAP and Thresholds would also be contrary to the rationale for issuance of the original writ of mandate and the reasoning of the Court of Appeal.

9. In light of Mitigation Measure CC-1.2's requirement that a CAP be prepared within six months from the adoption of the General Plan Update, processing major development projects absent a CAP five years after the General Plan Update was adopted constitutes an impermissible deferral of Mitigation Measure CC-1.2.

10. To the extent that the County is anxious to process major development projects requiring General Plan Amendments on lands that are currently greenfields, the answer is to expeditiously adopt an adequate CAP and Thresholds of Significance that will result in the County achieving the greenhouse gas emission reduction goals, adopted by it, that are articulated in AB 32.

**JURISDICTION**

11. This Court has jurisdiction over the writ action under section 1085 et seq. and 1094.5 et seq. of the Code of Civil Procedure, and sections 21168 and 21168.5 of the Public Resources Code.

12. Furthermore, in this Court's April 24, 2013 writ of mandate and May 4, 2015 supplemental writ of mandate, this Court retained jurisdiction over the County until the Court determines the County has adequately complied with CEQA and any and all other applicable laws with regard to its CAP and Thresholds of Significance.

**PARTIES**

13. Petitioner Sierra Club is a national nonprofit organization with more than 600,000 members nationwide, including almost 150,000 in California and 12,000 members in San Diego and Imperial Counties.

14. The Sierra Club is dedicated to exploring, enjoying, and protecting the wild places of the earth; to practicing and promoting the responsible use of the earth's ecosystems and resources; to educating and enlisting humanity to protect and restore the quality of the natural and human environment; and to using all lawful means to carry out these objectives. The Sierra Club's concerns encompass climate stabilization, coastal issues, land use, transportation, wildlife and habitat preservation, parks and recreation. The interests that Petition seeks to further in this action are within the purposes and goals of the organization. Petitioner and its members have a direct and beneficial interest in Respondents' compliance with CEQA, its own mitigation measures, and the Judgment of this Court. The maintenance and prosecution of this action will confer a substantial benefit on the public by protecting the public from the environmental and other harms alleged herein, including but not limited to requiring informed decision-making.

15. County of San Diego is a public agency under Section 21063 of the Public Resources Code. County of San Diego is authorized and required by law to hold public hearings, to determine the adequacy of and certify environmental documents prepared pursuant to CEQA, and to take other actions in connection with the approval of projects within its jurisdiction.

**BACKGROUND AND STATEMENT OF FACTS**

16. On August 3, 2011, the County adopted a General Plan Update, in which the "County committed to preparing a climate change action plan with 'more detailed greenhouse gas [GHG] emissions reduction targets and deadlines' and 'comprehensive and enforceable GHG emissions reductions measures that will achieve' specified quantities of

## COMMENTS

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GHG reductions by the year 2020.” (*Sierra Club v. County of San Diego* (2014) 231 Cal.App.4th 1152, 1156, *emphasis added*.)

17. Mitigation Measure CC-1.2 “requires the preparation of a County Climate Change Action Plan within six months from the adoption date of the General Plan Update.” (*Id.* at 1159.)

18. On July 20, 2012, Sierra Club filed the original Petition for Writ of Mandate in this case challenging the County’s June 20, 2012 approval of the CAP and Thresholds and an Addendum to the General Plan Update EIR.

19. In its original petition, Sierra Club argued that the County did not proceed in the manner required by law and by its own promises.

20. In its opening brief, the Sierra Club outlined the County’s failures to comply with CEQA Guidelines section 15064.7, subdivision (b):

Thresholds of significance to be adopted for general use as part of the lead agency’s environmental review process **must be adopted by ordinance, resolution, rule, or regulation**, and **developed through a public review process** and be **supported by substantial evidence**.

(Cal. Code Regs., tit. 14, § 15064.7(b), *emphasis added*). Sierra Club pointed out that the Thresholds were never separately mentioned on any agenda or public notice, developed through a public review process and, critically, were not based on substantial evidence.

21. The County’s response to this particular argument was that “[t]he Board simply did not adopt the guidelines at all. . . . In addition, the record contains no evidence that the Guidelines have been adopted by staff. . . .” (County’s Points and Authorities in Opposition to Petition for Writ of Mandate, p. 12, ll. 15-24.)

22. On April 19, 2013, this Court ruled in favor of the Sierra Club, concluding that the CAP was not properly approved and violated CEQA. The Court stated, “In view of the foregoing, the court finds it unnecessary to address the subsidiary dispute over whether the guidelines for determining thresholds of significance for GHG were adopted or not.” On

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1 April 24, 2013, this Court issued a Writ of Mandate and entered Judgment. The County  
2 appealed the Judgment of this Court on June 12, 2013.

3 23. In November 2013, the Director of Planning and Development sent a  
4 memorandum to the Board of Supervisors indicating the intent to adopt the 2013 Thresholds.

5 24. On December 18, 2013, counsel for the Sierra Club sent a letter to counsel for  
6 the County and requested that the Staff-Approved Thresholds be set aside. In a December  
7 27, 2013 response, the Chief Deputy County Counsel declined to set aside the Staff-  
8 Approved Thresholds.

9 25. On February 18, 2014, Sierra Club filed a Supplemental Petition for Writ of  
10 Mandate requesting that the Court order the County to set aside the Staff-Approved  
11 Thresholds unless and until the County has complied with the Judgment.

12 26. On October 29, 2014, the Court of Appeal affirmed this Court's judgment. In  
13 its opinion, the Court of Appeal stated, "By failing to consider environmental impacts of the  
14 CAP and Thresholds project, the County effectively abdicated its responsibility to  
15 meaningfully consider public comments and incorporate mitigating conditions." (*Sierra*  
16 *Club, supra*, 231 Cal.App.4th at 1173.)

17 27. On December 11, 2014, the parties entered into a stipulation regarding the  
18 disposition of the Supplemental Petition. In compliance with the Stipulation, on April 8,  
19 2015, the Board of Supervisors voted, in public session, to rescind the CAP and the  
20 November 2013 approval of the Thresholds was withdrawn.

21 28. On May 4, 2015, the Court issued the Supplemental Writ of Mandate ordering  
22 the County to demonstrate that it had set aside the CAP, findings, and 2013 Thresholds.  
23 Additionally, the County was required to file in its initial return "an estimated schedule for  
24 preparing a new Climate Action Plan, preparing Guidelines for Determining Significance for  
25 Greenhouse Gas Emissions, and complying with CEQA as it applies to those actions." The  
26 County was required to file additional returns at intervals not to exceed six months.



## COMMENTS

## RESPONSES

1           29. On June 4, 2015, the County submitted its initial return to the writ detailing the  
2 rescission of the CAP and the withdrawal of the 2013 Thresholds. The County also attached  
3 the estimated schedule. While the County alleged that the timeline encompassed  
4 “Greenhouse Gas Significance Guidelines,” the timeline does not reference the Guidelines or  
5 Thresholds at all. The County only provided a “Climate Action Plan Schedule,” which  
6 anticipated final approval of the CAP and EIR in “Spring 2017-Winter 2018.” While the  
7 County’s website refers to possible adoption by Fall 2017, clearly the time could be delayed  
8 considering the County has already fallen behind schedule on its stated timeline.

9           30. The schedule indicates that the Draft CAP would be developed in “Fall 2015-  
10 Spring 2016,” the Draft EIR would be developed in “Winter 2016-Summer 2016,” and the  
11 CAP and EIR would be finalized in “Spring 2016-Winter 2017.”

12           31. In its Second Return to Supplemental Writ of Mandate, filed on January 5,  
13 2016, the County stated that it had created a Green Working Group composed of  
14 representatives of numerous County departments and consultants that meet monthly.

15           32. In its Third Return to Supplemental Writ of Mandate, filed on June 28, 2016,  
16 the County identified a number of preliminary actions, including participation in meetings,  
17 workshops, and public events, as well as review of CAPs from other jurisdictions. The  
18 County identified that an EIR Scoping Meeting is scheduled for fall 2016.

19           33. Since the Draft CAP Development and Formulation was scheduled for as late  
20 as Spring 2016, the Draft EIR Development was scheduled for as late as Summer 2016, and  
21 the Third Return did not identify any actions taken in drafting the CAP or EIR, the County is  
22 already behind schedule and is unlikely to be able to comply with its initial schedule  
23 anticipating final adoption of the CAP and Thresholds by Winter 2018.

24           34. On July 29, 2016, the County’s Planning and Development Services published  
25 its “2016 Climate Change Analysis Guidance.” Counsel for Sierra Club has found no  
26 evidence that either the Sierra Club or the general public was notified of the pendency of the  
27 proposed 2016 Thresholds, or was provided an opportunity to comment on them.  
28

## COMMENTS

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1 35. The 2016 Thresholds are less environmentally protective than the 2013  
2 Thresholds that were previously set aside. For example, the 2013 “Efficiency Threshold” is  
3 lower (4.32 metric tons per person), and thus more environmentally protective, than the 2016  
4 “County Efficiency Metric” (4.9 metric tons per person).

5 36. On July 26, 2016, Sierra Club sent the County a letter requesting that the  
6 County halt approval of development project applications requiring General Plan  
7 Amendments until a new CAP and Thresholds are prepared. (**Exhibit B.**)

8 37. On August 5, 2016, attorney Chris Garrett sent a letter to the County urging it  
9 to set aside the 2016 Thresholds. (**Exhibit C.**)

10 38. On August 9, 2016, Sierra Club sent the County a letter requesting that the  
11 County set aside the 2016 Thresholds. (**Exhibit D.**)

12 39. On August 10, 2016, the County responded to Sierra Club’s July 26, 2016  
13 letter declining to postpone action on development projects claiming that a valid CAP is not  
14 necessary for project approvals because, “Even without an adopted CAP, each development  
15 project must comply with CEQA.” (**Exhibit E.**) The County did not respond to Sierra  
16 Club’s August 9, 2016 letter.

17 40. Petitioner has a beneficial right and interest in Respondent’s fulfillment of all  
18 its legal duties, as alleged herein.

19 41. Petitioner has no plain, speedy or adequate remedy at law. County staff  
20 purported to adopt the 2016 Staff-Approved Thresholds despite this Court’s Judgment,  
21 without any public review, and without complying with CEQA. Unless this Court enjoins  
22 and sets aside its action, the County will almost certainly approve projects with climate  
23 change impacts without any meaningful climate change analysis. The foreseeable  
24 consequence is that projects that individually and/or cumulatively would adversely impact  
25 the environment will be presented for approval without the benefit of science-based analysis  
26 and without science-based consideration of feasible mitigation measures. The result is that  
27 which CEQA seeks to avoid - uninformed decision-making and stifled solutions.  
28

1           42. A valid CAP and Thresholds are necessary to adequately mitigate GHG  
2 impacts and comply with the commitments the County made during the 2012 General Plan  
3 Update process.

4           43. The County is currently processing projects that would require amendments to  
5 the General Plan in order to allow large commercial or residential development on lands that  
6 are currently not designated for intensive use. This includes, but is not limited to, lands  
7 designated as open space, semi-rural, agricultural, and village residential (hereinafter,  
8 referred to as “greenfields”). (**Exhibit B**, Chart entitled “San Diego County Proposed  
9 General Plan Amendments” [referenced in the letter as Exhibit A].)

10           44. In its 2016 Thresholds, the County itself has recognized that any project above  
11 a particular size requires a greenhouse gas analysis. The County identifies the sizes of  
12 projects that would generally require climate change analysis by referencing the table of  
13 project sizes as established by the California Air Pollution Control Officers Association in its  
14 “CEQA & Climate Change” publication. (**Exhibit A**, p. 2.) In the absence of a CAP and  
15 Thresholds, the County is unable to adequately mitigate GHG impacts of these major  
16 development projects.

17           45. Failing to enjoin these actions will result in the need for individual lawsuits on  
18 each project, which would not be an efficient use of judicial resources and would require a  
19 significantly larger commitment of resources by the Sierra Club and other parties who want  
20 to assure that the County will meet its commitment to achieve compliance with AB 32 and  
21 not contribute further to climate destabilization.

22  
23                   **FIRST CAUSE OF ACTION**

24                   **For Violation of Judgment**

25                   **(Cal. Code Civ. Pro. §1085; Cal. Pub. Res. Code §21168.5)**

26           46. Paragraphs 1 through 45 are fully incorporated herein.

27           47. The County has a mandatory and ministerial duty to comply with the terms of  
28 this Court’s April 24, 2013 and May 4, 2015 judgments.

1 48. Absent compliance with CEQA and the judgments of this Court, the  
2 Thresholds cannot be resurrected in the form of the Staff-Approved Thresholds.

3 49. Petitioner is entitled to a supplemental writ of mandate requiring the County to  
4 set aside the Staff-Approved Thresholds unless and until the County has complied with the  
5 judgments of this Court and CEQA, including completing a Draft EIR on the proposed CAP  
6 and Thresholds; circulating that document for public comment; finalizing an EIR; and the  
7 Board of Supervisors adopting a legally adequate CAP and approving the Thresholds of  
8 Significance to achieve implementation of the CAP.

9 50. Despite the Court ordering the County to include in the initial return an  
10 estimated schedule for preparing Guidelines for Determining Significance for Greenhouse  
11 Gas Emissions, none of the returns provide this information.

12  
13 **SECOND CAUSE OF ACTION**

14 **For Violation of CEQA**

15 **Improperly Adopting Thresholds of Significance**  
16 **(Cal. Code Civ. Pro. §§1085, 1094.5; Cal. Pub. Res Code §§21168.5, 21168)**

17 51. Paragraphs 1 through 50 are fully incorporated herein.

18 52. The Staff-Approved Thresholds were not adopted as required by CEQA  
19 Guideline Section 15064.7(b). Specifically:

20 (a) The Staff-Approved Thresholds were not adopted based upon a CAP, as  
21 the County committed to do when it adopted the 2011 General Plan Update;

22 (b) The Staff-Approved Thresholds were not the subject of environmental  
23 review, as required by the Court of Appeal decision;

24 (c) The Staff-Approved Thresholds were not adopted by ordinance,  
25 resolution, rule, or regulation as required by CEQA Guidelines section 15064.7;

26 (d) The Staff-Approved Thresholds were not developed through a public  
27 review process as required by CEQA Guidelines section 15064.7; and

28 (e) The Staff-Approved Thresholds are not supported by substantial  
evidence.

53. The Staff-Approved Thresholds were arbitrarily and capriciously adopted. In particular:

(a) The County failed to make any findings; and

(b) The Staff-Approved Thresholds are based on an invalid process. The Staff-Approved Thresholds do not meet the minimum emissions reductions necessary to avoid devastating environmental impacts. By way of example and not limitation, the Staff-Approved Thresholds enable post-2020 GHG emissions despite the fact that the invalid CAP incorporated by the Staff-Approved Thresholds concedes the County will fail to meet the minimum post-2020 emissions reductions targets established by Executive Order S-3-05 - and necessary to avoid disastrous environmental consequences.

**THIRD CAUSE OF ACTION**

**For Violation of CEQA**

**Processing Major Developments Requiring Further General Plan Amendments  
Without a Legally Adequate CAP and Thresholds of Significance  
(Cal. Code Civ. Pro. §§1085, 1094.5; Cal. Pub. Res Code §§21168.5, 21168)**

54. Paragraphs 1 through 53 are fully incorporated herein.

55. The processing of development projects that would result in amendments to the general plan and for which projected GHG emissions would exceed the limits of project sizes requiring a climate change analysis, as established by the California Air Pollution Control Officers Association in its “CEQA & Climate Change” publication, violates CEQA because there cannot be an adequate EIR when the County has not determined what mitigation measures are appropriate in order to ensure that the County’s climate action goals will be obtained and where there is no adopted threshold of significance.

56. In the absence of a legally valid CAP and Thresholds, the County’s processing and approval of major development projects that require additional General Plan Amendments violates CEQA because the County is not implementing a mitigation measure that it committed to in the General Plan Update.

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57. Processing major development projects absent a CAP and Thresholds five years after the General Plan Update was adopted constitutes an impermissible deferral of General Plan Update Mitigation Measure CC-1.2.

**PRAYER FOR RELIEF**

In each of the respects enumerated above, Respondent has violated its duties under the law, abused its discretion, failed to proceed in the manner required by law, and decided the matters complained of without the support of substantial evidence. Accordingly, the Staff-Approved Thresholds must be set aside and the County must be ordered to postpone final approval of any projects requiring General Plan Amendments until approval of a legally adequate CAP and Thresholds.

WHEREFORE, Petitioner prays for relief as follows:

1. For an alternative and peremptory writ of mandate commanding Respondent to set aside and vacate approval of the Staff-Approved Thresholds unless and until the County complies with the Judgment of this Court;

2. For an order enjoining Respondent from applying the Staff-Approved Thresholds to any projects unless and until such time as the County complies with the Judgment of this Court;

3. For an order enjoining Respondent from circulating a Draft or Final EIR for any General Plan Amendments that would allow development on greenfields where the project is larger than the project size identified in the California Air Pollution Control Officers Association "CEQA and Climate Change" publication until the County complies with the Judgment of this Court by approving a legally adequate CAP and Thresholds;

4. For costs of the suit;

5. For reasonable attorneys' fees; and

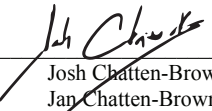
6. For such other and further relief as the Court deems just and proper.

COMMENTS

RESPONSES

1 DATE: September 2, 2016

2 Respectfully Submitted,  
3 CHATTEN-BROWN & CARSTENS

4  
5 By:   
6 Josh Chatten-Brown  
7 Jan Chatten-Brown  
8 Attorneys for Petitioner

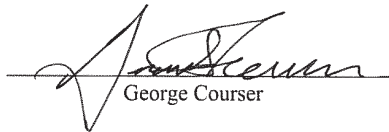


VERIFICATION

I, George Courser, declare as follows:

I am an officer of the Sierra Club. I have read the foregoing SECOND SUPPLEMENTAL PETITION FOR WRIT OF MANDATE and know the contents thereof, and the same is true of my own knowledge.

I declare under penalty of perjury that the foregoing is true and correct and that this verification was executed on the 1<sup>st</sup> day of September, 2016 at San Diego, California.



George Courser

**EXHIBIT A**

R-D-10



## County of San Diego

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### 2016 CLIMATE CHANGE ANALYSIS GUIDANCE

#### **RECOMMENDED CONTENT AND FORMAT FOR CLIMATE CHANGE ANALYSIS REPORTS IN SUPPORT OF CEQA DOCUMENTS**

County of San Diego  
Planning & Development Services (PDS)  
July 29, 2016

#### **Background**

The California Environmental Quality Act (CEQA) requires public agencies to review the environmental impacts of proposed projects and consider feasible alternatives and mitigation measures to reduce significant adverse environmental effects. As part of this analysis, agencies must consider potential adverse effects from a proposed project's greenhouse gas (GHG) emissions. The California Natural Resources Agency adopted amendments to the CEQA Guidelines to address GHG emissions, consistent with Legislature's directive in Public Resources Code section 21083.05 (enacted as part of Senate Bill (SB) 97 [Chapter 185, Statutes 2007]). These amendments took effect in 2010.

This Climate Change Analysis guidance is being provided by the County of San Diego to assist in project-level analyses of GHGs for discretionary projects. The guidance will be modified as needed if and when more specific guidance is provided by the California Air Resources Board (ARB), the Governor's Office of Planning and Research (OPR), or in response to legislative or judicial action pertaining to this issue.

Instigated by Governor Schwarzenegger's Executive Order S-3-05, the Global Warming Solutions Act of 2006, also known as Assembly Bill 32 (AB 32), requires reduction of statewide GHG emissions to 1990 emissions levels by 2020. In 2008, ARB adopted a *Climate Change Scoping Plan* to identify the next steps in reaching AB 32 goals. ARB adopted an update to the Scoping Plan in 2014. California Governor Brown signed Executive Order B-30-15, which established a reduction target of 40 percent below 1990 levels by 2030 to reflect the need for continued pursuit of GHG reductions necessary to avoid the most environmentally damaging aspects of climate change. ARB is currently working on an update to the Scoping Plan to address this target. However, no specific emission reduction goal beyond 2020 has been formally adopted by ARB or the California State Legislature.

Project analyses prepared consistent with this guidance document will need to be reviewed and verified by the County and is subject to County staff approval. The guidance provided in this document does not supersede the County's discretionary authority. It is important to note that alternative approaches to evaluating GHG emissions may be utilized; however, any approach must be supported by fact-based rationale and substantial evidence to demonstrate compliance with applicable CEQA Guidelines.

Climate Change Analysis Guidance  
County of San Diego

#### Determination of Need for Climate Change Analysis

Although climate change is ultimately a cumulative impact, not every individual project that emits GHGs must necessarily be found to contribute to a significant cumulative impact on the environment. While the County encourages CEQA analyses to focus on the GHG efficiency of a proposed project, it also acknowledges that some projects are sufficiently small such that it is highly unlikely they would generate a level of GHGs that would be cumulatively considerable.

Thus, the County encourages the use of the project size-based screening levels published by the California Air Pollution Control Officers Association (CAPCOA), and presented here in Table 1, to determine whether Climate Change Analysis is needed to examine the GHG impacts of a proposed project.

The annual 900 metric ton carbon dioxide equivalent (MT CO<sub>2</sub>e) screening level referenced in the CAPCOA white paper<sup>1</sup> is recommended by the County as a conservative screening criterion for determining which projects require further analysis and identification of project design features or potential mitigation measures with regard to GHG emissions. The CAPCOA white paper reports that the 900 metric ton screening level would capture more than 90 percent of development projects, allowing for mitigation towards achieving the State's GHG reduction goals. Table 1 shows the sizes of projects that would generally require additional analysis and mitigation.

Table 1 Project Sizes that Would Typically Require a Climate Change Analysis *	
Project Type**	Project Size Equivalency
Single Family Residential	50 units or more
Apartments/Condominiums	70 units or more
General Commercial Office Space	35,000 square feet or more
Retail Space	11,000 square feet or more
Supermarket/Grocery Space	6,300 square feet or more
Source: The screening levels are published in California Air Pollution Control Officers Association. 2008 (January). <i>CEQA &amp; Climate Change: Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act</i> . Available at <a href="http://www.capcoa.org/wp-content/uploads/downloads/2010/05/CAPCOA-White-Paper.pdf">http://www.capcoa.org/wp-content/uploads/downloads/2010/05/CAPCOA-White-Paper.pdf</a>	
*A determination on the need for a climate change analysis for project types not included in the table will be made on a case-by-case basis considering the 900 metric ton criterion.	
**A project with a combination of types may demonstrate compliance with the screening threshold through addition of the ratios of each contribution by the associated equivalency threshold.	

If a proposed project is the same type and smaller than the project sizes listed in the table above, it is presumed that the construction and operational GHG emissions for that project would not exceed 900 MT CO<sub>2</sub>e per year, and there would be a less-than-cumulatively considerable impact. It should be noted that the screening level assumes that the project does not involve unusually extensive construction activities and does not involve operational characteristics that would generate unusually high GHG emissions. The applicability of the screening criteria presented in Table 1 will be evaluated by County staff on a project-by-project basis to determine if there is evidence to suggest that a project's

<sup>1</sup> California Air Pollution Control Officers Association. 2008 (January). *CEQA & Climate Change: Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act*. Available at <http://www.capcoa.org/wp-content/uploads/downloads/2010/05/CAPCOA-White-Paper.pdf>.

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unique attributes would lead to emissions that are higher than 900 MT CO<sub>2</sub>e per year, thus justifying the need for a complete Climate Change Analysis.

Though CAPCOA's recommended project size-based screening criteria are based on the mass emissions level of 900 MT CO<sub>2</sub>e per year, it does not mean that project-generated GHG levels greater than 900 MT CO<sub>2</sub>e per year are automatically deemed cumulatively considerable. Instead, the screening levels presented in Table 1 are to be used to determine whether it is necessary to conduct further analysis to quantify a project's GHG emissions and evaluate its GHG efficiency.

#### **Contents of Climate Change Analysis Reports**

The following are the minimum recommended components of a Climate Change Analysis consistent with CEQA, prepared for discretionary projects in the County that exceed the screening level identified in Table 1 above.

Introduction and Project Description. This section explains the purpose of the report and a summary of the most current scientific information related to climate change. A brief project description and general location is required, and it must include all elements of the project that would or could generate GHG emissions, with an estimated timeframe for project implementation. This section would also identify the project design and location features that have the effect of reducing GHG emissions.

Environmental Setting. This section includes a description of the existing environmental conditions or setting, without the project, which constitutes the baseline physical conditions for determining the project's impacts. Existing uses onsite that generate GHG emissions under baseline conditions must be disclosed and associated GHG emissions should be quantified to establish the baseline conditions.

Regulatory Setting. This section includes a discussion of the existing regulatory environment pertaining to climate change such as AB 32 and the California Building Efficiency Standards. In addition, a description of implementing plans, programs and policies including but not limited to the County General Plan, the San Diego Association of Governments (SANDAG) Regional Transportation Plan and associated Sustainable Communities Strategy, Executive Orders S-3-05 and B-30-15, ARB Scoping Plan (including any adopted and ongoing updates), and Advanced Clean Cars Program should be addressed as they relate to the proposed project. The list presented here is not all inclusive and the regulatory setting should address all regulations, programs, and policies directly relevant to the project.

Emissions Inventory. The Climate Change Analysis must provide a detailed accounting of the project's estimated construction and operational GHG emissions. Construction GHG emissions include an inventory of emissions associated with the use of heavy construction equipment, construction worker vehicle miles traveled (VMT), and truck trips required to deliver construction materials to the project site. Operational GHG emissions include energy use (including electricity, natural gas and other fuels) from land use development, water distribution, and wastewater treatment processes, off-gassing from solid waste generation, transportation VMT, and area sources (such as landscaping equipment and fireplaces). Emissions associated with other sectors, such as agricultural uses or industrial operations, should be quantified depending upon the individual project's proposed uses.

The analysis must also quantify the loss in sequestered carbon, expressed in CO<sub>2</sub>e that would result from any vegetation permanently removed as a result of project development. The total loss of sequestered carbon can be estimated using the Vegetation module in CalEEMod.

The GHG inventory must include justification and references to document the assumptions that are made about the emissions calculations. Activity data, such as trip distances, and emission factors

Climate Change Analysis Guidance  
County of San Diego

specific to the County must be used, where available. The County suggests the use of modeling tools such as the current version of CalEEMod. Alternatively, emissions may be estimated using emission factors from EMFAC or OFFROAD, provided the current versions are used and the sources are appropriately cited. The URBEMIS model is no longer acceptable for use by the County.

Because some GHG emissions models build in different statewide programs and mitigation measures, it is important to coordinate with County staff to ensure that the correct approach is being used to estimate the effects of statewide efforts, particularly since new statewide programs, regulations and mitigation measures are likely to be established over time and certain actions are likely to be included in updates to the various GHG emissions models.

#### Significance Criteria

Guidelines for Determining Significance. This section includes identification and justification of the selected significance criteria used to assess impacts. The report must discuss the reasons for choosing the significance criteria, referencing State legislation and implementing strategies that have been developed to reduce GHG emissions to meet statewide reduction targets. This section should explain that climate change is not generally considered a direct impact, but should be analyzed as a potential cumulative impact under CEQA. The significance criteria used in the Climate Change Analysis should include a statement and supporting analysis as to whether the subject project complies with GHG reduction requirements under AB 32, the Global Warming Solutions Act of 2006 for the year 2020; and whether the subject project is on the trajectory towards GHG emission reduction goals of Executive Orders S-3-05 and B-30-15 at buildout. Additional detail on the process to make the latter determination is provided below. Due to the range of project types processed by the County, significance criteria and analysis approaches may vary. The following sections identify one potential set of criteria and methodologies, along with supporting evidence that would be appropriate for a Climate Change Analysis.

This section should discuss the suggested questions referenced in the *CEQA Guidelines*, Appendix G, VII. Greenhouse Gas Emissions.

*Would the project:*

*Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*

*Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?*

The Study should describe how the appropriate significance criteria are used to address the above-referenced questions.

#### Significance Determination

The County Efficiency Metric is the recognized and recommended method by which a project may make impact significance determinations. The County is recommending a quantitative GHG analysis be conducted and the significance of the impact determined for project emissions at 2020 and buildout year (if post-2020). For a Climate Change Analysis to be considered adequate, the County recommends quantification of GHG emissions at 2020 and project buildout. The determination of a project's efficiency may be determined by using applicable efficiency metrics derived for those specific years, e.g. 2020 and project buildout (if post-2020). Other methods to determine the significance of

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impacts relative to project emissions at 2020 and buildout will be considered on a case-by-case basis. All analysis (significance determination) results must be supported with substantial evidence.

**Horizon Year 2020.** For projects that exceed the screening criterion of 900 MT CO<sub>2</sub>e, as determined through the screening levels in Table 1 or emissions quantification, and that would be operational (buildout) on or before 2020, the Climate Change Analysis must analyze and determine the significance of project emissions in 2020. The County recognizes the quantitative efficiency metric for 2020 to be 4.9 MT CO<sub>2</sub>e/SP/year (where SP refers to the project's service population [residents + employees]).

**Buildout Year.** The County anticipates that some projects would have buildout dates beyond 2020. The County recommends quantification of project emissions for the year the project is anticipated to be fully constructed (buildout), in addition to 2020, and make a significance determination relative to the emissions reduction downward direction.

ARB has indicated in their 2030 Target Scoping Plan, October 1, 2015, that State GHG emissions would need to be reduced at an annual average rate of 5.2 percent between 2020 and 2050, representing an emission reduction downward direction <sup>(2)</sup> necessary to meet the goals advocated in Executive Orders S-3-05 and B-30-15.

#### Efficiency Metric Background

The Efficiency Metric assesses the GHG efficiency of a project on a "service population (SP)" basis (Efficiency Metric = project emissions divided by the sum of the number of jobs and the number of residents provided by a project). The metric represents the rate of emissions needed to achieve a fair share of the State's emissions mandate embodied in AB 32 and Executive Orders B-30-15 and S-3-05. The use of "fair share" in this instance indicates the GHG efficiency level that, if applied statewide, would meet the AB 32 emissions target and support efforts to reduce emissions beyond 2020.

The Efficiency Metric is based on the AB 32 GHG reduction target and GHG emissions inventory prepared for ARB's 2008 Scoping Plan. To develop the efficiency metric for 2020, land-use driven sectors in ARB's 1990 GHG inventory were identified and separated to tailor the inventory to land use projects. This process removes emission sources not applicable to land use projects. The land-use driven sector inventory for 1990 was divided by the service population projections for California in 2020. The Efficiency Metric allows the threshold to be applied evenly to most project types (residential, commercial/retail and mixed use) and employs an emissions inventory comprised only of emission sources from land-use related sectors. The Efficiency Metric allows lead agencies to assess whether any given project or plan would accommodate population and employment growth in a way that is consistent with the emissions limit established under AB 32.

If a project includes a use that would not be covered by the adjusted land use-driven inventory, a tailored efficiency metric may be derived. For example, a project that proposes agricultural uses onsite may not use the efficiency metrics shown above because the inventory used to develop the metric did not include agricultural emissions. Coordination with County staff is recommended to develop the appropriate efficiency metric for such projects.

<sup>2</sup> 2030 Target Scoping Plan Workshop Slides. Page 10 – Path to 2050 Greenhouse Gas Target. Available: [http://www.arb.ca.gov/cc/scopingplan/meetings/10\\_1\\_15slides/2015slides.pdf](http://www.arb.ca.gov/cc/scopingplan/meetings/10_1_15slides/2015slides.pdf). It should be noted that ARB did not establish interim year reduction targets using the 5.2 percent annual reduction rate; rather it was used to illustrate the average annual emissions reduction needed to achieve the long-term targets for 2030 and 2050. The 2030 Target Scoping Plan has not been adopted as of this writing and this information is considered preliminary (from the first public workshop for the 2030 Target Scoping Plan) and used only to establish interim year efficiency metrics for CEQA analyses.



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### 2020 Efficiency Metric

The GHG efficiency metric is 4.9 MT CO<sub>2</sub>e/SP/year for 2020.

#### California Service Population in 2020

2020 Population Projection* =	40,619,346
2020 Employment Projection** =	<u>18,511,200</u>
2020 Service Population =	59,130,546 SP

#### ARB's 1990 California GHG Inventory

1990 Total Emissions =	431 MMT CO <sub>2</sub> e
1990 Non-land Use Emissions =	<u>144.3 MMT CO<sub>2</sub>e</u>
1990 Land Use Emissions =	<u>286.7 MMT CO<sub>2</sub>e</u>

1990 Land Use Emissions/2020 SP, or 286.7 MMT/59,130,546 SP = 4.9 MT/SP  
where MMT = million metric tons

#### Sources:

\*California Department of Finance, Demographic Research Unit  
Report P-2, State and County Population Projections by Race/Ethnicity and Age (5-year groups)  
2010 through 2060 (as of July 1); December 15, 2014

\*\*California Department of Finance, Employment Development Department  
Industry Employment Projections, Labor Market Information Division, 2010-2020; May 23, 2012

### Post-2020 Efficiency Metric

ARB has indicated that an average statewide GHG reduction of 5.2 percent per year between 2020 and 2050 is necessary to achieve the 2030 and 2050 emissions reduction goals of Executive Orders B-30-15 and S-3-05 (ARB 2015). Efficiency metrics can be derived for each year between 2020 and 2050 based on this identified reduction downward direction, or based on other sources if supported by substantial evidence. As previously noted, the intent of the 5.2 percent annual reduction data is not to establish interim year reduction targets for the State; rather it is meant to allow projects to develop and apply interim year Efficiency Metrics at their buildout year and demonstrate consistency with the overall State reduction downward direction.

In *Center for Biological Diversity v. California Department of Fish and Wildlife and Newhall Land and Farming* (2015) 224 Cal.App.4th 1105 (*CBD vs. CDFW*), the California Supreme Court, citing the above-referenced Executive Orders, cautioned that those Environmental Impact Reports taking a goal-consistency approach to CEQA significance may "in the near future" need to consider the project's effects on meeting emission reduction targets beyond 2020. ARB is currently working on a second update to the Scoping Plan to reflect the 2030 target established in Executive Order B-30-15. Even though State policy for post-2020 GHG reduction is expressed in executive orders and programs, rather than legislation, CEQA impact evaluation in the context of longer term goals is advised. Additionally, certain regulations that are relevant to land use development will continue to be phased in after 2020 (e.g., Advanced Clean Cars, Renewables Portfolio Standard [RPS], SB 375) and result in additional GHG reductions. Thus, projects that are built out after 2020 should analyze consistency with the State's longer-term GHG reduction goals to provide a good-faith CEQA analysis.

For these reasons, the County requests a significance determination for a project's anticipated buildout year. Analysis of project emissions at buildout is consistent with current CEQA practice and available guidance from air districts on analyzing emissions from the first fully operational year (SMAQMD 2015:6-5, BAAQMD 2011:4-6). Operational emissions for a land use development project would be

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highest during the first year and continue to decline due to fleet turnover to cleaner vehicles and implementation of additional regulations at the State level.

#### Service Population

Recommended sources of information to determine a proposed project's service population are provided below. Other sources for this data will be considered on a case-by-case basis and should be from credible sources. Applicants are advised that use of different data sources from those listed below, should be approved by County staff prior to their use for an impact determination. Alternative sources of data such as State (Department of Finance), regional (SANDAG) or local government agencies (City of San Diego), industry groups or professional associations (Institute of Traffic Engineers), with clearly disclosed assumptions and limitations will be considered; provided the analysis clearly substantiates the representativeness of the data in terms of county-wide averages, planning area averages, census tracts, and others as applicable.

Alternative data sources should have San Diego region applicability and be supported with substantial evidence, including a discussion with fact based rationale explaining why the data source and its geographic representation are the most appropriate for the proposed project.

#### Service Population Data Sources

SANDAG Demographics and Other Data:

<http://www.sandag.org/index.asp?classid=26&fuseaction=home.classhome>

SANDAG Data Surfer for existing and forecasted socio-economic data:

<http://datasurfer.sandag.org/>

#### Mitigation Measures

Projects may be able to mitigate GHG emissions sufficiently to render impacts less than cumulatively significant. Such mitigation measures would be in addition to all project design features and may include measures that are not required by existing regulations (e.g., rooftop solar).

Mitigation measures must include specific, enforceable actions to reduce project emissions, and would need to provide some analysis about the emission reductions that would be achieved from each measure. To the extent feasible, each mitigation measure should include references or a logical, fact based explanation as to why a specific mitigation measure would achieve the stated reductions. While it will generally be possible to quantify reductions associated with energy and water related mitigation measures, other mitigation may require a qualitative discussion of reductions achieved.

Mitigation measures must be supported with substantial evidence. For example, a potential approach that can be considered is the inclusion of mitigation that requires certain GHG efficiency measures upon buildout of each development phase for projects that would develop over multiple phases across an extended period of time.

Many local, regional, and state agencies have produced lists of feasible mitigation measures and strategies that can be used to reduce GHG emissions. These lists can be consulted when developing feasible mitigation measures for projects within the County, including, but not limited to:

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Governor's Office of Planning and Research. 2008. Technical Advisory. CEQA AND CLIMATE CHANGE: Addressing Climate Change through California Environmental Quality Act (CEQA) Review. See Attachment 3, "Examples of GHG Reduction Measures." Available: <http://opr.ca.gov/docs/june08-ceqa.pdf>.

California Air Pollution Control Officers Association (CAPCOA). 2008 (January). CEQA & Climate Change. Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act. See page 79, "Mitigation Strategies for GHG." Available: <http://www.capcoa.org/wp-content/uploads/downloads/2010/05/CAPCOA-White-Paper.pdf>.

California Air Pollution Control Officers Association (CAPCOA). 2010 (August). Quantifying Greenhouse Gas Mitigation Measures. A Resource for Local Government to Assess Emission Reduction from Greenhouse Gas Mitigation Measures. Available: <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>.

Attorney General of the State of California. 2008 (December). The California Environmental Quality Act. Addressing Global Warming Impacts at the Local Agency Level. Available: [http://ag.ca.gov/globalwarming/pdf/GW\\_mitigation\\_measures.pdf](http://ag.ca.gov/globalwarming/pdf/GW_mitigation_measures.pdf).

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**EXHIBIT B**

R-D-10

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July 26, 2016

By e-mail ([Ellen.Pilsecker@sdcounty.ca.gov](mailto:Ellen.Pilsecker@sdcounty.ca.gov))  
Original to follow

C. Ellen Pilsecker  
Office of County Counsel  
1600 Pacific Highway, Suite 355  
San Diego, CA 92101

**Re: Request That the County Postpone Actions on Any Projects Requiring  
General Plan Amendments Until Approval of a Legally Adequate  
Climate Action Plan and Thresholds of Significance**

Dear Ms. Pilsecker:

Mitigation Measure CC-1.2 “requires the preparation of a County Climate Change Action Plan within six months from the adoption date of the General Plan Update.” (Errata to the General Plan Update, *emphasis added*; *Sierra Club v. County of San Diego* (2014) 231 Cal.App.4th 1152, 1159.) The County adopted the General Plan Update in August 2011. In June 2012, the County adopted its Climate Action Plan (CAP). In July 2012, the Sierra Club filed its legal challenge to the CAP. In April 2013, the County was ordered to set aside the CAP and to comply with the law. More than a year has passed since the Supreme Court denied the County’s petition for review, making the 2013 order final. In May 2015, after the Supreme Court denied the County’s petition for review, the trial court issued a Supplemental Writ of Mandate setting aside the CAP, Addendum, and November 2013 Guidelines for Determining Significance, and required the County to submit a timeline for preparing a new CAP and Guidelines for Determining Significance.

Four years after the Sierra Club filed its lawsuit, the County still does not have a CAP and Thresholds of Significance to guide development in the County. The Sierra Club has repeatedly encouraged the County to promptly develop and approve a legally adequate CAP and Thresholds, including in their July 7, 2015 and July 9, 2015 letters. Despite the Sierra Club’s attempts, the County is not close to approving a new CAP and Thresholds, yet continues to process applications for major development.

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The County has a tentative schedule for adoption of a new CAP that does not contemplate adoption until late 2017, and the time could be even later. Despite the absence of a CAP to mitigate greenhouse gas impacts, and Thresholds of Significance to assess whether impacts will be mitigated below the level of significance, major development projects that require further amendments to the existing General Plan continue to be proposed and processed by the County. Approving such projects, without complying with a legally adequate CAP and Thresholds of Significance, is inconsistent with the County's General Plan commitment to mitigate greenhouse gas emissions and comply with AB 32, with the California Environmental Quality Act (CEQA), and with general planning laws. The Sierra Club believes approval of amendments to the General Plan to allow further growth prior to the adoption of a legally adequate CAP and Thresholds would also be contrary to the rationale for issuance of the original writ of mandate and the reasoning of the Court of Appeal.

As described below, a valid CAP and Thresholds are necessary to adequately mitigate greenhouse gas impacts and comply with the commitments the County made during the 2012 General Plan Update process. Additionally, without a CAP, the County cannot determine if any major development projects are consistent with the County's Open Space and Conservation Element. Finally, in light of Mitigation Measure CC-1.2's requirement that a CAP be prepared within six months from the adoption of the General Plan Update (GPU), processing major development projects absent a CAP five years after the GPU was adopted constitutes an impermissible deferral of Mitigation Measure CC-1.2. The Sierra Club requests the County postpone consideration of major development projects until approval of a legally adequate CAP and Thresholds.

**A. A Valid Climate Action Plan and Thresholds of Significance, Required By Mitigation Measures CC-1.2 and CC-1.8, Are Necessary for Adequate Mitigation of GHG Impacts.**

**1. A Valid CAP Is Required to Adequately Mitigate GHG Impacts.**

The County's General Plan includes a requirement that the County "prepare, maintain, and implement" a climate change action plan with "GHG emissions reduction targets and deadlines, and enforceable GHG emission reduction measures." (Conservation and Open Space Element, Policy COS-20.1 at 5-39.) The CAP should be used to monitor GHG emissions from "development" "as necessary to achieve GHG emission reduction objectives." (*Ibid.*) As the Court of Appeal explained, "[T]he County described the CAP as the most critical component of the County's climate change mitigation efforts." (*Sierra Club v. County of San Diego* (2014) 231 Cal.App.4th 1152, 1168.)

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The CAP is the County's primary mechanism to meet the GHG emissions reduction requirements of AB 32. "The mitigation measures discussed below are projected to reduce the County governmental operational GHG emissions to a level below the 1990 levels.... The GHG Reduction Climate Change Action Plan, which would be prepared as a mitigation measure, would further detail the community GHG emissions, and describe where and how the reductions would occur." (General Plan EIR § 2.17.6 at 2.17-30.)

Preparation of the CAP is required for two mitigation measures in the General Plan EIR – MM CC-1.2 and MM CC-1.8. CC-1.2 requires the CAP to develop a baseline inventory of GHG emissions from all sources, and develop "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." (General Plan EIR § 2.17 at 2.17-30.)

While the General Plan and its EIR contain other mitigation measures to reduce GHG emissions, the CAP is the only mitigation measure that provides specific, enforceable, and quantifiable methods to reduce greenhouse gases to the levels the County committed to, and that comply with the policies of the State as established in AB 32. The General Plan's other GHG mitigation measures are qualitative, providing no way to know whether any individual qualitative measures, or any combination thereof, could achieve consistency with AB 32, and thus mitigate the General Plan's GHG impacts. The CAP, therefore, is key to meeting the County's climate change goals. Without the CAP, the County will not achieve the required reductions, nor can it adequately mitigate the impacts of GHG emissions from large-scale development in the region. The CAP is the primary means of mitigating GHGs for major development projects, and addressing global climate change – an important purpose of the General Plan.

Without the CAP and the associated Thresholds of Significance, the County cannot demonstrate that it has mitigated GHG impacts consistent with the mitigation measures set forth in the General Plan EIR. In turn, a major development project would be unable to demonstrate it is consistent with the General Plan's mitigation for GHG impacts.

**2. The Thresholds of Significance Are Required to Adequately Analyze and Mitigate GHG Impacts.**

MM CC-1.8 requires the County's guidance on thresholds of significance to rely on data compiled within the CAP. The thresholds of significance cannot be determined without the data compiled for the CAP. Without an approved CAP, therefore, the County cannot determine whether GHG impacts are significant or what degree of mitigation is necessary. Although the County may argue that it will determine the significance of the

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emissions on a case-by-case basis, we believe that under *Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777, the County must use the methodology committed to when the General Plan Amendments were adopted, which is a Threshold of Significance based upon the CAP. Thus, the County cannot simply determine significance on a case-by-case basis.

We understand that County staff may intend to develop an interim guidance document for GHG analysis at the staff level, but that they will not contain a threshold of significance. Interim guidance would not fulfill the General Plan EIR's requirements pursuant to CC-1.2 and CC-1.8 that the County prepare a CAP and Thresholds of Significance. Further, CEQA documents for major development projects could not rely on such interim guidance in lieu of the required CAP and associated Thresholds. The Draft EIR's prepared or ultimately approved by County staff must necessarily apply thresholds of significance which have been determined by County staff to be in compliance with the County General plan provisions. In the absence of a CAP and associated Thresholds, County staff would be acting in violation of the County General Plan by releasing an EIR employing any threshold of significance for GHG analysis that was not selected pursuant to the requirements of the County's adopted General Plan.

**B. Allowing Projects to Proceed Where the Project Requires an Amendment to the General Plan Without the CAP and the Thresholds of Significance Would Render the General Plan Internally Inconsistent.**

The Planning and Zoning Code requires every County to have a Conservation and Open Space Element that addresses measures to protect the environment. (Gov. Code § 65302.) The Conservation and Open Space Element requires adoption of the CAP and Thresholds of Significance under policies COS-20.1 and COS-20.2. Absent a CAP and Thresholds, the policies of the Conservation and Open Space Element cannot be fulfilled, rendering it incomplete. The Conservation and Open Space Element additionally requires a CAP and Thresholds in order to reduce emissions beneath the levels required by AB 32. Without the CAP and Thresholds, the Element is unable to fulfill its emission reduction goals.

Further, under the Planning and Zoning Code, a general plan must be consistent with itself. (See Gov. Code § 65300.5 [A general plan must be an "integrated, internally consistent and compatible statement of policies"].) Without an approved CAP, the General Plan is internally inconsistent because it refers to and assumes a missing CAP, as evidenced by the Conservation and Open Space Element's reliance on the CAP to adequately mitigate GHG emissions. In addition, a county's decision affecting land use and development must be consistent with the general plan. (See *Friends of Lagoon Valley v. City of Vacaville* (2007) 154 Cal. App. 4th 807, 815.) Without a CAP in place,



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the County cannot determine if any proposed major development projects are consistent with the County's Open Space and Conservation Element.

**C. The County's Delay in Adopting a New CAP Is An Impermissible Deferral of Mitigation.**

CEQA Guidelines section 15126.4 prohibits the deferral of formulation of mitigation measures to the future. (CEQA Guidelines § 15126.4(a)(1)(B).) Deferral of mitigation measures cannot be too speculative or discretionary. In *Preserve Wild Santee v. City of Santee* (2012) 210 Cal. App. 4th 260, the court held that a mitigation measure was improperly deferred because it gave the preserve manager discretion as to timing for undertaking activities outlined in the mitigation measure. (*Id.* at 272.) Permitting additional growth will only make the task of achieving AB 32 goals more difficult. Thus, authorizing development cannot be allowed until there is adequate mitigation.

Here, the County originally intended the CAP to be implemented within six months of the General Plan's certification. Over three years have passed since the CAP was declared invalid, and five years have passed since the General Plan Update – well beyond the originally contemplated timeframe. The County fails to justify its extended timeline in light of the original requirement to implement the CAP within six months of the General Plan's certification. By processing major development projects absent a CAP this long after the contemplated timeframe, the County has *de facto* granted itself unlimited discretion as to the timing of the mitigation measures, in violation of *Preserve Wild Santee*. In essence, the County has an “unformulated plan” and has granted itself discretion as to how to achieve the GHG emission reductions required to achieve the AB 32 goals, including timing and unapproved, case-by-case decisions on how to determine the significance of GHG impacts, resulting in an impermissible deferral of mitigation measure CC-1.2 under *Preserve Wild Santee* and *Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777, 782.

**Conclusion**

The Sierra Club respectfully requests the County postpone further County staff decisions employing GHG thresholds of significance prior to the approval of the Thresholds as specified in the adopted General Plan, including release of Draft EIRs by the County using unapproved thresholds, or County approvals of developments on lands that are currently greenfields and that would require an amendment to the General Plan until legally adequate CAP and Thresholds are approved. **Exhibit A**, attached, identifies all of the pending applications the Sierra Club is currently aware of that would allow development of greenfields, and that would be postponed. Any new application or others

## COMMENTS

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that we may not have uncovered, including Property Specific Requests, would also be subject to postponement.

The preparation or approval of the County's Draft or Final EIRs by County staff containing thresholds of significance for GHG analysis prior to the completion of the CAP and Thresholds must necessarily violate the General Plan. The release for public review of any Draft EIR prepared or approved by County staff containing thresholds of significance for GHG analysis necessarily constitutes a decision by the County to proceed in violation of the County's General Plan, unless and until the thresholds are adopted in compliance with the 2010 County General Plan. In addition, the approval of projects without a legally adequate CAP and Thresholds would be inconsistent with the trial court's peremptory writ of mandate, and the court retains jurisdiction until it determines that the County has adequately complied with CEQA and all other applicable laws. The Sierra Club retains the ability to initiate proceedings pursuant to the writ to halt the County's processing of major development projects until it has approved a legally adequate CAP and Thresholds.

We request that you provide a copy of this letter to all members of the Board of Supervisors, or their appropriate staff person. Please respond by August 10, 2016 regarding the County's position on this issue. We look forward to hearing back from you.

Sincerely,



Jan Chatten-Brown

Exhibit A  
San Diego County Proposed General Plan Amendments

Project Name	GPA	Community	Proposed Acreage	Proposed Units	Current Land Use Designation	Proposed Land Use Designation	Development Plans	Status Update
Harmony Grove South	15-002	San Diegoito	111	453	Semi-Rural/GP/LSR-0.5/Zone A70-Limited Agricultural and RR-Rural Residential along S. boundary	Village and Semi-Rural/ GP/LSR-10.9 and SR-0.5/Zone S88	453 single- and multi-family units proposed on 111 acres (per August 2015 Notice of Preparation letter)	July 13, 2016: Environmental Impact Statement for public review late summer/early fall.
Lake Jennings Marketplace	14-005	Lakeside	13	N/A	Village Residential (VR-15)	General Commercial (C-1)	76,100 sq. ft. commercial center	July 18, 2016: EIR must be recirculated; will go out for public review in 'the next few weeks'.
Ullac Hills Ranch	12-001	Valley Center/ Bonsall	608	1,746	Zone A70-Limited Agricultural (530 acres in Valley Center); RR-Rural Residential (78 acres in Bonsall)	General Commercial/Residential Use Regulation (C30) for the Town Center and two Neighborhood Centers; Single Family Use Regulation (RS) elsewhere.	1,700 units on 608 acres (903 restricted senior homes, 164 condominiums, and 211 mixed-use units). Also, 90,000 sq. ft. commercial space, etc.	July 19, 2016: Approval of placing the project on the ballot is expected August 2, 2016.
Ullac Plaza	15-004	Valley Center	7	36	VR-Village Residential	VR-10.9 and General Commercial	36 multi-family dwellings and 22,000 sq. ft. commercial on approx. 7 acres located within the Valley Center South Village	December 2015: MND in process
Newland Sierra	15-001	Twin Oaks/ Bonsall	1876	2,199	GPLU SR-10 (19.6 acres at < 25% slope); RL-20 (1,907.8 acres); C-1 (4.6 acres); C-2 (33.6 acres)	SR-1 (248 acres at < 25% slope); SR-1 (344 acres at < 25% slope); SR-1 (109 units at > 50% slope); SR-10 (8.2 acres at < 25% slope); C-5 (58.3 acres); OS-C (1,218.1 acres)	2,199 dwelling units and 1,777,684 sq. ft. commercial	July 18, 2016: EIR is expected to be out for public review this fall.
Otay Ranch Village 13	04-003	Otay	1,869	1,881	S87 (Limited Control) in areas currently designated as Open Space in the Otay SRP; S88	Adjust the boundary of the S88 zone to reflect the Specific Plan development footprint; reclassify other designated areas to S80 (Open Space)	1,938 units as of March, 2015 (up from 1,007 in 2014)	December 2015: Expected PC Hearing Q4-2016; Expected BOS Hearing Q1-2017
Star Ranch	05-008	Campo/ Lake Morena	2,160	453	R/SR/Village/Commercial	R/SR/Village/Commercial	453 units and 86,000 sq. ft. commercial on 2,160 acres	July 18, 2016: EIR is expected to go out for public review this fall.
Sweetwater Place	14-003	Spring Valley	20	122	GPLU RL-80/ Zone S90 (Holding Zone)	GPLU VR-7.3/ Zone RV (Variable Family Residential)	Per Tentative Map and Site Plan: subdivide the site into 2 lots with 122 residential condominium units and a 2.08 acre public park	July 15, 2016: Planning Commission recommended approval; will go to the Board 'sometime' this fall.

COMMENTS

RESPONSES

[illegible]

**EXHIBIT C**

R-D-10

**LATHAM & WATKINS LLP**

August 5, 2016

**VIA EMAIL AND FEDERAL EXPRESS**

Peter Eichar, Land Use/Environmental Planning Manager  
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Ashley Smith, Land Use/Environmental Planner  
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C. Ellen Pilsecker  
Office of County Counsel  
1600 Pacific Highway, Suite 355  
San Diego, CA 92101

Re: Concerns re Improper Use of GHG Threshold of Significance Document  
for the Newland "Sierra" Project's GHG Impacts Analysis

Dear Mr. Eichar, Ms. Smith, and Ms. Pilsecker:

As you know, we represent the Golden Door Properties LLC (the "Golden Door"), an award-winning spa and resort that opened in 1958. This historic haven is situated on approximately 600 acres on the south side of Deer Springs Road in northern San Diego County ("North County"). It was the highest rated establishment in *Travel and Leisure's* recent list of the world's best destination spas.

We write to you regarding the County's recently released 2016 Climate Change Analysis Guidance setting forth new thresholds of significance for greenhouse gases ("GHG") which the County intends to use in processing new development projects ("GHG Threshold of Significance Document"), and its effect on the proposed Newland "Sierra" Project (the "Project"), a revised Merriam Mountains project on property located near Deer Springs Road. Newland's proposal includes 2,135 residential units, 81,000 square feet of commercial development, a charter school, and various parks and equestrian facilities. The Golden Door opposes this unplanned urbanization of rural Twin Oaks Valley. Based on comments from County staff and from Newland, we understand the County will use the GHG Threshold of Significance Document as

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**LATHAM & WATKINS LLP**

the basis of its GHG impacts analysis for the Project's draft environmental impact report ("EIR"). Newland has told the community in several sponsor group meetings that it was waiting on this GHG threshold to be released so that it could be included in the County's EIR for the Project.

The GHG Threshold of Significance Document is inconsistent with the County's General Plan and the General Plan EIR. The General Plan and General Plan EIR require preparation and certification of a Climate Action Plan ("CAP"), including an inventory of baseline GHG data, detailed GHG emissions reduction targets and deadlines, and enforceable measures to achieve specific reductions. The General Plan and General Plan EIR also require the County to develop related thresholds of significance for GHG emissions based on data compiled as part of the CAP. These requirements have been upheld by the courts. The GHG Threshold of Significance Document, however, sets thresholds of significance that are not based on the required baseline emissions data, contradict the General Plan's approach to GHG emissions reduction, and fail to ensure any emissions reductions. In fact, the GHG Threshold of Significance Document provides a threshold that allows *more GHG emissions* than the County's previous attempt to set GHG emissions thresholds—which was invalidated by the courts.

The GHG Threshold of Significance Document violates the County's General Plan, the General Plan EIR, and a court order. Because this attempt by County staff to provide guidance to project developers falls short of the requirements for a CAP and related thresholds of significance, it cannot serve as the basis for analysis of GHG impacts in the Project's draft EIR. We request that the GHG Threshold of Significance Document be set aside and publication of the Project's draft EIR be delayed until the County has certified a legally adequate CAP and related thresholds of significance as required by the County's General Plan and General Plan EIR and by a court order.

**I. THE GOLDEN DOOR'S CONCERNS REGARDING THE NEWLAND PROJECT**

**A. Background Regarding Newland "Sierra" Project**

Newland is proposing to construct an urban-style development in rural North County. This Project was proposed once before as the Merriam Mountains project, and was rejected by the County Board of Supervisors in 2010. Under the County's General Plan, the Project site is largely zoned RL-20, allowing one residential unit per 20 acres, permitting approximately 100 units. Newland's "Sierra" project, however, would include 2,135 residential units, 81,000 square feet of commercial development, a school, a vineyard, and various parks and equestrian facilities. The Project would be located across Deer Springs Road from the Golden Door.

The County issued a Notice of Preparation ("NOP") for the Project's EIR on February 12, 2015. At a community sponsor group meeting earlier this year, we were informed by County Planning and Development staff that the Project's EIR was being delayed until the County published staff-level guidance regarding GHG impacts analysis. As such, we believe the County intends to use the GHG Threshold of Significance Document as the basis for its GHG impacts analysis in the Project's draft EIR.

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The Project is not included in the County's General Plan or in the San Diego Association of Government's ("SANDAG") 2015 Regional Transportation Plan/Sustainable Communities Strategy ("RTP/SCS"). This unplanned growth is located in a rural area far from urban and job centers, and will require long, single-occupant vehicle trips. The Project is also located far from any existing or planned transit infrastructure that could alleviate the transportation-related GHG impacts from this outdated auto-centric development proposal. As such, analysis of GHG impacts is a crucial aspect of the Project's EIR. The Golden Door opposes the Project, and the Project's potential to significantly impact efforts to curb global climate change is a fundamental driver in the Golden Door's opposition.

The Golden Door submitted a letter to the County over a year and a half ago requesting that the County delay consideration of the Project until additional planning had been completed to address GHG impacts in the County.<sup>1</sup> At that time, the Court of Appeal had recently upheld a trial court decision striking down the County's CAP. *See Sierra Club v. Cty. of San Diego*, 231 Cal.App.4th 1152 (2014).<sup>2</sup> The County has not yet approved a revised CAP, and we understand the earliest the Board of Supervisors would consider a revised CAP and related thresholds of significance is late 2017. The GHG Threshold of Significance Document is not a sufficient substitute for the CAP and related thresholds of significance.

**B. Background Regarding the Golden Door**

The Golden Door focuses on the health and fitness of its guests. Its property encompasses a peaceful array of hiking trails, luxurious spa amenities, tranquil Japanese gardens, and a bamboo forest. Agricultural cultivation on the property includes avocado groves and fresh vegetable gardens as well as citrus and olive trees.

The Golden Door is committed to environmental stewardship and sustainability. It uses sustainable and bio-intensive agriculture practices and has eliminated guests' use of plastic water bottles. The owners are not seeking to expand the Golden Door in any way, but are seeking to further enhance the Golden Door according to its guiding principles, including the extensive sustainable agriculture on several surrounding acres.

As such, the Golden Door is concerned about Newland's proposal to implement urban-style development in a rural area of the unincorporated County, far from job and urban centers

<sup>1</sup> A copy of the Golden Door's letter to Mark Slovick of County Planning & Development Services, dated January 20, 2015, is attached hereto as **Attachment A**.

<sup>2</sup> In a separate decision, the Court of Appeal had also invalidated SANDAG's RTP/SCS. *See Cleveland Nat'l Forest Found. v. San Diego Assn. of Gov'ts*, 231 Cal.App.4th 1056 (Dec. 16, 2014), *review granted and opinion superseded sub nom* (Mar. 11, 2015) (No. S223603). While SANDAG has approved a new RTP/SCS since that time as part of its "San Diego Forward" Regional Plan, the updated RTP/SCS does not include Newland's project in its land use assumptions. Unlike other jurisdictions which included planned general plan amendments in their SCS, the County and SANDAG decided to base their SCS only on the County's adopted General Plan.



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and from transit infrastructure. This unplanned development would contradict modern planning principles and result in long single-occupant vehicle trips causing GHG emissions.

**II. THE GHG THRESHOLD OF SIGNIFICANCE DOCUMENT IS DEFICIENT AS A MATTER OF LAW AND SHOULD BE SET ASIDE**

**A. The County's General Plan and General Plan EIR Require Certification of a Valid CAP and Related Thresholds of Significance Before the Newland Project May Be Processed**

The County's updated General Plan, approved in 2011, requires preparation and certification of a CAP and a program to monitor and implement GHG reduction measures. San Diego County General Plan at 5-39 (Aug. 2011)<sup>3</sup> ("COS-20.1: Climate Change Action Plan. *Prepare, maintain, and implement a climate change action plan* with a baseline inventory of GHG emissions from all sources; GHG emissions reduction targets and deadlines, and enforceable GHG emissions reduction measures.") (emphasis added); (COS-20.2, requiring a GHG emissions monitoring program and review of GHG reduction programs).

The General Plan's EIR also required preparation of a CAP as mitigation necessary for implementation of the General Plan. San Diego County General Plan Update EIR ("General Plan EIR"), State Clearinghouse No. 2002111067, § 2.17, at 2.17-30 (Aug. 2011).<sup>4</sup> Mitigation Measure CC-1.2 sets forth the CAP's requirements: a baseline inventory of GHG emissions, detailed GHG emissions reduction targets and deadlines, and enforceable measures to achieve specific GHG emissions reductions by 2020 (17% reduction from County operations and 9% reduction from community emissions). *Id.* The CAP also requires monitoring and progress reports. *Id.* In addition, Mitigation Measure CC-1.8 requires the County to revise its thresholds of significance "*based on the [CAP].*" *Id.*, § 2.17, at 2.17-31 (emphasis added). Mitigation Measures CC-1.2 and CC-1.8 are currently in effect as enforceable conditions of the General Plan update approved in 2011. They have not been superseded or amended.

The CAP and related thresholds of significance are required by the General Plan, and are necessary to mitigate the General Plan's GHG impacts. The CAP has well-defined parameters and specific reduction targets that the County must meet. Further, the revised thresholds of significance must rely on the data compiled as part of CAP preparation; therefore, the thresholds of significance cannot precede the CAP.

<sup>3</sup> The County General Plan can be accessed at <http://www.sandiegocounty.gov/pds/generalplan.html>.

<sup>4</sup> The General Plan EIR can be accessed at <http://www.sandiegocounty.gov/content/sdc/pds/gpupdate/environmental.html>.

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**B. The County's First Attempt to Develop a CAP and Related Thresholds of Significance Was Set Aside by the Court**

In 2012, the County certified a CAP ("2012 CAP"). The Sierra Club then filed a lawsuit challenging the 2012 CAP. The trial court ruled in favor of the Sierra Club, invalidating the 2012 CAP. The Court of Appeal then upheld the trial court ruling in 2014, holding that the 2012 CAP did not "ensure reductions" of GHG emissions. *Sierra Club v. Cty. of San Diego*, 231 Cal.App.4th at 1170, 1176. Subsequent to the Court of Appeal's decision, the trial court issued a Supplemental Writ of Mandate on April 14, 2015, which requires the County to set aside the 2012 CAP as well as the November 7, 2013 Guidelines for Determining Significance and Report Format and Content Requirements ("2013 GHG Significance Thresholds"). The Supplemental Writ of Mandate also requires the County to prepare a new CAP and thresholds of significance for GHG impacts in compliance with the California Environmental Quality Act ("CEQA"). A copy of the Supplemental Writ of Mandate is attached hereto as **Attachment B**.

Last month, the Sierra Club submitted a letter ("Sierra Club Letter") to County Counsel requesting that the County postpone consideration of the Newland Project, among others, until certification of a legally adequate CAP and related thresholds of significance—in accordance with the requirements of the General Plan and the General Plan EIR and in compliance with the Supplemental Writ of Mandate. A copy of the Sierra Club Letter is attached hereto as **Attachment C**. The Sierra Club Letter notes that (1) a valid CAP is required to adequately mitigate GHG impacts, (2) thresholds of significance based on data compiled in the CAP are required to adequately analyze GHG impacts, (3) the Newland Project's proposed General Plan Amendment would be inconsistent with General Plan provisions requiring a CAP and related thresholds of significance, and (4) approving the Newland Project without a valid CAP and related thresholds of significance would violate the Supplemental Writ of Mandate.

The GHG Threshold of Significance Document fails to remedy the legal issues raised in the Sierra Club Letter and contradicts the Supplemental Writ of Mandate. The GHG Threshold of Significance Document is not a CAP, and the thresholds therein are not based on the CAP—because the County has yet to certify a legally adequate CAP. As such, the GHG Threshold of Significance Document should be set aside, and it cannot serve as the basis for GHG analysis in the County's EIR for the Newland Project.

**C. The GHG Threshold of Significance Document Cannot Provide a Basis for Analyzing GHG Impacts Consistent With The Policy Decisions Already Made In The County's General Plan**

The GHG Threshold of Significance Document is a staff level document that has not been approved by the Board of Supervisors. It includes (1) an "efficiency metric" referred to as a "threshold," (2) "screening criteria," and (3) recommended mitigation measures. This is a discretionary action which constitutes a key County decision setting the yardstick that will be used in all County EIRs to measure whether or not a project has a significant adverse impact due to GHG emissions and whether it is consistent with the County's adopted GHG policies in the General Plan. *See* 14 Cal. Code Regs. § 15064.7(a).

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The GHG Threshold of Significance Document is not a CAP and does not contain the elements required by General Plan Mitigation Measures CC-1.2 or CC-1.8. Consequently, while the provisions set forth in GHG Threshold of Significance Document may, or may not be, “wise” public policy decisions regarding GHG emissions, they are flatly inconsistent with the GHG requirements in the County’s General Plan and must be set aside.

1. The GHG Threshold of Significance Document Is an Improper Attempt to Set Thresholds of Significance Without Completing a CAP

In a section of the GHG Threshold of Significance Document titled “Significance Determination,” County Staff invents a “County Efficiency Metric” to use as a new way of measuring “acceptable” increases in GHG emissions. The GHG Threshold of Significance Document states that “[t]he County Efficiency Metric is the recognized and recommended method by which a project may make impact significance determinations.” GHG Threshold of Significance Document at 4. The County Efficiency Metric, therefore, is intended to serve as the County’s measuring stick for evaluating GHG impacts—i.e., its threshold of significance. *See* 14 Cal. Code Regs. § 15064.7(a) (“A threshold of significance is an identifiable quantitative, qualitative or performance level of a particular environmental effect, non-compliance with which means the effect will normally be determined to be significant by the agency and compliance with which means the effect normally will be determined to be less than significant.”); *see also* § 15064.4 (thresholds of significance for GHG impacts).

For analysis of GHG emissions in 2020, the County Efficiency Metric provides a threshold of 4.9 million tons of GHG emission *per person per year*. GHG Threshold of Significance Document at 6. This measurement only considers GHG emissions on a “per person per year” basis; there is no overall maximum or maximum for emissions from new development. *Id.* at 4-6. For a project buildout year after 2020, the County Efficiency Metric sets an annual average reduction rate of 5.2 percent between 2020 and 2050, which is borrowed from the Air Resources Board. *Id.* at 5. Similar to the 2020 measurement, this buildout year analysis under the County Efficiency Metric fails to provide any overall maximum and is not related to any data for existing or proposed development specific to San Diego County. *Id.* at 4-6. In fact, under the County Efficiency Metric—for 2020 or a subsequent buildout year—there is no limit to the total overall amount of GHG emissions so long as its “per person” limits are satisfied.

a. The County Efficiency Metric Fails to Fulfill the County’s General Plan and General Plan EIR’s Requirements

The County Efficiency Metric fails to meet the requirements of the General Plan and General Plan EIR, which clearly require a CAP as well as thresholds of significance based on the data compiled as part of the CAP. The County General Plan sets forth a set of GHG requirements and goals based on reducing the County’s total overall GHG emissions consistent with AB 32’s goals—which the General Plan EIR determined would be accomplished in San Diego County by a 17% reduction from County operations and a 9% reduction from community emissions by 2020. General Plan EIR, § 2.17, at 2.17-28, 2.17-30 (Mitigation Measure CC-1.2). The General Plan polices are not based on any “per person” or “per capita” metric for determining what was to be an “acceptable” increase in GHG emissions. In fact, the Court of

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Appeal struck down the 2012 CAP, because it did not “ensure reductions” of GHG emissions. *Sierra Club v. Cty. of San Diego*, 231 Cal.App.4th at 1170.

Contrary to the General Plan and to the Court of Appeal’s guidance, the County Efficiency Metric requires no overall reduction, and could result in an overall GHG emissions increase so long as “per person” limits are satisfied. For example, the County could theoretically decide to open up large areas of open space, doubling the County’s overall population, and still satisfy the “Efficiency Metric” on a per person basis. This staff-authorized policy shift impermissibly conflicts with the General Plan and General Plan EIR and with the Court of Appeal’s opinion.

The County Efficiency Metric also does not provide any information as to how new growth or General Plan amendments affect the County’s overall total of emissions that was supposed to be reduced under the adopted General Plan. As a result, limitless GHG emissions increases could result from unplanned growth, even if it meets the County Efficiency Metric’s “per person” limits. The GHG Threshold of Significance Document’s failure to distinguish between planned and unplanned growth further renders it inadequate as a matter of law under the County’s General Plan and General Plan EIR.

While this might be a good or bad policy change by the County, this shift in policy expressly contradicts the General Plan and would require a General Plan Amendment to implement. *See Citizens of Goleta Valley v. Board of Supervisors*, 52 Cal.3d 553, 570-71 (1990) (requiring lead agency actions to be consistent with its General Plan under the State Planning and Zoning Law). County General Plan Policy COS 20.1 requires the County to develop a climate action plan with a “baseline inventory of GHG emissions from all sources” and “GHG emissions reduction targets and deadlines.” General Plan at 5-39. The “inventory” and “targets” set forth in the General Plan cannot be replaced by staff with a per person “efficiency metric.” The County’s latest GHG thresholds are also not consistent with the adopted CEQA mitigation measures that were part of the County’s General Plan, at the urging of the California Attorney General, since it provides no regulation or “measuring stick” of the County’s total emissions for the entire population.

- b. The County Efficiency Metric Is Not Based on the San Diego County GHG Inventory Data Required by the General Plan and General Plan EIR

The GHG Threshold of Significance Document provides no data regarding GHG emissions in San Diego County and fails to base its thresholds on any data specific to San Diego County—for 2020 or a subsequent buildout year. *See* GHG Threshold of Significance Document at 4-7. The County’s thresholds of significance for GHG emissions must be based on baseline inventory data for San Diego County compiled as part of a CAP. At this time, however, that is impossible, because the County has not yet prepared and certified a revised CAP. Further, the GHG Threshold of Significance Document fails to provide a mechanism for review and monitoring of GHG emissions to determine the County’s progress in reaching overall GHG emissions reduction goals, as required by the General Plan and General Plan EIR.

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c. The County Efficiency Metric Violates the Supplemental Writ of Mandate

Further, the County Efficiency Metric violates the Supplemental Writ of Mandate. Basing the GHG impacts significance determination on the County Efficiency Metric in Newland's draft EIR would undercut the purpose of the Supplemental Writ of Mandate requiring preparation of a CAP and related thresholds of significance. The County has a mandatory duty to process the Newland Project using only the thresholds required by the court's order, the County's General Plan, the General Plan EIR, and the County's adopted CEQA mitigation measures for the General Plan. The County cannot use unauthorized efficiency thresholds established by staff which contradict adopted County policy. This ruse is transparent and would not survive a legal challenge. *See* Pub. Res. Code § 21168.9(b) (court retains jurisdiction to enforce its writ under CEQA).

Moreover, the County Efficiency Metric allows for *more* per person GHG emissions than the 2013 thresholds that were struck down by the court. The County's 2013 GHG Significance Thresholds provided an "efficiency metric" of 4.32 metric tons of GHG emissions per person. *See* 2013 GHG Significance Thresholds at 24.<sup>5</sup> The County Efficiency Metric permits up to 4.9 metric tons of GHG emissions per person—an increase of 0.58 tons per person over the 2013 GHG Significance Thresholds' level. GHG Threshold of Significance Document at 6. After having one GHG emissions threshold of significance struck down by the court, County staff cannot now authorize a threshold allowing *more* GHG emissions, thus being *less protective of the environment*.

d. The CEQA Guidelines Preclude Use of the County Efficiency Metric as a General Use Threshold of Significance

The GHG Threshold of Significance Document is insufficient as a threshold of significance for general use because it was not approved by the Board of Supervisors, did not undergo a public review process, and is not supported by substantial evidence. 14 Cal. Code Regs. § 15064.7(b) ("Thresholds of significance to be adopted for general use as part of the lead agency's environmental review process must be adopted by ordinance, resolution, rule, or regulation, and developed through a public review process and be supported by substantial evidence."). After years of planning and approval of the General Plan Update—including its mandatory mitigation measures—County staff cannot now act without Board approval to implement a threshold of significance that reverses Board-approved requirements, contradicts a court order, and is less environmentally protective than a previous attempt to develop a threshold of significance that was overturned by the courts.

e. The County Efficiency Metric Must Be Set Aside

The County Efficiency Metric must be set aside as inconsistent with the General Plan, General Plan EIR, and the Supplemental Writ of Mandate, as well as CEQA Guidelines section 15064.7. Any attempt to base the Newland Project's significance determination for GHG

<sup>5</sup> The 2013 GHG Significance Thresholds are attached hereto as **Attachment D**.

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impacts on the County Efficiency Metric would be invalidated. The County's General Plan requirements were intended to regulate not just the final approval of County projects, but also the measuring sticks or thresholds used in County planning documents, such as draft EIRs. As such, it is not sufficient to wait until the County takes action on a final EIR; the Court must ensure that County staff perform their mandatory duty to comply with CEQA mitigation measures and the County's General Plan in any draft EIR they may release for the Newland Project.

2. The GHG Threshold of Significance Document's Screening Criteria Is Inconsistent with the General Plan, General Plan EIR, and Supplemental Writ of Mandate

The GHG Threshold of Significance Document's screening criteria is copied from a third party source and has no relationship to San Diego County's GHG emissions or planned development. The screening criteria is not based on an inventory prepared as part of a CAP. *See* GHG Threshold of Significance Document at 2. The GHG Threshold of Significance Document's "screening criteria" fails for the same reason as the County Efficiency Metric—it was not properly prepared based on data from a certified CAP, thus failing to comply with the General Plan and General Plan EIR and violating the Supplemental Writ of Mandate. The screening criteria provides no guidance as to whether a particular project is consistent with the overall County GHG reductions required by the General Plan, thus failing to provide an adequate "measuring stick." Further, the GHG Threshold of Significance Document fails to describe how application of the screening criteria in San Diego County will help achieve statewide goals, or how it will ensure that the County only approves projects which are consistent with the SANDAG Sustainable Communities Strategy, which is based on a specific projection of potential new development in unincorporated areas.

3. The GHG Threshold of Significance Document Recommendations Regarding Mitigation Measures Are Inconsistent with the General Plan, General Plan EIR, and Supplemental Writ of Mandate

While not setting forth specific mitigation measures, the GHG Threshold of Significance Document provides a non-exclusive list of four documents containing GHG mitigation measures. GHG Threshold of Significance Document at 7-8. Again, the GHG Threshold of Significance Document provides no analysis of the mitigation measures' applicability and appropriateness for San Diego County. The General Plan and General Plan EIR require a CAP to provide enforceable mitigation measures that will result in the County meeting a 17% reduction in GHG emission from County operations and a 9% reduction from community emissions by 2020. General Plan, § 2.17, at 2.17-30 (Mitigation Measure CC-1.2). The County's GHG mitigation measures must "ensure reductions" of GHG emissions. *Sierra Club v. Cty. of San Diego*, 231 Cal.App.4th at 1170.

The GHG Threshold of Significance Document falls far short of these standards, and provides no mechanism to measure the projected or actual effectiveness of such measures for mitigation of GHG impacts in San Diego County. While, as a matter of policy, the recommended mitigation measures may reduce GHG emissions, the staff-level GHG Threshold

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of Significance Document is attempting an impermissible end-around to avoid the requirements of the General Plan, General Plan EIR, and Supplemental Writ of Mandate.

**D. The GHG Threshold of Significance Document Fails To Provide For “Coordination” With Relevant Plans for GHG Emissions Reductions in San Diego County As Required By County General Plan Policy COS 20.3**

The GHG Threshold of Significance Document is further insufficient because it fails to discuss relevant planning documents for GHG emissions reductions. County General Plan Policy COS-20.3 requires the County to collaborate with other agencies in the region for air quality planning: “Coordinate air quality planning efforts with federal and State agencies, SANDAG, and other jurisdictions.” General Plan at 5-39. The GHG Threshold of Significance Document contradicts this policy by providing a staff-level threshold of significance for the County without any regional collaboration; therefore, it cannot be implemented without a General Plan Amendment remedying this inconsistency. *See Sierra Club v. Kern Cty. Bd. of Supervisors*, 126 Cal.App.3d 698, 703 (1981) (requiring internal general plan consistency); Gov. Code § 65300.5.

Reducing GHG emissions requires a concerted planning and monitoring effort to determine how to meet specific targets on specific dates. Statewide law and policy, such as AB 32, SB 375, Executive Order S-3-05, and Executive Order B-30-15, set various goals and deadlines on the state level. Local jurisdictions then determine their own criteria for planning land use and transportation infrastructure to GHG emissions consistent with the statewide goals. The County’s General Plan and General Plan EIR set forth specific goals for 2020 and provide a framework to meet those goals through development of a CAP and related thresholds of significance.

In addition, SANDAG approved an RTP/SCS in 2015, which plans for GHG emissions reductions and establishes specific regional GHG reductions of 15% per capita by 2020 and 21% per capita by 2035 from the transportation sector, which it plans to accomplish through land use policy. San Diego Forward: The Regional Plan at 97 (Oct. 2015).<sup>6</sup> The GHG Threshold of Significance Document provides no discussion of its consistency with SANDAG’s planned emissions reductions.

Despite the requirements for a coordinated planning effort, the GHG Threshold of Significance Document functions as an island unto itself. It ignores the General Plan and General Plan EIR provisions that directly contradict provisions of the GHG Threshold of Significance Document. The GHG Threshold of Significance Document also provides no analysis of consistency with SANDAG’s RTP/SCS. This failure to even acknowledge such important planning documents is a failure to provide substantial evidence in support of the thresholds of significance and mitigation measures set forth in the GHG Threshold of Significance Document and violates the County’s own General Plan Policy COS-20.3. *See* 14

<sup>6</sup> San Diego Forward: The Regional Plan can be accessed at [http://www.sdfoward.com/pdfs/RP\\_final/The%20Plan%20-%20combined.pdf](http://www.sdfoward.com/pdfs/RP_final/The%20Plan%20-%20combined.pdf).

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Cal. Code Regs. § 15064.7(b) (requiring a threshold of significance adopted for general use to be supported by substantial evidence).

**E. The County Cannot Publish a Draft EIR for the Newland Project that Bases Its GHG Impacts Analysis on the GHG Threshold of Significance Document**

1. Use of the GHG Threshold of Significance Document in the Newland Project's Draft EIR to Analyze GHG Impacts Would Violate the General Plan, General Plan EIR, and Supplemental Writ of Mandate

Based on comments from County staff, we understand that County's EIR for the Newland Project would rely on the GHG Threshold of Significance Document. The GHG Threshold of Significance Document, however, cannot provide the basis for the Project's GHG analysis. The County set forth in its General Plan and General Plan EIR specific requirements for the CAP and related thresholds of significance. The CAP must include a baseline inventory of the County's GHG emissions, reduction targets and deadlines, and enforceable mitigation measures to meet specific reduction targets. General Plan EIR at § 2.17, at 2.17-30 (Mitigation Measure CC-1.2). The County must then approve thresholds of significance based on the CAP. *Id.*, § 2.17, at 2.17-31 (Mitigation Measure CC-1.8). The GHG Threshold of Significance Document fails to fulfill these criteria.

Further, use of the GHG Threshold of Significance Document would impermissibly circumvent the Supplemental Writ of Mandate's requirements to prepare a new CAP and related thresholds of significance. If the County can bypass its court-ordered obligations by processing a project on Newland's scale based on staff-level guidance—that fails to meet the requirements of the court-ordered documents—the County could carry on business as usual in perpetuity without ever complying with the court's order. This violation of the Supplemental Writ of Mandate would not hold up under judicial scrutiny.

Relying on the GHG Threshold of Significance Document for Newland's GHG impacts analysis would prejudice the County's efforts to reduce GHG emissions consistent with its General Plan. The Project's rural location, far from urban and job centers and far from existing or planned transit infrastructure, causes long single-occupant vehicle trips that will result in substantial GHG emissions. Moreover, the Project is not included in the County's land use assumptions. It also was not included in SANDAG's land use assumptions when SANDAG developed its RTP/SCS's approach to limiting GHG emissions. *See* County Comment Letter to SANDAG, dated July 15, 2015, and Responses, attached hereto as **Attachment E**. As a result, Newland's substantial additive GHG emissions have not been accounted for in any planning documents. It is essential, therefore, that the County follow its legal mandates in evaluating the Project's GHG emissions to ensure a 17% reduction from County operations and a 9% reduction from community emissions by 2020. General Plan, § 2.17, at 2.17-30 (Mitigation Measure CC-1.2).

Further, the County has not provided the CAP's baseline inventory from which it can measure impacts from new development to determine if the development is consistent with the specific percentage reductions set forth in General Plan Mitigation Measure CC-1.2. This is



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particularly important with regard to the Newland Project, which is unplanned growth. The General Plan and General Plan EIR require specific GHG emissions reduction targets by 2020, and there is no way for the public or decisionmakers to know whether the Project is consistent with those goals until the County has approved a legally adequate CAP and related thresholds of significance. On the contrary, the GHG Threshold of Significance Document provides a separate metric for determining the significance of GHG impacts, which contradicts the General Plan's overall reduction goal and instead allows for an overall increase in GHG emissions so long as "per person" limitations are met. The County cannot simultaneously pursue two contradictory approaches to mitigating GHG emissions impacts. Because the staff-level GHG Threshold of Significance Document contradicts the approach of the County's Board-approved General Plan and General Plan EIR, the GHG Threshold of Significance Document cannot serve as the basis for the Newland Project's EIR evaluation of GHG impacts.

In addition, the County has not provided GHG reduction targets and deadlines required by the CAP. As a result, it is impossible for the County's analysis of the Project's GHG impacts to determine whether the Project is consistent with such targets and deadlines.

2. Approval of the Newland Project Before Certification of a Revised CAP and Related Thresholds of Significance Can Be Used in the EIR's Analysis Would Result in Impermissible General Plan Inconsistency

Finally, approving the Project based on analysis under the GHG Threshold of Significance Document instead of a legally adequate CAP and related thresholds of significance would result in inconsistency with the County's General Plan. Project approvals must be consistent with the General Plan. *See Citizens of Goleta Valley*, 52 Cal.3d at 570-71. In addition, the General Plan is required to be consistent within itself. *See Sierra Club v. Kern Cty. Bd. of Supervisors*, 126 Cal.App.3d at 703; Gov. Code § 65300.5.

The General Plan's Conservation and Open Space Element requires certification of a CAP. General Plan at 5-39 (COS-20.1). The County's General Plan, therefore, depends on the CAP for consistency among its elements, and may not be "reasonably consistent and integrated on its face" without it. *Concerned Citizens of Calaveras Cty. v. Bd. of Supervisors*, 166 Cal.App.3d 90, 97 (1985). The County, consequently, is precluded from making a finding of General Plan consistency for the Project's proposed General Plan Amendment unless and until the County approves a legally adequate CAP and related thresholds of significance, and uses such documents to evaluate the Project's GHG impacts in its public CEQA review. Reliance on the staff-invented GHG Threshold of Significance Document is not an adequate substitute and will result in inconsistency with the General Plan.

**III. PUBLICATION OF THE DRAFT EIR PRIOR TO CERTIFICATION OF A VALID CAP AND RELATED THRESHOLDS OF SIGNIFICANCE WOULD REQUIRE RECIRCULATION**

Publication of the Project's draft EIR prior to approval of a legally adequate CAP and related thresholds of significance would require recirculation later. Recirculation is required when "significant new information is added to the EIR after public notice is given of the

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availability of the draft EIR for public review ... but before certification.” 14 Cal. Code Regs. § 15088.5. “Information” may include “changes in the project or environmental setting as well as additional data or other information.” *Id.* New information is “significant” when the EIR is “changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or feasible way to mitigate or avoid such an effect ... that the project’s proponents have declined to implement.” *Id.*; *see also Laurel Heights Improvement Assn. v. Regents of University of California*, 6 Cal.4th 1112, 1129 (1993). The CEQA Guidelines specifically require recirculation when the public is deprived of the opportunity to comment on mitigation measures. *See* 14 Cal. Code Regs. § 15088.5; *see also Clover Valley Foundation v. City of Rocklin*, 197 Cal.App.4th 200, 223 (2011) (“significant new information” includes a disclosure that a new significant environmental impact would result from the project).

Once a revised CAP is certified, the County would be required to analyze the Project pursuant to the new thresholds of significance based on the CAP and would likely be required to implement mitigation measures included in the CAP. The CAP would also provide a baseline inventory for the County’s GHG emissions. This baseline information, as well as the thresholds of significance and project-specific mitigation measures provided by the CAP, would constitute “significant new information” triggering recirculation. The County should not publish the Project’s draft EIR with a GHG analysis it knows to be invalid, and require multiple rounds of circulation and comment. If the County publishes the Project’s draft EIR before a valid CAP is certified, it will be depriving the public of an opportunity to comment on impacts that would result from measuring the Project’s emissions against the legally required baseline and on potential impacts from mitigation measures that may be required by the CAP. Instead, the County should withhold the Project’s EIR until such time as a valid CAP and related thresholds are certified by the County.

**IV. THE COUNTY IS RESPONSIBLE FOR ANALYZING GHG IMPACTS AND CANNOT DELEGATE RESPONSIBILITY TO NEWLAND**

The County is responsible for CEQA review and cannot rely on Newland to conduct the necessary environmental review, including analyzing the Project’s GHG impacts. The County, as the lead agency, must independently review and analyze the EIR, and circulate a draft EIR that reflects its independent judgment. Pub. Res. Code § 21082.1(c)(1)-(2); 14 Cal. Code Regs. § 15084(e) (“The draft EIR which is sent out for public review must reflect the independent judgment of the lead agency. The lead agency is responsible for the adequacy and objectivity of the draft EIR.”). When certifying the final EIR, the County must then make a specific finding that the document reflects its independent judgment. Pub. Res. Code § 21082.1(c)(1)-(2). The County must sufficiently exercise its independent judgment over the environmental analysis. *Friends of La Vina v. Cty. of Los Angeles*, 232 Cal.App.3d 1446, 1452-55 (1991) (requiring the lead agency to exercise its independent judgment in certifying an EIR).

The County, therefore, must perform an independent analysis of the Project’s GHG impacts and cannot rely only on the analysis submitted by Newland. In the absence of a valid CAP and related thresholds of significance pursuant to the County’s General Plan and General Plan EIR, the County cannot simply rubber stamp analysis that Newland claims is consistent

August 5, 2016  
Page 14

**LATHAM & WATKINS LLP**

with the staff-level GHG Threshold of Significance Document or any thresholds developed by Newland and its consultants on an ad hoc basis for the Project.

**V. CONCLUSION**

For the reasons discussed above, we request that the County set aside the GHG Threshold of Significance Document and delay publication of the Newland Project's EIR until the County has approved a legally adequate CAP and related thresholds of significance and the County has incorporated such analysis into the Project's EIR and provided an opportunity for public review and comment. Proceeding with Newland's EIR at this time is legally impermissible due to the deficiencies in the GHG Threshold of Significance Document and the absence of a legally valid CAP and thresholds of significance. The County must comply with the law, including the terms of its own General Plan and General Plan EIR, the requirements of the Supplemental Writ of Mandate, and CEQA Guidelines section 15064.7.

Thank you for your time and attention to this matter. Please feel free to contact me at (858) 523-5400 or [christopher.garrett@lw.com](mailto:christopher.garrett@lw.com) if you would like to discuss this matter further.

Best regards,

*Christopher W. Garrett*

Christopher W. Garrett  
of LATHAM & WATKINS LLP

## Enclosures

cc: Kathy Van Ness, Golden Door  
Mark Slovick, County Planning and Development Services  
Thomas Montgomery, Office of County Counsel  
Dan Silver, Endangered Habitats League  
Jan Chatten-Brown, Chatten-Brown & Carstens LLP  
Doug Hageman, Newland  
Paul Robinson, Hecht Solberg Robinson Goldberg & Bagley  
Mark Dillon, Gatzke Dillon & Balance  
Stephanie Saathoff, Clay Co.  
Denise Price, Clay Co.  
Andrew Yancey, Latham & Watkins LLP

**EXHIBIT D**

R-D-10



**Hermosa Beach Office**  
Phone: (310) 798-2400  
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**Chatten-Brown & Carstens LLP**  
2200 Pacific Coast Highway, Suite 318  
Hermosa Beach, CA 90254  
www.cbcearthlaw.com  
jcb@cbcearthlaw.com

**San Diego Office**  
Phone: (858) 999-0070  
Phone: (619) 940-4522

August 9, 2016

By e-mail ([Ellen.Pilsecker@sdcounty.ca.gov](mailto:Ellen.Pilsecker@sdcounty.ca.gov))  
Original to follow

C. Ellen Pilsecker  
Office of County Counsel  
1600 Pacific Highway, Suite 355  
San Diego, CA 92101

**Re: Request To Set Aside 2016 Climate Change Guidance Document**

Dear Ms. Pilsecker:

As I advised you yesterday, the Sierra Club agrees with the conclusion reached in the August 5, 2016 letter from Chris Garrett that the recently adopted 2016 Climate Change Guidance Document is inconsistent with the County's General Plan and the General Plan EIR, which require preparation and certification of a Climate Action Plan ("CAP") and related thresholds of significance for greenhouse gas ("GHG") emissions based on data compiled as part of the CAP. The GHG "guidance document" is a thinly veiled Threshold of Significance. For the same reasons that the November 2013 staff adopted guidance document was improper, this latest guidance document should be set aside. In addition to being inconsistent with the General Plan and the General Plan EIR, we believe it is inconsistent with the spirit of the Supplemental Writ issued by Judge Taylor on May 4, 2015.

Because Chris Garrett's letter amply sets forth the reasons why the law requires that this document be set aside, I will not detail them here. Suffice it to say that the Sierra Club believes that any environmental analysis that relies on the efficiency based metrics contained in the Guidance document, rather than examining compliance with a legally adequate CAP and using the appropriately adopted Threshold of Significance to assure that the emissions reductions promised within the County will be achieved, is fatally flawed. Because environmental review documents relying on the Guidance document would be legally deficient and waste the time of both applicants and the general public, the Sierra Club asked that the County set aside the Guidance document.

## COMMENTS

## RESPONSES

Pilsecker  
August 9, 2016  
Page 2

To the extent that the County is anxious to process pending actions for land development approvals, the answer is to expeditiously adopt an adequate CAP and Thresholds of Significance that will result in the County achieving the greenhouse gas emission reduction goals, adopted by it, that are articulated in AB 32.

I look forward to your response regarding our July 26, 2016 letter, as well as a response to this request.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Chatten-Brown", with a stylized flourish at the end.

Jan Chatten-Brown

**EXHIBIT E**

R-D-10



## County of San Diego

THOMAS E. MONTGOMERY  
COUNTY COUNSEL

OFFICE OF COUNTY COUNSEL  
1600 PACIFIC HIGHWAY, ROOM 355, SAN DIEGO, CA 92101  
(619) 531-4880 Fax (619) 531-6005

C. ELLEN PILSECKER  
CHIEF DEPUTY  
Direct Dial: (619) 531-5229  
E-Mail: ellen.pilsecker@sdcounty.ca.gov

August 10, 2016

Jan Chatten-Brown  
Chatten-Brown & Carstens LLP  
220 Pacific Coast Hwy., Suite 318  
Hermosa Beach, CA 92054

Re: Request to Postpone Projects

Dear Ms. Chatten-Brown:

After review and consideration of your July 26, 2016 letter, Planning & Development Services (PDS) will continue to develop the County's Climate Action Plan (CAP) while processing project applications. PDS will not postpone action on projects requiring General Plan Amendments. The Board of Supervisors will have the opportunity to take action on each project when it is set for a public hearing.

Your letter reflects a misunderstanding of the role of a CAP, and of the General Plan Update Environmental Impact Report (GPU EIR). Just as the existence of a valid CAP does not guarantee a project's compliance with CEQA, the absence of a CAP does not preclude compliance. Even without an adopted CAP, each development project must comply with CEQA. The absence of a CAP does not preclude the imposition of any necessary mitigation measure as a condition of approval of a particular project.<sup>1</sup> If the EIR for a particular project identifies greenhouse gas (GHG) emissions as having a significant indirect impact, but the project does not adequately mitigate for that impact, the Sierra Club (or any other interested party) may challenge the project's compliance with CEQA.

<sup>1</sup> You cite two cases that deal with mitigation of impacts of specific development projects. Neither deals with the need for a CAP. Thus, neither supports your claim that a CAP is a prerequisite for any particular development project.



## COMMENTS

## RESPONSES

As to your comment about initiating proceedings pursuant to the writ, please note that neither the trial court's writ nor the court of appeal decision dealt with the processing of development projects. Each court found that the CAP did not meet the description of mitigation measure CC 1.2. The County is complying with the writ by preparing a new CAP that will be supported by appropriate CEQA review.

Putting the CAP in context, the preparation of a CAP was one mitigation measure set forth in the GPU EIR to address GHG emissions from build out under the general plan. There were seventeen other mitigation measures specifically dealing with climate change. The Board's unchallenged findings indicated that the various measures in combination would mitigate the impact to below a level of significance. The statement that the County cannot meet its General Plan goal of reducing GHG emissions without a CAP is not correct. All project-level mitigation measures that could be included in a CAP can be implemented at the project level without a CAP.

Your claim that a project cannot be found to be consistent with the General Plan until a new CAP is adopted does not comport with case law analyzing general plan consistency. A project may be found consistent with the General Plan even if it is not "in perfect conformity with each and every general plan policy." *Sierra Club v. County of Napa*, 121 Cal.App.4<sup>th</sup> 1490, 1509 (2004). Moreover, Policy COS 20.1 does not require a project to include a CAP. Approval of a development project would not obstruct the policy. Therefore, such a project would not be inconsistent with General Plan. *Id.*

The County is working diligently to prepare a new CAP. In addition, the County is taking other steps to support sustainability goals. Examples (with references to the County's website for additional information) include: the Strategic Energy Plan adopted in 2015<sup>2</sup>; the Comprehensive Renewable Energy Plan initiated by the Board in 2013<sup>3</sup>; the Active Transportation Plan, an update of the County's Bicycle and Pedestrian Plans, which is expected to be completed this fall<sup>4</sup>; and the County's Strategic Plan on Waste Reduction<sup>5</sup>.

<sup>2</sup> [http://www.sandiegocounty.gov/general\\_services/Energy/Energy.html](http://www.sandiegocounty.gov/general_services/Energy/Energy.html)

<sup>3</sup> <http://www.sandiegocounty.gov/pds/advance/CREP.html>

<sup>4</sup> <http://www.sandiegocounty.gov/pds/advance/ActiveTransportationPlan.html>

<sup>5</sup> <http://www.sandiegocounty.gov/content/sdc/dpw/recycling/plan.html>

## COMMENTS

## RESPONSES

The County looks forward to working with the Sierra Club and others as we undertake our public outreach sessions to obtain input as we prepare the new CAP. We welcome your constructive input in this process. Please see the Public Outreach and Engagement Plan on the CAP project website.<sup>6</sup>

Very truly yours,

THOMAS E. MONTGOMERY, County Counsel

By *C. Ellen Pilsecker*  
C. ELLEN PILSECKER, Chief Deputy

<sup>6</sup> <http://www.sandiegocounty.gov/pds/advance/climateactionplan.html>

**PROOF OF SERVICE**

I am employed by Chatten-Brown & Carstens LLP in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 2200 Pacific Coast Highway, Ste. 318, Hermosa Beach, CA 90254. On September 2, 2016, I served the within documents:

**SECOND SUPPLEMENTAL PETITION  
FOR WRIT OF MANDATE**

☐ **VIA UNITED STATES MAIL.** I am readily familiar with this business' practice for collection and processing of correspondence for mailing with the United States Postal Service. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid. I enclosed the above-referenced document(s) in a sealed envelope or package addressed to the person(s) at the address(es) as set forth below, and following ordinary business practices I placed the package for collection and mailing on the date and at the place of business set forth above.

☐ **VIA OVERNIGHT DELIVERY.** I enclosed the above-referenced document(s) in an envelope or package designated by an overnight delivery carrier with delivery fees paid or provided for and addressed to the person(s) at the address(es) listed below. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.

☒ **VIA ONE LEGAL E-SERVICE.** By submitting an electronic version of the document(s) to One Legal, LLC, through the user interface at [www.onelegal.com](http://www.onelegal.com).

☐ **VIA ELECTRONIC SERVICE.** I caused the above-referenced document(s) to be sent to the person(s) at the electronic address(es) listed below.

I declare that I am employed in the office of a member of the bar of this court whose direction the service was made. I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on September 2, 2016, at Hermosa Beach, California.

\_\_\_\_\_  
Cynthia Kellman

**SERVICE LIST**

C. Ellen Pilsecker, Chief Deputy  
Office of County Counsel  
1600 Pacific Highway, Room 355  
San Diego, CA 92101  
[ellen.pilsecker@sdcounty.ca.gov](mailto:ellen.pilsecker@sdcounty.ca.gov)

PROOF OF SERVICE

## COMMENTS

## RESPONSES



January 30, 2017

**RE: VALIANO SPECIFIC PLAN PDS2013-SP-13-001, PDS2013-GPA-13-001, PDS2013-REZ-13-001, PDS2013-TM-5575, PDS2014-MUP-14-019, PDS2013-STP-13-003, PDS2013-ER-13-08-002 Environmental Impact Report.**

Dear Ms. Chan,

The mission of The Escondido Creek Conservancy (TECC) is to preserve and restore the Escondido Creek watershed. Our vision for the watershed is that vibrant urban communities and viable natural ecosystems thrive together. One of the ways that is accomplished is to place development in appropriate locations. Unfortunately, the Valiano proposal places an urban project in a semi-rural area which will erode the natural resource values of the area and undermine the quality of life for residents.

TECC concurs that more housing is needed. We support, in general, the current County General Plan especially those aspects that resulted from many years of careful discussions with the communities and are supported by thoughtful studies and community consensus. TECC opposes sprawl development, like this project, that produces negative impacts to our communities, environment, habitats, and transportation systems, while increasing the cost of services. We oppose projects that include unmitigated impacts.

### Biology

Residents adjacent to the Valiano site regularly observe wildlife foraging on the property, including deer, bobcats, and coyotes. While much of site is impacted by fallowed agriculture, it still has habitat value, which, left alone or restored, would only improve. We need to recognize that keeping *common* species (such as deer and coyotes) *common* is one of the keys to protect complete ecosystems and protect threatened and endangered species so that they, too, one day can become common-again.

The effects of this project would negatively impact adjacent rural properties that are utilized by both common and threatened species. While there is mention of acquisition of mitigation lands for some of the impacts of this development, there appears to be no requirement to acquire said lands in the Harmony Grove/Elfin Forest/Eden Valley area. This is critical to the success of any potential mitigation to this project because the Escondido Creek watershed is currently a functioning habitat for such apex predators as the mountain lion.

As the area is coming under more pressure from adjacent development and human activities, of which this project is a prime example, it will become more difficult to maintain the viability of other preserved lands in the area. Over \$60 million, much of it public money, has been spent recently to develop a functioning wildlife preserve in the Escondido Creek watershed. This project will create additional issues of *edge effects* that will nibble away at the viability of all preserved lands in the area.

The Escondido Creek Conservancy

P.O. Box 460791, Escondido CA 92046

[www.escondidocreek.org](http://www.escondidocreek.org)

R-E-1 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the recirculated Draft EIR.

R-E-2 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the recirculated Draft EIR.

R-E-3 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the recirculated Draft EIR.

R-E-4 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the recirculated Draft EIR.

R-E-5 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the recirculated Draft EIR.

R-E-6 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the recirculated Draft EIR.

R-E-7 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the recirculated Draft EIR.

R-E-8 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the recirculated Draft EIR.

## COMMENTS

## RESPONSES

R-E-9	<p>Additionally, the open spaces proposed on the project site are too narrow, fragmented, and too close to the development. They would be so adversely degraded from edge effects that they would not function as viable wildlife habitat.</p> <p>A few of these edge effects, are as follows:</p> <ol style="list-style-type: none"> <li>1. Introduction of invasive exotic vegetation inadvertently carried in from bikes, people, animals or spread from backyards or fuel modification zones. The plant pallet for the development should prohibit the planting of any species listed by Cal-IPC (now and in the future) as invasive. This prohibition should apply to the HOA-owned lands and the homeowners' private yards. How will this be addressed in the Final EIR?</li> <li>2. Higher frequency and severity of fire. Fires are a natural process but when too frequent can harm the environment. How will this issue be addressed in the Final EIR?</li> <li>3. Companion animals (pets) which can act as predators of and competitors with native wildlife, as well as vectors for disease. How will the impacts of domestic animals be addressed in the Final EIR?</li> <li>4. Use and creation of undesignated trails can significantly degrade the natural environment. How will the impacts of undesignated trails be addressed in the Final EIR?</li> <li>5. Influence on earth systems, such as solar radiation, soil richness and erosion, wind damage, hydrologic cycle, and light and water pollution, can affect the natural environment. How does the REIR address these cumulative impacts on the open space and nearby areas?</li> <li>7. Loss of foraging habitat. Natural predators utilize open areas and old agricultural fields for finding food. How does the REIR propose to mitigate these impacts?</li> </ol> <p>TECC has facilitated the preservation of over 3,000 acres of some of the most bio-diverse and sensitive habitats in San Diego County. Less than one mile from the Valiano property is a 500-acre preserve contiguous with over 3,000 additional acres of protected habitat; this site also includes sensitive archeological sites. How will the final EIR address the edge effect impacts resulting from the new Valiano project on existing preserved open spaces?</p> <p><b>Fire Protection/Circulation Plan</b></p> <p>Wildland fire is a natural event in chaparral. However, the frequency and intensity of fires in San Diego County have increased well beyond the natural cycle due to human activity. This is a threat to the eco-system and to the residents of Eden Valley and surrounding communities and cities.</p> <p>The draft EIR only mentioned the Cocos fire of 2014 in passing and does not detail what occurred during that incident. Evacuation out of San Elijo Hills, Elfin Forest, Eden Valley, and Harmony Grove was not possible for many residents creating a significant safety issue (<a href="http://www.utsandiego.com/news/2014/jun/07/san-elijo-traffic-review-cocos-fire-san-marcos/">http://www.utsandiego.com/news/2014/jun/07/san-elijo-traffic-review-cocos-fire-san-marcos/</a>).</p> <p>Adding yet more housing in a valley with limited two lane roads that connect to level service F intersections in the city of Escondido will only make the situation worse. The Final EIR should address the fire evacuation situation considering the Cocos Fire experience. How will residents (existing and</p> <p>The Escondido Creek Conservancy      P.O. Box 460791, Escondido CA 92046      <a href="http://www.escondidocreek.org">www.escondidocreek.org</a></p>
R-E-10	
R-E-11	
R-E-12	
R-E-13	
R-E-14	
R-E-15	
R-E-16	
R-E-17	
R-E-18	
R-E-19	

R-E-9	The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the recirculated Draft EIR.
R-E-10	The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the recirculated Draft EIR.
R-E-11	The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the recirculated Draft EIR.
R-E-12	The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the recirculated Draft EIR.
R-E-13	The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the recirculated Draft EIR.
R-E-14	The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the recirculated Draft EIR.
R-E-15	The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the recirculated Draft EIR.
R-E-16	The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the recirculated Draft EIR.
R-E-17	The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the recirculated Draft EIR.
R-E-18	The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the recirculated Draft EIR.
R-E-19	The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the recirculated Draft EIR.

## COMMENTS

## RESPONSES

R-E-19  
cont.

new) safely flee another inevitable wildfire? Should shelter in place building standards be required not only for the structures in this development, but also for the existing residential structures in Eden Valley? This REIR does not address these issues in a serious manner.

### Changing Community Plan Boundaries

R-E-20

Lastly, the proposal to change community plan boundaries to skirt community standards, as posited in this REIR, is an ominous precedent that should be rejected.

A project could be built in Eden Valley to existing general plan densities, and existing community standards, if the developer listened to the community and addressed impacts in a responsible and forthcoming manner.

Sincerely,



Richard Murphy  
President

R-E-20

The comment states that the proposed GPA would change the overall community plan boundaries in an effort to skirt community planning standards. As part of the GPA, Neighborhood 5 would remain within the SDCP boundaries, but be removed from the EFHG Subarea. Please see Topical Response: General Plan Amendment and Subarea Boundary Line Adjustment CEQA Analysis. Also, alternatives have been evaluated in the EIR that address 2011 General Plan and Community Plan land use designations, and the Board of Supervisors will be evaluating those alternatives during Project decision making.

## COMMENTS

## RESPONSES

### San Dieguito Planning Group

P.O. Box 2789, Rancho Santa Fe, CA, 92067

January 12, 2017

Ms. Chan,

The San Dieguito Planning Group is pleased to have the opportunity to comment on the Valiano recirculated DEIR.

While we did not discuss or evaluate the GHG section of the recirculation, our comments below focus on the land use section being recirculated. We have listed our comments following the DEIR outline.

#### 1.1 Project Objectives

One of the project objectives is to “*Provide increased residential density close to the shopping, employment, and transportation centers of Escondido and San Marcos.*” According to the State-mandated 2015 Annual Progress Report, the San Diego County General Plan (GP) provides adequate housing capacity to meet the Regional Housing Needs Assessment (RHNA), which is adopted by SANDAG. Given the results of the 2015 Progress Report that housing needs are being met by the current GP and Community Plan (CP), and the fact that the project is sited in an historic rural community, we ask that appropriate data be presented that would support a project objective to increase density.

#### 1.2.1 Project Description is Inadequate and Contains Inaccuracies

The project description inaccurately states “*approximately 1.7 miles west of Interstate I-15 and 0.6 mile south of State Route 78 (SR-78) at its closest points*”. This inaccuracy may lead the

R-F-1 Introductory comment noted. Please see responses to specific comments, below.

R-F-2 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.

R-F-3 The comment suggests a change in how the EIR measures distances between the proposed Project and major freeways. Please note that these distances have been revised in the Final EIR in response to comments received on the Draft EIR circulated from April 30, 2015 to June 15, 2015.



## COMMENTS

## RESPONSES

R-F-3 cont.	reader to believe project is closer to road infrastructure than it is, a material fact in evaluating its overall location. Relevant data for the reader and decision maker are driving distances, which are conservatively measured at 2.7 miles and 1.4 miles, respectively.
R-F-4	Project description also states the two project areas (Neighborhood 5 and rest of project) “connect corner to corner”. In fact an existing private road, Mt Whitney, separates the two areas, and there is no direct access from one portion of the project to the next. There are two separate entrances and one has to exit the Eden Valley portion of the project to then enter the Harmony Grove (HG) section. This fact should be disclosed under Project Description because it underscores the fact the Project straddles two communities, which is material to the evaluation of whether community boundaries should be changed. Even if boundaries were modified, the topography would not allow for the project to connect internally to Neighborhood 5 (N5).
R-F-5	<p><b>General Plan Amendment PDS2013-GPA-13-001 wherein Neighborhood 5 would be removed 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 with no subarea.</b></p> <p>The Amendment is not needed “to provide consistency with GP policy LU-6.3 Conservation-Oriented Project Design which promotes clustered projects utilizing specific plans” as stated, because the Elfin Forest (EF) HG CP already provides for use of the Conservation subdivision to allow for clustering.</p>
R-F-6	The removal of N5, wholly located within the boundaries of the community of HG, from its CP sets a precedent that challenges the very purpose of a CP. The CP documents the vision and standards for the future development of a particular geographic area and is a tool used by community and planning groups, as well as by County planners and prospective residents.
R-F-7	Removing inconsistent projects that nonetheless remain in the same geographic area weakens the objectives of every community planning document throughout the County. This could be seen as an opportunity for a developer to “opt out” of local planning standards and encourage “forum shopping”. We believe the broad-reaching growth-inducing impacts of this proposed action
R-F-8	require a County-wide study and extensive public hearings, far longer than the 52 calendar days currently allowed for this review.

R-F-4	Please see Topical Response: General Plan Amendment and Subarea Boundary Line Adjustment CEQA Analysis. The comment indicates that the EIR incorrectly describes how the Project area is situated. Chapter 1.0, Project Description, accurately describes the relationship of Neighborhood 5 to the rest of the proposed Valiano development. The commenter is correct in noting that Mt. Whitney Drive is located along the north boundary of Neighborhood 5, and the southern boundary of Neighborhoods 1 and 2. The road does not provide a barrier between the two uses, however. Similar to other roads in Eden Valley (e.g., Hill Valley Drive, Eden Valley Lane, etc.) residences on both sides of these roads are in fact connected by the road, and the level of access it provides to their abutting neighbors. In addition, as shown on Figure 1-18 of the Project Description, for Valiano residents moving between neighborhoods on foot, bicycle or horse, there are multi-use trails that connect directly between Neighborhoods 1 and 5, accessed from both the western and northern side of Neighborhood 5. As alluded to in the comment, residents accessing the rest of the development by car could exit Neighborhood 5 onto Country Club Drive and then turn onto Mt. Whitney Drive to enter Neighborhood 1 (portions of Mt. Whitney Drive are actually located within these two neighborhoods).
R-F-5	Please see Topical Response: General Plan Amendment and Subarea Boundary Line Adjustment CEQA Analysis. The comment is related to the need for the proposed GPA. It is possible that Neighborhood 5 also would qualify as a conservation subdivision (retaining 40 percent in open space), but it is immaterial because the neighborhood is part of the larger Specific Plan. As such, the most coherent analysis addresses the Project as a whole, rather than parsing different neighborhoods into different analytical categories.
R-F-6	The comment is related to the EFHG Subarea boundary line adjustment. Please see Topical Response: General Plan Amendment and Subarea Boundary Line Adjustment CEQA Analysis.
	The comment refers to the removal of Neighborhood 5 from the EFHG Subarea. As noted in the comment, a community plan sets a vision, and is used during evaluation of a proposed project. As discussed in the Draft EIR, the EFHG portion of the SDCP covers the planning areas of Elfin Forest and Harmony Grove, which total approximately 6,793 acres in size located within the larger SDCP area. Adjustment of the boundary line to exclude Neighborhood 5 from the EFHG Subarea, would affect only 48 acres of land.



COMMENTS

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| R-F-6<br>cont. | Land Use goals for the Harmony Grove community include preservation of the rural small town feeling, open access community design that unifies multiple developments into “one neighborhood,” and continued preservation and dedication of natural and cultural resources and open space. The Land Use Element encourages environmentally sensitive, responsible equestrian uses; preservation of a rural visual environment and visually significant resources; continued agricultural uses; and buffers between urban areas and rural residential uses. Please see Response to Comment R-D-3 for a discussion of the Project’s consistency with these policies. Goals of the Circulation and Mobility Element include providing safe roads for vehicle, pedestrian, bicycle and equestrian use, and adequately identified emergency response service providers. The Conservation Open Space Element outlines goals and policies for resource conservation and management, parks and recreation, and community open space planning. Other elements include the Safety Element, which discusses hazards/risk avoidance and mitigation, emergency preparedness and response and law enforcement; and the Noise Element. All of these elements were addressed in the Draft EIR, and the Project would be consistent with these goals. Removal of Neighborhood 5 is an administrative action that would not affect elements of the Project design that allowed for compliance with these goals. Please see Response R-E-20 for a discussion on the alleged impacts to the “community’s character” under the General Plan Amendment. |
| R-F-7          | The comment is related to the proposed EFHG Subarea boundary line adjustment. Please see Topical Response: General Plan Amendment and Subarea Boundary Line Adjustment CEQA Analysis.  |
| R-F-8          | The comment is related to the length of the public review period and the potential for growth inducement. Please see Topical Response: General Plan Amendment and Subarea Boundary Line Adjustment CEQA Analysis. Revision to the EFHG Subarea does not have broad-reaching growth-inducing effects. Neighborhood 5 is the only area proposed for removal. This covers approximately 48 acres, or less than one percent (0.007) of the 6,793 acres of the SDCP. Growth inducement was addressed in the DEIR (Section 1.8). Future projects will undergo growth inducement review regardless of the plan within which they are located. According to CEQA, a 45-day public review period was required for the recirculation of the DEIR. Due to the holidays, an additional week of review was provided. No additional extension of public review is required.  |

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- R-F-9 Indeed, this very possibility is addressed in the County-approved CP on page 21: “*Annexation of Harmony Grove properties into adjacent cities allows landowners to escape the rural community development standards and must be discouraged.*”
- R-F-10 Further, in the “Land Use Planning Issues” section, it states “*The Harmony Grove community, working with County staff, designed a Village Development Pattern Model as represented in the General Plan Land Use Map. There still exist many large undeveloped parcels of land within Harmony Grove outside the footprint of the approved Village. Development of these parcels with an urban, clustered or suburban design would threaten the continued existence of the rural residential and equestrian character of Harmony Grove. Annexation of parcels within Harmony Grove by adjacent cities would fragment the historic 100-year-old Harmony Grove community, disrupt the fragile ecosystem, and create unserviceable county islands.*”
- R-F-11 These CP excerpts or a reasonable summary of these concepts, along with other pertinent CP issues, goals, and policies that demonstrate the current project’s inconsistencies should be included in the DEIR under the “Elfin Forest and Harmony Grove Subarea of the San Dieguito Plan” section on page 3.1.4-4, and/or in section 1.6, page 1-25, “Project Inconsistencies with Applicable Regional and General Plans” so that the reader can fully understand the intent of these policies and consider the precise impact of removal of N5 from these local development standards.
- R-F-12 In addition, alternative, and less impactful, methods of removing “*the planning inconsistency of having N5 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.*” should be considered. Since they have different entrances and are not physically connected, the Valiano project could be developed as two adjacent projects with separate identities, an idea consistent with requests to name portions located in each community separately that were submitted by residents during the initial DEIR period. The relative merits of this method of reconciliation, which provides the opportunity for full compliance with the CP, should be explored. Another alternative for N5 is to comply with the HG CP and build according to its policies. That alternative should also be analyzed in the EIR.
- R-F-14 There are several policies in the HG CP to which the Proposed Project does not conform:

- R-F-9 The comment concerns Project consistency with the Community Plan. Although the Project proposed modification to the subarea boundary line within the Community Plan, the Project does not propose annexation into an adjacent jurisdiction. Please also see Topical Response: General Plan Amendment and Subarea Boundary Line Adjustment CEQA Analysis.
- R-F-10 The comment refers to a statement in the EFHGCP. The EFHGCP subarea addresses a much larger area than the Project location. There are not large undeveloped parcels north of Harmony Grove Village within County jurisdiction. Please also see Response R-F-9 and Topical Response: General Plan Amendment and Subarea Boundary Line Adjustment CEQA Analysis.
- R-F-11 The comment requests a consistency analysis of the proposed Project with the EFHGCP, which was provided on pages 3.1.4-32 through page 3.1.4-36 of the DEIR. The discussion included analysis of the EFHGCP goals and policies for Land Use (Community Character, Community Growth and Community Conservation and Protection); Circulation and Mobility (Local Road Network, Pedestrian, Trip Reductions, Infrastructure and Utilities); Conservation and Open Space Element (Resource Conservation and Management, Parks and Recreation, Community Open Space Plan); Safety Element (Hazards/Risk Avoidance and Mitigation, Emergency Preparedness and Response, and Other Topics Law Enforcement) and Noise Element. As discussed in the DEIR, all land use policy impacts associated with the subarea plan were identified as less than significant. This text is now deleted as shown in the Recirculated DEIR because the proposed boundary line adjustment removes Neighborhood 5 from the EFHGCP and these policies are no longer applicable.
- R-F-12 The commenter suggests including an alternative that would propose development of Neighborhood 5 as a second, separate project within the EFHGCP. Please see Topical Response: General Plan Amendment and Subarea Boundary Line Adjustment CEQA Analysis.
- R-F-13 The comment indicates that development of Neighborhood 5 should comply with the EFHGCP policies. Please see Topical Response: General Plan Amendment and Subarea Boundary Line Adjustment CEQA Analysis for a discussion of the Project’s consistency with these policies. In addition, the EIR did include the General Plan Density Alternative in Section 4 which assumed that Neighborhood 5 would be developed in accordance with the HGVC.

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R-F-14a cont.	<p><i>Policy LU-1.5.1 Require minimum lot sizes of two acres for lands designated as Semi-Rural 4 or lower densities and one acre for lands designated as Semi-Rural 1 and Semi-Rural 2 as the standards, unless significant preservation of resources is achieved and specific findings are met for the preservation of community character with the utilization of lot area averaging, planned residential developments, or specific plans.</i></p>
R-F-14b	<p><i>Policy LU-1.5.3 Provide for lot sizes that will permit residents to keep leisure and market animals on their property.</i></p>
R-F-14c	<p><i>Policy LU-1.5.4 Restrict land use primarily to single-family residences outside of the Village.</i></p>
R-F-14d	<p><i>Policy LU-2.2.1 Ensure that the number of urban residences does not greatly exceed that of the rural residences in the greater unincorporated communities of Harmony Grove and Eden Valley.</i></p>
R-F-14e	<p><i>Policy CM-10.2.1 Require all proposed new development to use septic systems with one septic system per dwelling unit.</i></p>
R-F-14f	<p>The EIR needs to address how the project will conform to these governing policies, even if boundaries were changed.</p>
R-F-15	<p><b>Rezone (PDS2013-REZ-13-001)</b></p> <p><i>“A portion of the property is proposed to change the Animal Designator “L” to “S.” The impact of changing the Animal Designator in the valley from one which allows horsekeeping by right under Animal Designator “L”, to “S”, where horsekeeping is prohibited, needs to be disclosed and evaluated as to the impact on community character. Specifically the EIR fails to clearly disclose which lots are under which Animal Designator, or even how many lots are under each. Without this information the public cannot fairly evaluate the extent to which the goal of building an equestrian-friendly community as advertised by Applicant has been met.</i></p>
R-F-16	
R-F-17	<p><b>1.2.1.1 Land Uses</b></p>

R-F-14a	<p>The comment states the Project does not conform with Policy LU-1.5.1. Please see Topical Response: General Plan Amendment and Subarea Boundary Line Adjustment CEQA Analysis for a discussion of the Project’s consistency with this policy.</p>
R-F-14b	<p>The comment states the Project does not conform with Policy LU-1.5.3. Please see Topical Response: General Plan Amendment and Subarea Boundary Line Adjustment CEQA Analysis for a discussion of the Project’s consistency with this policy.</p>
R-F-14c	<p>The comment states the Project does not conform with Policy LU-1.5.4. All of the Neighborhood 5 residences are single-family homes. The presence of “second dwelling units,” or granny flats, does not affect this designation. These spaces are intended as offices or to accommodate multi-generational families, as discussed in the Draft EIR. It is also noted that this is a requirement of State law (AB 2299, passed in 2016) that cannot be modified by the County. Even if the commenter disagrees that all Neighborhood 5 residences are single-family residential uses, as cited, the wording of Policy LU- 1.5.4 is to restrict land uses primarily to single-family residences outside the village. Neighborhood 5 has 55 residences, 20 of which are slated to have second dwelling units. As 35 of the units (or 64 percent) of Neighborhood 5 would be specifically one dwelling only, the neighborhood by default would consist primarily of single-family units.</p>
R-F-14d	<p>The comment states the Project does not conform with Policy LU-2.2.1. The proposed SR-0.5 land use designation is a semi-rural category use, and does not result in introduction of urban residences into Neighborhood 5.</p>
R-F-14e	<p>The policy cited in the comment, CM-10.2.1, is subordinate to the issue and goal above it. In the issue statement of CM-10.2 (under Section 2.10 Infrastructure and Utilities), it is clearly Elfin Forest being called out, while Harmony Grove as a specific stand-alone area is not cited as being subject to the septic guideline. In fact, based on the stated policy LU-1.1.3 that “Any and all development in Elfin Forest must be served only by septic systems...” and the lack of an analogous statement in the Harmony Grove policies, this restriction appears to apply only to Elfin Forest. In the goal that applies to both communities, it appears that any disposal system that retains the overall character would work, with no specification of type. The Project WTWRF would be recessed and landscaped, with structures designed to look barn-like. As such, it would appear consistent with the rural character goal of the Plan. This</p>

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| R-F-14e<br>cont. | is also consistent with General Plan Guiding Principle 9 that encourages the proper timing of new infrastructure with development for orderly planning and to minimize the cost to the public. Even if on-site treatment was not an evaluated option, alternative servers exist. These are addressed in Chapter 4.0, Alternatives, of the EIR; as are septic options.          |
| R-F-14f          | The comment states that the EIR needs to provide information on how the Project will conform to each of the policies mentioned in the above discussions. Specific focused discussion was provided as indicated in Responses R-F-14a through R-F-14e, above. In addition, these responses are part of the Final EIR, and therefore addressed again through their incorporation. |
| R-F-15           | The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.   |
| R-F-16           | The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.   |
| R-F-17           | The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.   |

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R-F-17 cont.	The description under “Residential” misstates the total amount of dwelling units by omitting the Secondary Dwelling Units (SDUs), which bring the total du’s to 388. In order for the public and decision makers to accurately understand the impact of the project it is important that the full project scope as measured by amount of dwelling units proposed be disclosed in this summary, likely the only one many will read. It would also be helpful in this paragraph to state that only 118 are allowed under the General Plan, instead of having to dig through the rest of the report to encounter the very important baseline for measuring the project impacts.	R-F-18	The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.
R-F-18		R-F-19	The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.
R-F-19	Under the Neighborhood 2 description where the concept of SDUs is introduced, the description needs to fully disclose the potential impact instead of using descriptors like “small” and “ideal for multi-generational families”. The description should state whether there will be any restrictions preventing these SDUs from becoming rental units. The reader can then more fully understand potential scope of impact with factual data as to their potential end-uses, as opposed to whether or not they would be best suited to one use or another in the Applicant’s opinion.	R-F-20	The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.
R-F-20	Regardless of whether there are restrictions on renting, the DEIR needs to fully disclose and analyze impacts on parking and traffic assuming a two-car household, as is typical for one-bedroom apartments in the 600 to 700 square foot range. Data needs to be presented in the EIR as to the basis of household size for dwelling units of that square footage in the region, including evaluation of parking needs: will street parking be allowed assuming 2 cars? If so, what will be impact on emergency evacuation and any other traffic considerations?	R-F-21	The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.
R-F-21	Under the Neighborhood 3 description, which “ <i>would also accommodate animal enclosures on 21 lots</i> ”, EIR needs to disclose whether they would be horsekeeping lots because that would perhaps be an erroneous conclusion if they are subject to Animal Designator “S”.	R-F-22	The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.
R-F-22	Under “ <i>Parks, Recreation, and Open Space</i> ”, the responsible party for maintenance is not disclosed for all the amenities proposed. Some indicate “ <i>maintained by the HOA</i> ”, which is clear enough, but most either do not state maintenance entity or state “ <i>privately maintained</i> ”. In order for the public to fully understand potential impacts, the maintenance entity and funding source should be clearly identified. For example, if a Community Benefit District or other entity beyond the boundary of the Project is to be assessed to maintain trails or any other portion of the elements described under this heading, this information needs to be disclosed in this section.	R-F-23	The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.
R-F-23	Under “ <i>Wastewater Treatment and Water Reclamation Facility</i> ”, we note that such a facility is in direct conflict with the EFHG CP, which specifically prohibits any wastewater method other than septic in HG. This impact should be disclosed and analyzed as it is material to the		

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R-F-23 cont. evaluation of whether to redraw community boundaries to evade the EFHG CP jurisdiction. The DEIR should also disclose whether the assumptions quoted of 71,800 gallons per day (gpd), which are based on the wastewater loading rates developed for the Harmony Grove Project back in 2006-07, are still current and accurate based on reduced residential water use since then. This disclosure matters because using a higher assumption could result in excess treatment capacity that could then be growth-inducing.

**1.2.1.2 Access and Circulation**

R-F-24 Emergency access is “*proposed via Hill Valley Drive and Mt. Whitney Road*”, yet these two roads lead evacuating traffic to exactly the same two-lane road operating at LOS F, Country Club Drive, as do the other Project access roads. This fact should be disclosed to the reader in this summary, and fully analyzed in Traffic and Hazards sections. A true emergency access via La Moree should be evaluated and impacts disclosed in FEIR.

R-F-25 Description of the various private roads should state whether the road widening proposed by Project is feasible based on available private easements and existing appurtenances within the proposed widened road beds such as fences, gates and the like.

R-F-26 Because “*the Project proposes to construct northbound left-turn pockets at each of the four access locations*”, the EIR needs to evaluate whether the current width of Country Club Drive and right-of-way status will in fact enable these pockets to be created, given the inability to widen the road in most instances.

R-F-27 Under “*Trail Network*”, the EIR needs to disclose who is responsible for the maintenance and whether existing residents outside the Project footprint could be assessed for maintenance.

**1.2.1.4 Landscape/Hardscape**

R-F-28 Fuel Modification: we note that the Fuel Modification Zone (FMZ) depicted on Figure 1-27 still extends beyond the Project property limit, placing an undue burden on adjacent land owners to be subject to “*enforcement by the Fire Marshall*” and other restrictions on vegetation choice on their private property solely to accommodate the Project. The EIR needs to fully disclose and analyze whether this impact could be precedent-setting in the Unincorporated County and the basis of legality of imposing such a burden on private property owners unconnected to the Project Applicant.

**1.2.1.5 Grading**

R-F-29

R-F-24 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.

R-F-25 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.

R-F-26 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.

R-F-27 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.

R-F-28 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.



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<p>R-F-29 cont.</p> <p>Suggested maximum slope heights of 76 feet seem excessive for a rural setting. This should be evaluated under Visual Impacts section, which state there are none. If the suggested development model featured in the CP is followed for N5 for example, large lots would support homes built into natural hillsides and much less grading and fewer and lower retaining walls would be necessary. Please discuss merits of both models and their relative contribution to project objective <i>“Develop a community which complements and responds to the unique topography and character of the Proposed Project site and surrounding area.”</i></p>	<p>R-F-29 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.</p>
<p><b>1.3 Project Location</b></p> <p>R-F-30 The recirculation of the project description deletes “The Eden Valley Portion” from the description, which is misleading because close to 200 acres of the project are located within Eden Valley; further, 48 acres, not 44 as stated, are <i>“within the Elfin Forest-Harmony Grove subarea portion of the San Dieguito CPA”</i>. It is unclear that describing La Moree Road as site access is accurate because there is currently no vehicular project access from that road.</p>	<p>R-F-30 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.</p>
<p><b>1.4.1 Project Vicinity</b></p> <p>R-F-31 It is inaccurate and misleading to state that <i>“the above-described areas in the Proposed Project site vicinity are bordered by more intensive urban development in the city of San Marcos and Escondido”</i>. In fact the closest lots in San Marcos, and the only ones visible from the Project, are the largest lots in the City of San Marcos and are zoned Agricultural. The Project Vicinity should also mention it is bordered by estate residential both on the North in San Marcos and East in Eden Valley and HG, way before getting to the boundaries of the city of Escondido. It is essential that the vicinity be described accurately for those readers not familiar with the area. The fact the higher density residential areas of Escondido and San Marcos are not visible from the project area, and that the project itself is bordered by estate residential on at least two sides, is essential to an accurate description of the vicinity.</p>	<p>R-F-31 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.</p>
<p><b>1.5.2 Related Environmental Review and Consultation Requirements</b></p> <p>R-F-32 For full impact disclosure add : <u>“and for Fuel Modification Zones”</u> after <i>“It would be necessary to consult with adjacent property owners wherever rights-of-way must be acquired and where easements would be needed for construction or maintenance”</i>.</p>	<p>R-F-32 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.</p>

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**1.8 Growth-inducing Impacts**

R-F-33

Please add “and Harmony Grove” at the asterisk (\*) in the following sentence: “*This EIR therefore evaluates the Proposed Project’s influence on growth in the Eden Valley (\*) area as a result of an increase in residential density through general plan/specific plan amendments and rezone applications, on-site and off-site road improvements, and extension of public services or utility lines, and construction of a WTWRF.*”

R-F-33

The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.

**1.8.1 Growth Inducement Due to Land Use Policy Changes and Construction of Housing**

R-F-34

The DEIR fails to analyze the growth-inducing impact of the possibility for the first-ever removal of a portion of an existing community from that community’s approved CP for the expressed intent of avoiding development standards. There is another large residential development currently proposed for another area of HG, and the impact of this CP removal to set a precedent that could be utilized in other areas of HG is not mentioned or discussed. In fact the following statement “*First of all, as shown in Figure 1-2, substantial growth surrounding the Proposed Project site is not anticipated due to the lack of developable land in this part of the County.*” is not accurate given the current GPA application for the Harmony Grove Village South project, and other large properties in the vicinity. This statement should be revised to include consideration of the impacts to this pending project and others that might follow in HG, Eden Valley, and, importantly, elsewhere throughout the County. Full impact of the unprecedented concept of developer-initiated community boundary changes throughout the entire unincorporated county should be analyzed.

R-F-34

The comment indicates that this action could be precedent setting for other parts of Harmony Grove is not fully understood. First, the statement regarding Figure 1-2 is correct. Review of the figure shows that there is very little developable land in the EFHG Subarea. Most properties already have homes, are very small in size, or are already in large open space preserves, such as Elfin Forest Recreational Reserve or the Del Dios Highlands Preserve. Second, in order for any potential precedent to be applicable, the future action would have to have analogous conditions. There is not another place in the EFHG Subarea of the SDCP where a large block of property is sandwiched between two cities (San Marcos and Escondido) and wholly surrounded by existing developed or approved and developing uses. Nor is there another situation where the community of Eden Valley is bisected by a plan boundary line; all the remaining portion of Eden Valley is within the SDCP. Please also note that the redrawing of Community Plan boundaries in general is not unusual. For instance, as recently as adoption of the current General Plan in 2011, the Project was located within the North County Metropolitan Subregional Plan area before the Eden Valley parcels were moved into the SDCP (including the EFHG Subarea). Accordingly, there was precedent for changing planning boundaries long before the Valiano Specific Plan project application was filed. Amendments proposed as part of private development projects, of note, similar to any General Plan Amendment, are subject to CEQA review. The County does not agree that every community plan and subarea should be permanently static. Please see Topical Response: General Plan Amendment and Subarea Boundary Line Adjustment CEQA Analysis for a discussion on the County’s authority to process changes to applicable land use plans. The removal and reassignment of this particular parcel from one subarea plan and retention within the larger plan area is lawful and merited.

R-F-36

The second sentence begins “*Based on concerns regarding residential housing shortages...*” Please provide evidence-based support for this statement. This statement is in direct conflict with the State-mandated 2015 Annual Progress Report, which states that the San Diego County General Plan provides adequate housing capacity to meet the Regional Housing Needs Assessment (RHNA) for the fifth housing element cycle. In addition, this section describes employment and commercial opportunities in nearby cities, but does not describe the immediate area, namely, the over 125-year old rural community of HG where N5 is located. Please add a description of the local community to orient the reader to the potential impacts of removing, urbanizing, and densifying N5 in this project. Further, the sentence, “*It brings a variety of residential uses to an area experiencing housing shortages, and places them in proximity to similar uses, necessary utilities and work opportunities, thereby reducing “leap frog” development, urban sprawl and increased traffic congestion as residents of far-flung communities compete for access to centralized resources.*” is misleading in several ways:

R-F-37

R-F-38

R-F-39



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- R-F-35 The comment states that the impact that a developer-initiated community boundary line adjustment could have on the entire unincorporated county should be fully analyzed. Please see Topical Response: General Plan Amendment and Subarea Boundary Line Adjustment CEQA Analysis. As stated in Response R-F-34, there is no impact anticipated from this action to other projects. Additional requests would have to occur and that request would have to be considered growth inducing, before any such logical connection could be made. Absent known requests, such a concern is speculative at best, and does not require analysis under CEQA (CEQA Guidelines 15145).
- R-F-36 The comment cites a sentence located within the EIR discussion of Section 1.8.1, Growth Inducement Due to Land Use Policy Changes and Construction of Housing. The quote deletes the preceding sentence, which clearly states: "... the Proposed Project would be generally consistent with projected growth in both the County General Plan and the SANDAG 2050 RTP analyses [emphasis added]...". The statement was not a stand-alone argument for solving residential shortages based on General Plan housing projections alone, but rather addresses planning agency coordination regarding the best place to locate additional housing proposed under the local jurisdictional plans. No additional housing data are required.
- R-F-37 The comment indicates that the community where Neighborhood 5 is located was not described in the EIR. The immediate Project area is described in Chapter 1.0 in Section 4.1, Environmental Setting, which addresses both the Project vicinity as well as the Project parcels. Additional detail is provided in Subchapters 2.1, Aesthetics, 2.3, Agricultural Resources, and 2.4, Biological Resources. As such, existing conditions and the nature of the local community is fully explored in the EIR. Additional description is not required.
- R-F-38 The comment requests additional description of the community surrounding Neighborhood 5. Please see Response R-F-37. Additional information is not required to provide orientation for the reader.
- R-F-39 This statement provides context for comments R-F-40 through R-F-42, below.

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R-F-40				R-F-40	Please refer to response to comment R-F-36 regarding consistency with local jurisdictional plans. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.
R-F-41				R-F-41	The comment claims that the sentence from the EIR stating that the Project would place a “...variety of residential uses...in proximity to similar uses” is misleading because the Project does not propose land uses such as estate residential, horse keeping, vineyards, or family-owned farms. The sentence from the EIR does not, however, state that the land uses listed by the commenter are part of the Proposed Project. The statement in the EIR specifically refers to the placement of residential near other existing residential uses, as well as near “necessary utilities, and work opportunities.” It should also be noted that the Project does propose some larger lots and animal enclosures to allow for horse and market animal keeping (Neighborhoods 4 and 5), as well as improvements to an existing equestrian facility for public use. Additionally, the Project was designed to maximize retention of existing agriculture in Neighborhood 4.
R-F-42				R-F-42	The comment concerns leapfrog development, which is development that jumps over undeveloped property to place developed uses in currently open lands. Leapfrog development is more specifically defined by the County’s General Plan in Policy LU-1.2 as placing village density away from established villages or outside established water and sewer service boundaries. This Project is not a leapfrog development, but can more appropriately be considered infill, as it would place additional development in an area surrounded by development (including a village), without pushing into pristine open space east of the major transportation corridors, and within or immediately adjacent to existing water and sewer service boundaries. Therefore, the Project does not meet the definition of “sprawl.” The Project will be consistent with General Plan Guiding Principle 2 that promotes new housing locations proximate to existing infrastructure, services and jobs. Please see Topical Response: General Plan Amendment and Subarea Boundary Line Adjustment CEQA Analysis. Please also see Subchapter 3.1.4 of the EIR for the evidentiary support for the statement it would reduce leap frog development, urban sprawl and increased traffic congestion”.
R-F-43					Regarding traffic, the Project would result in traffic impacts in both the County and City of Escondido. Mitigation has been identified that lowers all of these impacts as addressed in Section 2.8.3 of the Final EIR.
R-F-44				R-F-43	The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.
R-F-45					
R-F-46					

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**COMMENTS**

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**RESPONSES**

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|  | <p>R-F-44 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.</p> <p>R-F-45 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.</p> <p>R-F-46 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.</p> |
|--|--|

## COMMENTS

## RESPONSES

2011 identified a housing shortage for the year 2050. In fact the 2050 Regional Growth Forecast ([www.sandag.org/index.asp?projectid=189&fuseaction=projects.detail](http://www.sandag.org/index.asp?projectid=189&fuseaction=projects.detail)) was used to prepare the 2050 Regional Transportation Plan, Sustainable Communities Strategy, and the Regional Housing Needs Assessment for the fifth housing element cycle. The fifth housing element cycle covers an eight-year time period from January 1, 2013, to December 31, 2020. And as stated earlier, the current San Diego County GP is documented as adequately meeting the predicted housing needs for this period. Therefore, at present there is no demonstrated need for increased housing in San Diego County and statements of future need are purely speculative. This sentence should be revised to reflect this fact, or the EIR needs to provide evidence that official housing supply analysis from SANDAG is incorrect, and replace it with similarly unbiased data to that effect.

R-F-46  
cont.

It is blatantly misleading to state that “*As described in the introduction to this section, the planning agencies with responsibility for siting development have laid out a plan for this part of the County with which the Proposed Project is generally consistent.*” If the Project were consistent with the plans the County developed at great taxpayer expense, it would not need to ask for an exemption from current policies in the form of an Application for an Amendment and Rezone to these very plans. It is *not* consistent with the GP to site 388 units where 118 have been carefully planned. As such this language needs to be removed as it may mislead readers and decision makers as to the consistency of the Project with the GP. It is an oxymoron to state that a GP Amendment is consistent with the GP, because if approved it will modify the GP for the area.

R-F-47

#### 1.8.4 Growth Inducement Due to Extension of Public Utilities

The DEIR states that because the on-site WTWRF would accommodate only the project, it cannot be considered to be growth inducing. But because the HG CP currently prohibits sewer service, removal of N5 would allow, for the first time, provision of sewer service into the HG area beyond the Village limit line, and therefore should be evaluated for growth-inducing potential. As stated earlier, the capacity of the proposed facility needs to be analyzed with 2016 assumptions, not 2006, which may result in an oversized facility capable of serving residences outside the project footprint. In addition, the project also proposes a possible connection to the Escondido sewer system and thus would bring public sewer service into an area currently serviced only by septic systems (See December 2016 MOU). This would constitute a growth inducement by extension of a public utility and the impacts need to be fully disclosed. The third sewer system alternative the project proposes is an expansion of the HGV wastewater treatment plant, a typical example of a growth-inducing impact. That third option should also be fully analyzed in the FEIR, especially because the Rincon Del Diablo Programmatic EIR relies on the

R-F-48

R-F-49

R-F-50

R-F-47 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.

R-F-48 Please see Response R-F-14e. Specifically regarding growth inducement and provision of a new utility, the commenter cites the EIR discussion on this topic. The potential for growth inducement related to sewer provision is properly addressed in the EIR. Please refer to pages 1-29 and 1-30 of the Draft EIR.

R-F-49 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR. Also see response R-F-48.

R-F-50 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.

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impact analysis of the Valiano project under CEQA to evade the need to evaluate the growth-inducing impacts within their own PEIR.

R-F-50  
cont.

Taken together, these conditions do not support the conclusion that this project is not growth inducing.

R-F-51

**Table 1-3 Proposed Amenities should include maintenance mechanism/funding**

R-F-52

**Figure 1-2 Aerial Vicinity Map**

Eden Valley and HG should be labeled Large Lot Residential, instead of Single-family homes, just like the area North of Project, to reflect the reality on the ground, and demonstrate the Project is introducing suburban and urban densities sandwiched by Large Lot Residential.

R-F-53

**3.1.4-26 Vehicle Emissions**

It is curious that while the *SANDAG (Not So) Brief Guide of Vehicular Traffic Generation Rates for the San Diego Region (2002)* specifies 7.9 miles per trip as an average trip length (ATL) throughout the county, including trips for residents within the city of San Diego and other less excentred neighborhoods, the ATL for this community was calculated to be less, at 7.05 miles. While an Appendix does list the detail of how such a number was derived at a road level, CEQA does require that data provided be reasonably understandable by the public, which a multi-page list of roads does not meet as a standard. The EIR instead needs to clearly disclose the assumptions behind the model as far as where employment, entertainment and shopping centers for residents would be situated in 2021, when the project starts selling, and the basis for such assumptions. The EIR also needs to include a graphic clearly showing by driving distance, not radius, how far 7.05 miles would lead from the project, which would be easier for the reader and decision-makers to evaluate as to the reasonableness of the assumptions behind the model. Given residents are driving at least 2 or 3 miles depending where in the community they live just to get to the freeway, they only have a balance of 4 or 5 miles to make it on average to work, school and entertainment. It seems unrealistic at best to assume 100% of the residents will work, recreate and shop within that radius, when the larger employment centers are located well South of the Project as evidenced by the traffic patterns on I-15 at rush hour.

R-F-54

R-F-55

R-F-51 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.

R-F-52 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.

R-F-53 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR. Also see response to comment R-F-56.

R-F-54 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.

R-F-55 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.



## COMMENTS

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- R-F-56 The accuracy of this ATL analysis is especially crucial because the Project as described barely meets the threshold for compliance with the GHG threshold of Significance:
- o The suggested threshold as calculated by Helix is 4.6 MT CO<sub>2</sub>e/sp/yr
  - o The analysis estimates Project would emit 4.607 MT CO<sub>2</sub>e/sp/yr, rounds down the result to the target threshold, and asserts the project meets the requirement for insignificant impact
  - o If as little as 0.043 MT CO<sub>2</sub>e/sp/yr of additional emissions, less than 1.0%, is unaccounted for in the analysis the total emissions will be 4.65 MT CO<sub>2</sub>e/sp/yr and, rounded up per mathematical standard practice, will be greater than the threshold and, therefore, constitute a significant impact.

### 3.1.4-43 Physical Division of a Community

- R-F-59 The DEIR asserts “...*there is no existing community to divide.*” This statement is supported by the observation that there are no schools, stores, or post offices. However, these amenities are typically absent in rural communities. N5 is located within HG, the oldest of the San Dieguito communities, first shown on the 1889/1891 San Luis Rey 15' USGS topographic maps; a community with established boundaries documented in the County-approved CP; an established citizen’s representative group, the EFHG Town Council, which includes all property owners in the community, distributes a newsletter and holds regular elections and public meetings; The Fellowship Hall of the Harmony Grove Spiritualist Association, a private facility that has served as a meeting room for area residents on many occasions in the past, including hosting the County Visioning Workshops for the development of the HGV concept; and the Johnston-Ward Farmhouse, which has been dedicated to the community for use as a meeting place. The Heritage Gallery on the first floor houses historic artifacts and old photographs of the community. Thus unlike as asserted in the EIR, there is a vibrant and historic community at risk of being divided, and the removal of N5 would physically separate those residents living along Mt Whitney Road from the remainder of HG. This issue should be fully analyzed in the DEIR and the conclusion that “*no impacts are assessed to physical division of a community.*” must be better defended or revised.

### 3.1.4.17 Emergency Access

- R-F-60 Please disclose and analyze consistency with cited Policies LU-6.10, LU-12.2, M-1.2, M-3.3, M-4.4, S-3.5 and S-14.1, given that unlike what is stated in EIR “*The Project would be consistent*

- R-F-56 The comment is concerned with the accuracy of the ATL analysis. The standard of practice to calculate vehicle miles traveled (VMT) and average trip length (ATL) in the San Diego region is to use the SANDAG traffic model. The traffic engineer, LLG, used this model to estimate the project VMT and ATL. The SANDAG Series 12 Model was run assuming the existing on-the-ground land use and network conditions. The City of Escondido planned Citracado Parkway extension from Anderson Drive to Harmony Grove Village Parkway was not assumed. A site specific SANDAG Select Zone Assignment (SZA) model run was conducted for the Project Traffic Analysis Zone (TAZ). The results of the SZA were based on Project access locations, characteristics of the roadway system, and the location of residential, commercial and employment opportunities in the surrounding area. The model run provided data disaggregated into two categories: 1) vehicle miles traveled and 2) Average Daily Project Traffic Volumes. These two data categories were used together to calculate the average trip length.

The total daily vehicle miles traveled generated by the Project is 26,691 miles. The total daily traffic (ADT) generated by the Project is 3,786 trips. The total VMT is then divided by the Project ADT to arrive at the ATL of 7.05 miles per vehicle trip.

- R-F-57 The comment is concerned with the accuracy of the emissions estimate. Standard mathematical practice is to round all final values to the same number of significant figures as the least accurate value. In this case, the least accurate value is the threshold itself with one significant figure following the decimal point. As stated in the comment, the analysis estimated the Project would result in 4.6 MT CO<sub>2</sub>e/sp/year, which did not exceed the threshold being applied to the analysis at that time. However, this threshold is no longer relied upon to determine significance. Please see response to comment R-D-5, the Topical Response: Greenhouse Gases Analysis, and the Supplemental Memo for the Valiano Project Environmental Impact Report Appendix J Greenhouse Gases Analyses Report for a more detailed discussion of the current project-specific threshold being applied to the Project.

- R-F-58 The commenter makes the assertion that if emissions were to increase the Project would result in a significant impact. While this is true for nearly every project, the results of the analysis are accurate. Please see response to comment R-F-58 and R-D-5 and the Topical Response: Greenhouse Gases Analysis for a more detailed discussion of the current project-specific threshold being applied to the Project.

- R-F-59 If the comment addresses the statement on page 3.1.4-24, the quote is a misstatement. The Draft EIR text on page 3.1.4-24 reads “there is no existing community on site [emphasis added] to divide.” Thus, the quote omits the crucial qualifier “on site.” Just one sentence above that is the statement: “In summary, the existing Proposed Project area is described as a semi-rural community [emphasis added].” Similarly, the reference on page 3.1.4-43 starts by referring back to the prior discussion. The opening

## COMMENTS

## RESPONSES

R-F-59  
cont.

sentence of the paragraph is: “As stated above, the existing Proposed Project area is described as a semi-rural community [emphasis added].” It was not intended for these comments to reflect the adjacent properties within the Eden Valley. The sense of community in Eden Valley is well understood. Despite it being located within a community, however, the current Project site, as referenced in the text on Draft EIR page 3.1.4.-24, is not a community in the traditional sense. Instead, the existing property is agricultural in nature, and has two homes for on-property residents.

As noted in the comment, the issue is one of physical division of a community. Development of the Project at the proposed site, which is located at the edge of the EFHG community and neither contains a community gathering locale nor makes one more difficult to access, will not result in a division of a community. It does not constitute a community gathering locale (such as may be found at a library, or the Elfin Forest Fire Station, or a community center or school). Because the Project itself (which is located at the western edge of the EFHG community adjacent to steep slopes and the City of San Marcos) does not contain a community gathering locale and does not make one more difficult to access, the Project would not result in a division of a community. Rather, the improved roadway, public park and trail connections to other parts of the valley system would improve access between and among all area residents, and would support, rather than divide, the existing community interaction.

Please see Topical Response: General Plan Amendment and Subarea Boundary Line Adjustment CEQA Analysis for a discussion on the physical location of Neighborhood 5 relative to the remainder of the EFHG Subarea plan and its physical connection to adjacent properties outside of the EFHG Subarea boundaries. There is no intent to minimize and the Project will not minimize the sense of community experienced by residents of Eden Valley, Harmony Grove Valley, and Elfin Forest. No revision is necessary to either of these statements.

The concept of community is one that is not defined by a planning document. As correctly indicated in the comment, it relates more to how people “feel” about their neighborhood. Do they attend community meetings? Read the local newsletter? Visit for shared experiences? None of these elements are affected by the name of the town, or planning document that addresses the area – they are the result of how people interact and live their daily lives within a specific area. In this instance, the improved roadway, public park and trail connections to other parts of the valley system would improve access between and among all area residents, and would support, rather than divide, the existing community interaction.

Please see Response R-E-20 for a discussion on CEQA requirements related to community character. It is important to note that, contrary to this comment, “social impacts,” like those associated with a sense of community, need not be analyzed in the environmental document as it is not an environmental impact.

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R-F-60  
cont.

with these policies by (...)providing multiple access points to the Project and an interconnected roadway network”, all the project access points lead to one single two-lane road operating at LOS F.

### 3.1.4.19 Wildland Fires

R-F-61

Because this project would introduce urban densities at the Wildland Urban Interface in a valley prone to wildfires, with only one two-lane road already operating at LOS F, with another 200 or so existing residents also trying to evacuate in case of emergency, many with horse trailers, the DEIR needs to fully analyze and disclose impacts of likely evacuation scenarios in the event of an emergency. The roadway improvement mentioned of restriping Country Club Road at Auto Parkway is likely to have zero impact on the ability for residents to evacuate. We suggest the Applicant conduct a full scale fire drill with fire and safety personnel simulating an emergency, and the results be incorporated in the FEIR for evaluation by decision makers, before the project goes to the Planning Commission. Given the extreme fire risk and the attempt to place close to 4 times the density in a valley that has already had trouble evacuating its current residents, this simulation exercise may be the only way to meet CEQA to fully disclose potential impacts on the life and safety of current and future residents.

### 3.1.4.3 Cumulative Impact Analysis

R-F-62

The unprecedented removal of N5 from its CP for the stated purpose that “*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, and no potential land use impacts would occur*” could constitute a model for other applicants County-wide to use for any projects inconsistent with their associated CPs. As such, the conclusion that “*cumulative impacts associated with land use and planning would be less than significant.*” is not supported, because impacts have not been analyzed nor disclosed. The far-reaching impacts of a developer-initiated removal of a portion of an existing community from its approved CP in the face of strong community opposition should be thoroughly studied for potential cumulative impacts throughout the unincorporated County.

R-F-63

**Deletion of References to the Community of Eden Valley is Misleading**

R-F-60

The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.

R-F-61

The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.

R-F-62

The comment is concerned with the removal of Neighborhood 5 from the EFHG Subarea. Please see Topical Response: General Plan Amendment and Subarea Boundary Line Adjustment CEQA Analysis. Please also see Response R-F-34 regarding the nature of plan boundary modifications and the unique nature of this project. Because: (1) the modification to the Community Plan addresses only property that would be developed by the Project, and does not apply to any other area, and (2) any similar request proposed as part of an amendment by a private party applicant would receive scrutiny on a project by project basis as part of routine CEQA review, modifications to plan boundaries are not anticipated to have any significant cumulative impact. No additional study is required.

Please see Response R-G-36 for a discussion of community input and land use plans.



## COMMENTS

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R-F-63  
cont.

We note that the revised EIR strikes out the name of Eden Valley in several sections (at 1-1, 1-22.1.3, 3.1.4-27, 3.1.4-28, among others), in an apparent effort to deny its very existence. This is misleading for readers and decision makers who might not be aware that the project straddles two existing historic communities, each with a strong defined community character. The redacted text should be reinstated in FEIR or the impact of deleting it analyzed and disclosed.

### Conclusion

R-F-64

Given the concerns with impact analysis and disclosure stated above, the conclusion that “*the Proposed Project would have less than significant impacts related to land use and planning*” should be revisited and withdrawn unless further evidence-based support can be provided.

R-F-65

In closing, we strongly oppose the removal of N5 from the EFHG planning subarea, both because of the impact on the local community and the precedent -setting nature of a developer-initiated change in community boundary definition.

Sincerely,

Douglas Dill

Chair, Seat 15

San Dieguito Planning Group

R-F-63

The comment is concerned with the strikeouts of text that referred to Eden Valley in the EIR. There is no intent to deny the existence of Eden Valley. The (identical) amendment on pages 1-1 and 1-22 was to correct an impression that Eden Valley was separately addressed as a subarea in the Community Plan, and to highlight the fact that there is such a subarea addressed for Elfin Forest/Harmony Grove. The figures cited on page 1-22 (including the aerial on Figure 1-2) make it very clear exactly where the site is located. The sense of privacy and physical separation valued in Eden Valley is noted on page 1-18, and growth inducement in the Eden Valley area is addressed by name on page 1-27. The two corrections on pages 3.1.4-27 and 28 amended overstatements in the Draft EIR that made it look as if all of Eden Valley would be developed by the Project. This is not the case. All parcels to the north, east and south of the Project in the valley would not be affected by the movement of the boundary line as proposed. The community of Eden Valley is explicitly referred to on page 3.1.4-3, and the character of Eden Valley is specifically referenced on page 3.1.4-29. The corrections, and the retained text, are appropriate. Environmental impacts would not result from this text edit, text does not need to be reinstated, and additional analysis based on the cited corrections is not necessary.

R-F-64

The commenter disagrees with the land use and planning impact conclusion in the EIR. The conclusion that the land use and planning impacts would be less than significant under CEQA is correct and does not require revision or additional analysis.

R-F-65

The commenter reiterates concern with the removal of Neighborhood 5 from the EFHG Subarea. Comment noted.

## COMMENTS

## RESPONSES

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### VIA E-MAIL AND U.S. MAIL

January 30, 2017

Ms. Michelle Chan  
Planning & Development Services  
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**Re: Valiano Project—Recirculated Draft EIR; PDSS2013-SP-13-001, PDS2013-GPA-13-001, PDS2013-REZ-13-001, PDS2013-TM-5575, PDS2014-MUP-14-019, PDS2013-STP-13-001, PDS2013-ER-13-08-002**

To the County of San Diego:

Please accept these comments on behalf of the Elfin Forest Harmony Grove Town Council regarding the Recirculated Draft Environmental Impact Report (“RDEIR”) for the Valiano Specific Plan Project. These comments are limited to the subjects addressed in the RDEIR. Our previous comments regarding the Draft EIR are incorporated herein by reference.

#### **A. Flawed Project Description**

There are a number of errors, omissions, and inconsistencies in the RDEIR’s Project Description.

First, the RDEIR’s revised Project Description is confusing with respect to the applicable subarea plans which apply to the Project site. The Project Description describes the proposed General Plan Amendment as follows:

Additionally the Proposed Project is located within the San Dieguito CPA, but *within two* community planning *subareas*. Specifically, Neighborhoods 1, 2, 3 and 4 are located within the San Dieguito CPA *with no subarea defined* and Neighborhood 5 is located *with [sic] the Elfin Forest-Harmony*

R-G-1 Introductory comment noted. Please see responses to specific comments, below. Your previous comments on the Draft EIR circulated from April 30, 2015 to June 15, 2015 have been responded to in the Final EIR (Letter K).

R-G-2 The comment states the description of the General Plan Amendment in the Project Description is confusing. Please see Topical Response: General Plan Amendment and Subarea Boundary Line Adjustment CEQA Analysis. The County appreciates identification of the typo, and will correct the statement to read “Neighborhood 5 is located within the EFHG Subarea portion of the San Dieguito CPA.”

R-G-? Response

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Grove subarea portion of the San Dieguito CPA. As part of the General Plan Amendment, Neighborhood 5 would be removed 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 with no subarea. (emphasis added)

Second, we repeat that the “reservoir” which *will* be built within the Project site, and which the water district has commented should be included within “the Project,” has not been included in the EIR. Listing the reservoir as a “cumulative project” is not tantamount to analysis within the EIR.

Third, the Project Description is misleading because it states the Project entails 326 dwelling units. Reading further, however, it is disclosed that the Project could involve up to an *additional* 54 dwelling units (secondary units on individual lots). This is a total of 380 units. The total number of units should be clearly identified in the Project Description. Further, it is not clear that the additional population, vehicle trips, air emissions, etc., from these additional units have been accounted for the EIR’s analysis of impacts, or that they have been evaluated on a consistent basis within the EIR. The analysis undercounts GHG emissions because it relies on the Traffic Impact Report which misapplies the trip generation rate of 6 for the Secondary Dwelling Units (SDUs) when it should be 8 as per the specifications of the basis of calculation cited in the TIA, the *SANDAG Brief Guide of Vehicular Traffic Generation Rates for the San Diego Region (2002)*. The SANDAG guide specifies 6 ADTs for multi-family residential units of more than 20 DUs per acre, and 8 ADTs for multi-family residential units of 6-8 DUs per acre. The correct ADT rate specified in the SANDAG guide for quantifying vehicular GHG emissions for the Project SDUs is 8, not 6, because the density of SDUs in the project is 2.5 per acre, far less than 20 per acre (N2, N3 and N5 average acres per lot = 0.39). As a result, the TIA and GHG analyses underestimate the SDU ADTs by 33.3%, likely sufficient to exceed the threshold of significance.

Fourth, the Specific Plan (2015) available on the County’s website has not been updated to reflect changes proposed through the RDEIR, such as the fact that the Project has been modified to eliminate the “design consideration” providing that solar will provide 30% of the Project’s residential electricity needs. Also, changes to the description of the General Plan Amendment (*e.g.*, the removal of Neighborhood 5 from the Elfin Forest Harmony Grove Subarea Community Plan) have not been made in the Specific Plan document. As it currently reads, the Specific Plan is inconsistent with the RDEIR’s description of the Project. All Project documents should be consistent.

Fifth, language and information from the Specific Plan should be provided in the Project Description and evaluated in the EIR so that the reader fully understands the scope of the Project and its potential environmental consequences. The Specific Plan states that the Planning Director may allow “minor modifications” of the Specific Plan

R-G-3 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.

R-G-4 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.

R-G-5 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.

R-G-6 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.

R-G-7 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.

R-G-8 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.

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including a change that has the following characteristics: (1) expands or contracts the geographic area of a planning area within the outer boundaries of the Specific Plan; (2) **changes land uses, including intensity and density changes**, height and setback changes, **transfers of uses or density (dwelling units) between planning areas, and substitution of uses** (so long as the use is one that is allowed somewhere in the Specific Plan); (3) **changes the housing type (e.g. duplexes to single family units); (4) increases or decreases in the total number of units; or (5) changes the sequencing or thresholds for development phasing.**” (Valiano Specific Plan, p. 8-6) (emphasis added) These changes are allowed “so long as the change does not cause a net increase the Specific Plan’s total peak hour ADT identified in the Specific Plan’s EIR.” *Id.* However, any one of the highlighted activities could have major ramifications for the conclusions of the EIR. At the least, these types of activities should be prohibited unless the applicant agrees to undertake subsequent CEQA review. Notably, the environmental impacts associated with these potential changes are not limited to vehicle trips.

***B. Greenhouse Gas Emissions***

The revised Greenhouse Gas (“GHG”) analysis is not supported by substantial evidence, and the RDEIR fails to satisfy the information disclosure requirements of CEQA.

***i. Assumptions of the GHG analysis***

The GHG analysis contains a number of faulty and/or unsupported assumptions, including, but not limited to, the following:

First, operational mobile emissions are based on an “average” trip length of 7.05 miles. The home to work (H-W) trips should be longer based on the average distance to major employment centers. And, because these trips represent a majority or large portion of vehicle trips associated with the Project (41%), the VMT and resulting mobile emissions estimates may be artificially low (*see*, RDEIR, Appendix J). While specific modeling was run by SANDAG to estimate the trip length for the Project, the traffic consultant, Darnell and Associates, found that the model used the SANDAG series 12 2050 model, with a select zone model based on 2035 land uses, not 2020 when the Project will be completed. (Exhibit “1” hereto.) As such, the 2035 trip length of 7.05 miles must be recalculated to reflect land uses in 2020.

Second, the RDEIR contains conflicting information regarding the applicable Title 24 requirements. In some places, the RDEIR states that the Project will comply with 2013 standards, while in others, it is stated the Project will comply with 2016 standards. It is assumed by the reader that the Project will comply the latest regulatory requirements, however, the text of the RDEIR should be internally consistent.

R-G-9 Introductory GHG comments noted. Please see responses to specific comments, below.

R-G-10 The commenter indicates disagrees with the assumptions used in the GHG analysis. Please see response to comment R-F-56 with respect to average trip length. The Project’s home-based trips were correctly calculated using the SANDAG model and matching the Project’s residential oriented trips with all destinations. There are several employment centers within a short distance of the Project site which can lessen the overall average trip length.

R-G-11 The comment states that the traffic consultant used a model based on Year 2035 land uses. The commenter is incorrect. The traffic model that was run by SANDAG to determine the Project’s vehicle miles traveled (VMT) and average trip length (ATL) was for the Year 2008, not the Year 2035 (see Attachment A). Basing ATL on Year 2008 is a more conservative model to use since it includes no future land uses or future network. For instance, the planned connection of Citracado Parkway, which would serve to shorten trip lengths, was not assumed. Future employment centers, which would also shorten trip lengths, were also not assumed.

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**COMMENTS**

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	<p>R-G-12 The comment makes a correction to the EIR. The Project will comply with the most recent Title 24 requirements (2016), and this typographical error has been corrected in the Final EIR in Subsection 3.1.1.2 in the list of the Proposed Project's Project Design Features.</p>
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- R-G-13 Third, in calculating operational GHGs, the Project relies on the fact that renewable energy would provide 100 percent of the residential electricity needs<sup>1</sup>. The conclusion of less than significant is based on zero residential energy emissions. But this assumption is unsupported. The RDEIR states that renewable energy would be provided through renewable sources “to include, but not limited to, rooftop solar or enrollment in SDG&E’s SunRate, or equivalent, renewables program” (p. 3.1.1-27; Appendix J, ES 1-5). First, it is not a mandatory requirement of the Project that 100% of residential energy consumption come from renewable sources, and even if it were, the supposed requirement will not be “verified” until the “final certificate of occupancy is issued,” which is not a certain deadline. Second, this measure is inadequate in terms of being an uncertain and vague mitigation requirement, if at all a mitigation measure of the Project (rather, it is listed as a design consideration). At a minimum, the Project should be constructed so that each home is “solar ready” (this requirement appeared in the Draft EIR) and it should be mandated that solar will provide a certain percentage of the residential energy usage. If the Project assumes zero energy emissions, then the requirement must be 100%. We note that SDG&E’s SunRate program is a voluntary program<sup>2</sup> insofar as customers can “sign up to pay for 100% renewable energy.” There is no guarantee that customers, will, in fact, sign up and pay for renewable energy. Customers would have the option.<sup>3</sup> The RDEIR also allows for the Project to employ an “equivalent” renewables program, without defining what that is, or explaining how it will be effective. This is inadequate. If the RDEIR is not revised to include mandatory, enforceable mitigation requirements, it is improper for the RDEIR to assume that the Project will generate zero residential energy-related GHG emissions.
- R-G-14
- R-G-15
- R-G-16
- R-G-17 Fourth, Appendix J appears to take a number of emission reductions including a 0.25% reduction for “transit accessibility”, a 3.00% reduction for “implement ‘employee cash out’”, and a 5.00% reduction for “provide ride share program.” The RDEIR does not explain how these assumptions are appropriate or realistic, or how they affect the conclusions of the analysis.

<sup>1</sup> More specifically, the “Energy” calculation of 336 CO<sub>2</sub>e on Table 3.1.1-3 (and of Appendix J, Table 9) is based on the assumption that renewables would provide 100% of the residential electricity. The CalMedModel clearly assumes zero CO<sub>2</sub>e for residential energy use. The 336 CO<sub>2</sub>e from Table 3.1.1-3 is attributable to only natural gas consumption/use (see, Appendix J – Appendix E, Table E-3).

<sup>2</sup> <http://www.sdge.com/newsroom/5ways> (This hyperlink and all hyperlinks in this letter are incorporated herein by reference).

<sup>3</sup> <http://www.bluefish.org/srenters.htm>

- R-G-7 Section 3.1.1, Greenhouse Gases, clearly states the Project would be built consistent with the latest Title 24 standards. Title 24, Part 6, Subchapter 2, Section 110.10 details the requirements for solar ready buildings. In accordance with Section 110.10, the homes will be designed and constructed as solar ready. Renewable energy would supply 100 percent of residential electricity needs per planning area (Neighborhoods 1-5) first through rooftop solar to the extent feasible based on factors such as roof angle, surface area, shading sources, as verified by the solar contractor. Where not technically feasible to supply a unit with 100 percent renewable energy through rooftop solar, the unit would be supplied with 100 percent renewable energy through different equivalent renewables program(s) or measures such as enrollment in SDG&E’s EcoChoice program, which is a California Public Utilities Commission approved renewable solar energy program that has a long-term tariff in place with supported environmental evaluation. If enrollment in EcoChoice is required because circumstances dictate that rooftop solar is not feasible and there is not a more desirable equivalent program, then units would be enrolled and continued participation by individual homeowners would be mandatory through inclusion of the requirement in the Project’s covenants, conditions, and restrictions (CC&Rs) and through the Project’s conditions of approval. It will not be voluntary. Project conditions would require the Service Provider to provide evidence of enrollment and annual reporting for units that are not supplied with 100 percent solar. And finally, equivalent means equivalent; it is a definable term but allows the needed flexibility if there is an alternative program available that offers 100 percent renewable energy at the time of enrollment or the EcoChoice program was replaced or modified. Accordingly, there is substantial evidence to support the EIR’s 100 percent renewable energy consumption.
- R-G-14 The comment indicates that the Project requirements regarding 100 percent renewable energy cannot be verified appropriately. Please refer to response to comment R-G-13 regarding renewable energy requirements.
- R-G-15 The comment indicates that the Project requirements regarding 100 percent renewable energy are inadequate. Please refer to response to comment R-G-13 regarding renewable energy requirements.
- R-G-16 The comment states that the EIR should be revised to include mitigation measures for GHG emissions. The EIR does not assume the Project will generate zero residential energy-related emissions, it describes how the Project will achieve net zero emissions. Please refer to response to comment R-G-13 regarding renewable energy requirements.

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R-G-17 The comment is referencing the mitigation report produced by CalEEMod. The Operational Mobile Mitigation Table displays a list of available mitigation measures within the model and their assigned effectiveness. The first column of the table displays whether a given measure was selected. As shown therein, all measures are listed as "No," they were not selected. No reduction was taken for any of the measures listed in the comment.



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R-G-18 Fifth, we question whether one (1) resident per second dwelling unit is an appropriate assumption for purposes of calculating the so-called “efficiency standard”. For instance, these units are described in Appendix J as “multi-family units.”

R-G-19 Sixth, the Project is described and will be marketed as an equestrian-friendly semi-rural residential development. The Project Description states the Project will “[d]esign a community that embraces and preserves the equestrian nature of the surrounding area and provides amenities for the equestrian community.” Neighborhood 3 will accommodate animal enclosures on 22 lots. Neighborhood 5 includes 55 single-family residential units, some with wider and deeper lots to allow horse and market animal keeping. Neighborhood 5 would accommodate animal enclosures on 35 lots. The Project is also described to include a Private Equestrian Facility which will be open to the public. Portions of the existing equestrian training and boarding facility would accommodate private horse boarding. Thus, the Project will allegedly provide equestrian amenities, and is designed to promote and enable animal keeping, including horses, on individual lots. Yet the RDEIR’s GHG analysis does not account for methane emissions. With these additional emissions, the alleged 4.6 MT CO<sub>2</sub>e/sp/year GHG threshold of significance is exceeded (*see*, Exhibit 2 hereto). The GHG analysis must be revised to include these emissions and a finding of significance made.

**ii. The GHG Threshold Is Not Explained and Is Not Supported By Substantial Evidence**

R-G-20 The California Supreme Court in *Center For Biological Diversity v. Department of Fish & Wildlife* (2015) 62 Cal.4<sup>th</sup> 204<sup>4</sup> (“Newhall Ranch”) held that the EIR prepared for a large housing development failed to demonstrate, based on substantial evidence, that the proposed project was consistent with State guidelines to control and reduce greenhouse gas emissions. The Court emphasized that whatever approach is taken to evaluate GHG impacts, the analysis must be based on substantial evidence. *Id.* at 225-226. Here, the RDEIR states that the County adopts an individual, project-specific significance threshold to determine whether the Project’s “fair share” of cumulative GHG impacts is significant. Specifically, the County adopts an “efficiency standard”. The County asserts that impacts are less than significant if the Project falls below the 4.6 MT CO<sub>2</sub>e/sp/year “efficiency standard.” This standard is inadequate as set forth in the RDEIR.

R-G-21 First, the RDEIR fails to explain the use of this standard: there is no reference to any source document, or any attempt to explain how the efficiency standard was developed or how it is relevant or appropriate for analysis of GHG impacts in this case. The reader does not understand the formula and cannot understand its application to the

<sup>4</sup> <http://www.courts.ca.gov/opinions/archive/S217763.PDF>

R-G-18 The comment questions whether the efficiency standard was calculated appropriately. Project emissions are based on a combination of unit count and trip generation. Assuming a low occupancy rate results in a lower service population, ensuring emissions per service population are not underestimated. However, the issue is moot because the service population threshold is no longer being used to evaluate the Project’s GHG significance. Please see response to comment R-D-5 and the Topical Response: Greenhouse Gasses Analysis for a more detailed discussion of the current project-specific threshold being applied to the Project.

R-G-19 The comment is concerned with methane emissions associated with equestrian land uses. As detailed in Chapter 1, one of the objectives of the Project is to “Design a community that embraces and preserves the equestrian nature of the surrounding area and provides amenities for the equestrian community.” The Final EIR has been revised to indicate that the proposed equestrian facility would not provide private horse boarding and would be used for day use only. Section 1.2.1.1 of the Final EIR states: Portions of the existing equestrian complex previously used in association with the Harmony Grove Equestrian Center, located in the southern portion of Neighborhood 5, would be retained, open to the public and maintained by the HOA. The 0.2 acre site would be reconfigured to allow public horse trailer parking and use of an exercise ring for the public to access the multi use trail. Additionally, there is no net increase in GHG emissions from day riding of horses because authorized and unauthorized day riding outside of the existing equestrian facility already exists at the Project site.

Based on the presence of horses in stalls and corrals at the Harmony Grove Equestrian Center on June 5, 2013, the facility was operational at the time the Notice of Preparation was prepared for the Project (June 20, 2013). Approximately 20 to 30 horses were boarded at the facility based on the size. The Proposed Project contains approximately 57 lots that could accommodate horses; however, it is not reasonable to assume that every homeowner will choose to board a horse. The Project simply affords the opportunity to do so. Therefore, the County exercised its careful judgement and properly assumes that the methane emissions associated with the previous use would be similar to that of the proposed uses. There is no net increase in GHG emissions to calculate from horse boarding activities.

R-G-20 The comment compares issues in the Newhall Ranch case with the GHG analysis in the EIR. In Newhall Ranch, the Court found that “the analytical gap left by the EIR’s failure to establish, through substantial evidence and reasoned explanation, a quantitative equivalence between the Scoping Plan’s statewide comparison and the EIR’s own project-level comparison deprived the EIR of its ‘sufficiency as an informative document.’” (Newhall Ranch, at p. 227.). In particular, the Court faulted



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the lead agency for taking the business as usual (BAU) threshold of significance from the Scoping Plan “and attempting to use that method, without consideration of any changes or adjustments, for a purpose very different from its original design: to measure the efficiency and conservation measures incorporated in a specific land use development proposed for a specific location.” (Id.) For example, the project in Newhall Ranch made the “unsupported assumption” that statewide density averages used in the Scoping Plan were equivalent to density in the Newhall Ranch project area. From there, the lead agency adjusted the project’s GHG emissions downward, reasoning that the project’s higher than average residential density would yield fewer vehicle miles traveled than a BAU project. No evidence existed in the administrative record to support these assumptions.

The Valiano Project does not suffer the flaws described in Newhall Ranch. First, the County does not derive its threshold of significance from BAU or the Scoping Plan. Rather, at the time, the County used an efficiency threshold of significance that is based on the statewide GHG targets set forth in AB 32 directly. Note that the Newhall Ranch court described efficiency thresholds as a “superior” significance criterion. (Newhall Ranch, at p. 220.) Additionally, the County did not adopt data from the Scoping Plan blindly to support its population-based efficiency measure. This is evidenced by the fact that the County did not adopt 10 metric tons of CO<sub>2</sub> (MTCO<sub>2</sub>) per service population as its efficiency threshold for this Project, even though the Scoping Plan states that reducing annual GHG emissions from 14 MTCO<sub>2</sub> to 10 MTCO<sub>2</sub> per service population is required to achieve the state’s 2020 GHG reduction goal. (Newhall Ranch, at p. 220.) Instead, as described in the Supplemental Memo for the Valiano Project Environmental Impact Report Appendix J Greenhouse Gases Analyses Report, the County made appropriate adjustments to develop a land use based efficiency measure appropriate for a project-level analysis.

Nevertheless, following a hearing on the allegations raised in the Sierra Club’s Second Supplemental Petition, including a claim that a 4.6 MT service population GHG threshold violated standards set in the Newhall Ranch case, an injunction, which is currently under appeal, has been issued prohibiting the County from using that particular service population efficiency metric threshold. The court in that matter specifically rejected a proposal that the County no longer process individual projects, no longer make project-specific GHG threshold determinations, or apply a CAP-based threshold to all project-specific GHG thresholds. The Project’s GHG analysis is no longer using the service population efficiency metric the commenter objects to and the issue is moot. For a discussion of the new project-specific, net zero GHG threshold that is being used instead, please see Topical Response: Greenhouse Gases Analysis for more information regarding the appropriateness of the GHG analysis methodology.

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Project. Note that RDEIR pp. 3.1.1-17 – 18 do not discuss this standard<sup>5</sup>. (Nor does the RDEIR even discuss the County’s Climate Action Plan in the section entitled “Local Policies and Plans: County of San Diego.”).

Second, the RDEIR also does not explain its cursory conclusion that the Project satisfies EO S-3-05 and AB 32’s emission reduction targets because of achieving the 4.6 MT CO<sub>2</sub>e/SP/year efficiency standard (p. 3.1.1-32; *see*, Appendix J, p. 35) The statements in the RDEIR are bare conclusions. There is nothing to bridge the “analytic gap” between “raw evidence and ultimate decision.” (*Topanga Assn. for a Scenic Community v. County of Los Angeles* (1974) 11 Cal. 3d 506, 515.)

**iii. The Use of the “Efficiency Standard” is Improper and Unsupported**

We must assume that the “efficiency standard,” which is supposedly project-specific, is actually derived from the County’s 2016 Climate Change Analysis Guidance: Recommended Content and Format for Climate Change Analysis Reports in Support of CEQA Documents” (“2016 Guidance Document”). The use of this standard is simply inappropriate and inadequate, as discussed below.

As background, the County updated its General Plan in 2011. The EIR certified for the General Plan Update 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 County approved the CAP on June 20, 2012. The Sierra Club successfully challenged the CAP and the resulting Court judgment required the County to set aside the CAP. As part of subsequent proceedings, the County was required to submit a timeline for preparing a

<sup>5</sup> The RDEIR notes the analysis “relies upon a threshold not based on the future County CAP and not based upon a threshold adopted by a public hearing process, but rather a threshold after the exercise of careful judgment about the setting of the project, believed to be appropriate in the context of this particular project. “ (p. 3.1.1-20) We submit that this is inadequate.

R-G-21 The indicates that the EIR does not adequately explain or defend the GHG Analysis methodology. The GHG methodology was subjected to review and public comment as part of the Recirculated Draft EIR, which included the revised GHG technical study explaining the methodology. The Project’s GHG analysis is no longer using the service population efficiency metric the commenter objects to and the issue is moot. For a discussion of the new project-specific, net zero GHG threshold that is being used instead, please see Topical Response: Greenhouse Gases Analysis for more information regarding the appropriateness of the GHG Analysis methodology.

R-G-22 The comment claims that the conclusions regarding GHG emissions are not adequately supported in the EIR. Please refer to the Supplemental Memo for the Valiano Project Environmental Impact Report Appendix J Greenhouse Gases Analyses Report for an explanation on the efficiency metric and the project threshold.

The Project’s GHG analysis is no longer using the service population efficiency metric the commenter objects to and the issue is moot. For a discussion of the new project-specific, net zero GHG threshold that is being used instead, please see response to comment R-G-20 and Topical Response: Greenhouse Gases Analysis for more information regarding the appropriateness of the GHG analysis methodology.

R-G-23 The comment claims that the efficiency metric is not an appropriate standard for the GHG analysis. The Project’s GHG analysis is no longer using the service population efficiency metric the commenter objects to and the issue is moot. For a discussion of the new project-specific, net zero GHG threshold that is being used instead, please see response to comment R-G- and Topical Response: Greenhouse Gases Analysis for more information regarding the appropriateness of the GHG analysis methodology.

R-G-24 The content of the General Plan documents and Court order in the Sierra Club case referenced in the comment do not require a Climate Action Plan to be in place in order to evaluate a project under CEQA. There is no General Plan Policy or Court order prohibiting the County from using a project-specific GHG threshold while the County pursues development of its new Climate Action Plan. The court in that matter specifically rejected a proposal that the County no longer process individual projects, no longer make project-specific GHG threshold determinations, or apply a CAP-based threshold to all project-specific GHG thresholds. The project’s GHG analysis is no longer using the service population efficiency metric commenter objects to and the issue is moot. For a discussion of the new project-specific, net zero GHG threshold that is being used instead, please see Topical Response: Greenhouse Gases Analysis for more information regarding the appropriateness of the GHG analysis methodology.

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new CAP and Guidelines for Determining Significance. **The County has not yet approved a revised CAP.**

On November 7, 2013, the County adopted a document titled Guidelines for Determining Significance and Report Format and Content Requirements (“2013 Guidelines”). The 2013 Guidelines 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 Guidelines’ “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>2</sub>e per year.*” On May 4, 2015, in the Sierra Club litigation, the Superior Court ordered that the County set aside the November 2013 GHG Guidelines and ordered that the County shall not reissue the GHG Guidelines until the County complies with CEQA.

On 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 Guidance Document”) **The document was not approved by the Board of Supervisors.** It includes a “County Efficiency Metric.” Presumably, the Valiano Project’s GHG analysis is based on this 2016 Guidance Document, although this is not disclosed in the RDEIR, and the “Efficiency Metric” is not specifically referenced by name.

The County’s apparent attempt to rely on the 2016 Guidance Document for the Project is improper because, as the County has been made aware, the 2016 Guidance Document is **less environmentally protective** than the 2013 Guidelines, which the Superior Court ordered must be set aside. In addition, effectively, the 2016 Guidance document is a threshold of significance under CEQA that must be adopted. (State CEQA Guidelines §15064.7) Again, the Board of Supervisors has not adopted the 2016 Guidelines.

As well, we note the Project is inconsistent with the 2011 General Plan which requires a CAP. (See, *Families Unafraid to Uphold Rural El Dorado County v. Board of Supervisors* (1998) 62 Cal.App.4th 1332, 1341, 1342 [invalidating a project that was inconsistent with one particular general plan policy that was “fundamental, mandatory and specific.”].) The requirement of a CAP is “fundamental, mandatory and specific” to the achievement of air quality standards and fulfillment of the principles and policies of the 2011 General Plan. Additionally, without an approved CAP, the Project, including the Specific Plan, cannot be consistent with the General Plan; in particular, the proposed Specific Plan cannot be shown to be in conformance with General Plan Policy COS-20.1. Pursuant Gov. Code § 65454, a specific plan must be consistent with the adopted general plan. In terms of CEQA, it was held in *Citizens of Goleta Valley v. Board of Supervisors*

R-G-25 Comment noted. The Project’s GHG analysis is no longer using the service population efficiency metric commenter objects to and the issue is moot. For a discussion of the County’s right to develop project-specific thresholds and the new project-specific net zero GHG threshold that is being applied to this Project, please see Topical Response: Greenhouse Gases Analysis for more information regarding the appropriateness of the GHG analysis methodology.

R-G-26 Please see response to comment R-G-25.

R-G-27 Please see response to comment R-G-25.

R-G-28 The commenter does not identify any mandatory policy in the General Plan that states the County may not process or approve a project with a project-specific GHG threshold while the CAP and a CAP-based thresholds are being developed. Such a proposal was specifically rejected in the court’s decision on the Sierra Club’s Second Supplemental Petition. It is reasonable to conclude that none of the policies in the General Plan that the commenter cites should be interpreted as creating a moratorium. As demonstrated in the Recirculated Draft EIR at pages 3.1.1-22 – 23, 3.1.1.-33 and 7-25 – 26, the Project would not conflict with the applicable land use plans, including the General Plan and its related mitigation measures, because the design features would conform to the primary regulations and policies governing the control of GHG emissions. These

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(1990) 52 Cal.3d 553, 570 that “the propriety of virtually any local decision affecting land use and development depends upon consistency with the application general plan and its elements.” Here, consistency with the General Plan is not demonstrated where the Project fails to comply with GHG mitigation measures and policies.

Finally, the Town Council is aware that the County’s use of the efficiency standard has been challenged in at least one recent Superior Court action (*see*, Exhibit 3 [regarding Case No. 37-2017-00001628-CU-TT-CTL] attached hereto). Challenges to the “efficiency standard” itself have been filed in the Superior Court of San Diego County (*see*, Exhibit 4 [regarding Superior Court Case No. 37-2012-00101054-CU-TT-CTL], Exhibit 5 [regarding Superior Court Case No. 37-2016-00037402-CU-TT-CTL], and Exhibit 6 [opposition to demurrer]). For the additional reason that the threshold of significance relied upon in this case is subject to a number of ongoing legal challenges, the RDEIR’s reliance on this standard is ill advised.

***iv. The RDEIR Does Not Demonstrate that Impacts are Less Than Significant under the Efficiency Standard***

Apart from the question of whether the County may properly rely upon the efficiency standard, there is no evidence presented in the RDEIR that the efficiency standard is consistent with AB 32 and E-S-05, that is, we do not know how the efficiency standard meets the emission reduction goals set forth in those mandates, and more particularly, we do not know how the application of the efficiency standard as to the Valiano Project satisfies State emission reduction standards. While the RDEIR contains ultimate *conclusions* as to the Project’s alleged GHG emissions, it fails to demonstrate how or why the data translate to a finding of less than significant.

***v. RDEIR Table 3.1.1-3 Contains Inaccurate and Misleading Information***

RDEIR, Table 3.1.1-3 purports to disclose the Project’s “unmitigated” operational GHG emissions. RDEIR, Appendix J, however, indicates that Table 3.1.1-3 is actually representative of *mitigated* operational emissions. For instance, in the category of “energy”, Table 3.1.1-3 states the Project will result in 336 CO<sub>2</sub>e emissions per year; but this is the *mitigated* scenario. Appendix J indicates that “unmitigated” impacts associated with residential energy emissions are actually 844.6 CO<sub>2</sub>e. Given these and perhaps other inconsistencies and/or errors, Table 3.1.1-3 does not amount to substantial evidence of a less than significant impact. Also, for purposes of information disclosure, it would be appropriate to present the true unmitigated scenario; that is, the RDEIR should assume that the “design consideration” of 100% renewable energy is not implemented or only partially implemented. In this way, the public and decision-makers could have a better understanding of the potential environmental effects of the Project. Table 3.1.1-3 must also be updated to include methane emissions, as discussed above.

R-G-28 design features would achieve GHG reductions through green building design that includes improved energy efficiency, water conservation, sustainable materials use and waste reduction, and would achieve the purpose of the General Plan’s policies, goals and mitigation measures.

cont. Please see Topical Response: Greenhouse Gases Analysis for more information regarding consistency with the General Plan.

R-G-29 Comment noted. The court is the Sierra Club’s Second Supplemental Petition has enjoined the County from using the service population efficiency metric the commenter objects to. For a discussion of the new project-specific, net zero GHG threshold that is being used instead, please see Topical Response: Greenhouse Gases Analysis for more information regarding the appropriateness of the GHG analysis methodology.

R-G-30 See response to comment R-G-22. Moreover, with the new net-zero GHG approach, the Project does not contribute a net increase to the State’s GHG emissions in all the states’ target years set forth in AB 32, SB 32, or E-S-05. In 2020, 2030, and 2050, the Project’s net GHG emissions are zero, which supports the conclusion that the Project has does not have a cumulatively considerable contribution in any of those years. Please see the detailed explanation in Topical Response: Greenhouse Gases Analysis.

R-G-31 The “mitigated” vs “unmitigated” emissions presented in the appendix are a result of the nature of the model used. CalEEMod is limited in the way it allows reduction to be accounted for. For example, CalEEMod natural gas usage rates are based on the 2008 Title 24 energy efficiency standards. All development initiated beginning January 1, 2017 is required to comply with the 2016 Title 24 standards. This mandatory compliance is accounted for by including what CalEEMod considers to be a mitigation measure. Likewise, all adjustments made are either regulatory in nature or inherit in the Project design and will be conditions of approval. All of these reductions are termed “mitigation” in the model output. Please see response to comment R-G-19 regarding methane emissions and R-G-13 regarding 100 percent renewable energy consumption.



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### *vi. The County Should Adopt Further Air Quality Mitigation*

Additional construction air quality mitigation should be considered and adopted, such as the following:

- Contractors shall use electric equipment to reduce diesel emissions;
- All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe;
- All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph; wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction; vegetative ground cover, e.g., fast-germinating native grass seed, shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established;
- The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited;
- All trucks and equipment, including their tires, shall be washed off prior to leaving the site; site accesses to a distance of 100 feet from the paved road shall be treated with a 6 to 12 inch compacted layer of wood chips, mulch, or gravel;
- Idling time of diesel powered construction equipment shall be limited to two minutes;
- The contractor shall use low VOC (i.e., ROG) coatings beyond the local requirements;
- All construction equipment, diesel trucks, and generators shall be equipped with Best Available Control Technology for emission reductions of NOx and PM;
- All contractors shall use equipment that meets CARB's most recent certification standard for off-road heavy duty diesel engines;
- The contractor shall use 2010 and newer diesel haul trucks (e.g., material delivery trucks and soil import/export);
- The contractor shall use alternative fueled off-road construction equipment; and
- The contractor shall improve traffic flow by signal synchronization.

Additional operational mitigation should include construction of photovoltaic solar or alternative renewable energy sources sufficient to provide 100% of all electrical usage for the entire Project.

### *C. Land Use*

#### *i. County of San Diego General Plan*

R-G-32 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.

COMMENTS

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Public Comments – RDEIR Valiano Specific Plan

R-G-33  
cont.

The Project meets the threshold of significance for significant land use impacts. As discussed in our previous letter, the County’s 2011 General Plan demonstrates a commitment to a continuation of the rural and semi-rural communities where those designations were adopted<sup>6</sup>. The Project proposes to amend the existing General Plan land use designation from SR-1 and SR-2 to SR-.05 “to allow for increased residential density”. (RDEIR p. 1-2) This proposal is fundamentally at odds with the County General Plan.

R-G-34

Specifically as to the County’s General Plan, the RDEIR still does not establish conformance or consistency with a number of applicable General Plan policies including, but are not limited to: LU-5.3, LU-13.2, LU-14.4, M-4.3, M-4.4, M-4.5, M-8.1, M-8.5, COS-11.1, COS-11.3, COS-12.1, COS-13.1, COS-14.1, COS-14.5, COS-15.1, COS-15.4, S-3.6, S-6.3, S-6.4, S-6.5, N-1.3. The RDEIR provides a list of the policies that are applicable to the Project and refers the reader to the County General plan for the “text” of the policies. The RDEIR does not discuss the specific policies mentioned above, and, overall, it does not provide substantial evidence of conformance with the County General Plan.

**ii. Elfin Forest Harmony Grove Subarea Community Plan**

According to the RDEIR, the proposed Project has now been revised to include a General Plan Amendment that would remove significant acreage comprising proposed Neighborhood 5 from the Elfin Forest Harmony Grove Subarea Community Plan (“Subarea Community Plan”)<sup>7</sup>. The RDEIR describes that,

R-G-35

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.*** (emphasis added)

First, 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 an outright

<sup>6</sup> <http://www.sandiegocounty.gov/pds/generalplan.html>

<sup>7</sup> [http://www.sandiegocounty.gov/content/dam/sdc/pds/docs/CP/ELFIN\\_FOR\\_HARM\\_GRO\\_VE\\_CP.pdf](http://www.sandiegocounty.gov/content/dam/sdc/pds/docs/CP/ELFIN_FOR_HARM_GRO_VE_CP.pdf)

R-G-33 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.

R-G-34 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR. Conformance with General Plan policies were addressed in detail in Letter G from Johnson & Sedlack on behalf of the Elfin Forest Harmony Grove Town Council on the Draft EIR (specifically responses K-98 through K-119). Please see Topical Response: General Plan Amendment and Subarea Boundary Line Adjustment CEQA Analysis.

R-G-35 The comment is concerned with the proposed General Plan Amendment. The “justification” of the proposed amendment is not to obtain additional lots within Neighborhood 5. Please see Topical Response: General Plan Amendment and Subarea Boundary Line Adjustment CEQA Analysis. Please also see Response R-D-3, above.

## COMMENTS

## RESPONSES

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Public Comments – RDEIR Valiano Specific Plan

R-G-35 cont. brazen attempt to serve the interests of the developer and no one else's. There is no justification – apart from the developer's desire to get a certain number of lots – for removing roughly 50 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 applicable planning documents. 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* the current land use designations and boundaries.

R-G-36 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 RDEIR contains no evidence of any actual inconsistency between current land use plans or uses that would warrant the proposed General Plan Amendment.**

R-G-39 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. As can be seen from the text of the Subarea Community Plan, there are a number of policies applicable to Elfin Forest and Harmony Grove with which *the Project* is manifestly inconsistent, such as Policy LU-1.12 (requiring minimum lot size of two acres); Policy LU-1.1.3 (requiring septic systems for any and all development); and Policy LU-1.1.6 (prohibiting sidewalks). Rather than mitigate significant impacts through mitigation such as requiring larger lot sizes, the developer invents an inconsistency where none exists. If the developer desires consistency, it should modify *its development* to conform to applicable land use plans.

R-G-40 Furthermore, even if the land use amendments were allowed, they 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, 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.

R-G-36 The comment claims that the proposed removal of Neighborhood 5 from the EFHG Subarea is in conflict with policies in the community plan. Please see Topical Response: General Plan Amendment and Subarea Boundary Line Adjustment CEQA Analysis.

The County appreciates the effort that citizens put into community plan updates. The voices of community members are extremely important as they are knowledgeable of the community and experience life on a daily basis within the community. This does not mean every community plan or subarea plan is forever static. California law allows private property owners to propose uses of their property that vary from projections in an existing plan in a discretionary application. The decision-maker must consider the proposal with appropriate engineering, design and environmental review. If there are unmitigated impacts, CEQA requires that the project must also have overriding benefits.

R-G-37 The comment states that EFHGCP policies should take precedence. Please see Topical Response: General Plan Amendment and Subarea Boundary Line Adjustment CEQA Analysis. Please also see Response R-G-36.

R-G-38 The comment indicates that the recirculated Revised Draft EIR does not adequately explain the need for the proposed General Plan Amendment. Please see Topical Response: General Plan Amendment and Subarea Boundary Line Adjustment CEQA Analysis.

R-G-39 The commenter claims that the Proposed Project is inconsistent with policies in the EFHGCP. Please see Topical Response: General Plan Amendment and Subarea Boundary Line Adjustment CEQA Analysis. Also, please note that the plan elements cited by the commenter such as LU-1.1.3 do not apply to the Proposed Project as they relate to the Elfin Forest rather than the Harmony Grove portion of the EFHGCP. For example, LU-1.1.2 (not 1.12) addressing two-acre lot minimums outside the village is a standard set for Elfin Forest. The Harmony Grove portion allows for one-acre lot minimums with significant preservation of resources and use of a Specific Plan.

## COMMENTS

## RESPONSES

R-G-40 The commenter claims that the Proposed Project is inconsistent with surrounding land uses. Approximately 20 lots along Country Club Drive north of Mt. Whitney Drive are less than one acre. Along Mt. Whitney Road immediately north of proposed Neighborhood 5, each of the 10 abutting lots also is less than an acre. Other lots of less than one acre are located along Hill Valley Drive, Surrey Lane, Eden Valley Lane and Calico Lane. The lots outside Harmony Grove Village in the Eden Valley and Harmony Grove valleys generally range from 0.33 to 1.0 acre in size (with some lots being much larger). Denser residential subdivisions east of Country Club Drive in the City of Escondido are much smaller; with up to approximately eight houses an acre. Even without Harmony Grove Village, which does provide denser village uses, there is a wide variety of lot sizing in the Project area. Please see Topical Response: General Plan Amendment and Subarea Boundary Line Adjustment CEQA Analysis.

Relative to sidewalks, streets and lighting, the Project proposes only what is required by the County for development projects. Project-proposed manufactured slopes meet the requirements of the County Resource Protection Ordinance, and retaining walls would be appropriately landscaped, as detailed in Subchapter 2.1, Aesthetics, of the Draft EIR. The commenter is referred to Subchapter 2.1 for discussion of overall Project visual shielding, and Project vegetative screening/enhanced landscaping with which the Project would be conditioned if approved for construction.



COMMENTS

RESPONSES

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Public Comments – RDEIR Valiano Specific Plan

Finally, with respect to the San Dieguito Community Plan (“SDCP”)<sup>8</sup>, we note that the land use map shows the Project site as outside the “Village Boundary”. More intense land uses are directed *within* the 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.* 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 “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) Thus surrounding uses are decidedly rural residential and residents wish to keep these designations and way of life.

All together, 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 – the developer’s rationale that Neighborhood 5 “removes” a land use inconsistency between land use plans is not supported by substantial evidence, or any evidence. The Project is also inconsistent with the General Plan (*see, Napa Citizens for Honest Government v. Napa County Board of Supervisors* (2001) 91 Cal.App.4th 342, 378-381).

**D. Mitigation Measures & Design Considerations**

The second paragraph of revised Traffic Mitigation Measure, M-T-R 1a and b, is uncertain and unenforceable within the meaning of CEQA. Also, a footnote is indicated but we could not locate the text of that footnote. Overall, traffic mitigation remains, in many instances, uncertain and unenforceable because it relies upon future payment of fair share funds when there is not evidence that the necessary traffic mitigation is certain to occur.

Many of the mitigation measures throughout the mitigation program are uncertain and unenforceable in that they are based on future studies or analysis that will occur outside the CEQA review process (e.g., M-GE 1, 2, and 3). Mitigation is also deferred in violation of CEQA (e.g., M-N-4). The RDEIR does explain why mitigation is deferred.

<sup>8</sup>[http://www.sandiegocounty.gov/content/dam/sdc/pds/docs/CP/San\\_Dieguito\\_Community\\_Plan.pdf](http://www.sandiegocounty.gov/content/dam/sdc/pds/docs/CP/San_Dieguito_Community_Plan.pdf)

R-G-41 The comment is concerned with the consistency of the density of the Proposed Project to the San Dieguito Community Plan. The Proposed Project is less dense than HGV, which contains uses as Village densities (a density of V-11). The Proposed Project proposes a residential designation of SR-0.5, which is a semi-rural designation, not urban. By definition, the semi-rural designation is consistent with the “rural voice.” The comment addresses concerns of the Elfin Forest community and these are noted, but the Proposed Project is not located in or adjacent to Elfin Forest.

R-G-42 This is a summary statement for comments on the EFHG Subarea. As such, please see Responses R-G-36 and R-G-39 through 41, as well as Topical Response: General Plan Amendment and Subarea Boundary Line Adjustment CEQA Analysis.

R-G-43 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.

R-G-44 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.

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Public Comments – RDEIR Valiano Specific Plan

R-G-45 Mitigation section 7.1.11 indicates that an element of the Project has been omitted from the EIR's analysis and that mitigation is deferred. The reader cannot know whether mitigation will be effective when the mitigation will be developed and implemented after Project approval. Also, the measure calls for the applicant to coordinate with the Rincon del Diablo water district, a third party. Does the County oversee this coordination to ensure that the mitigation plan is effective? Is Rincon bound by the mitigation measures set forth in the Project's EIR? Has Rincon agreed to these conditions? The mitigation program appears to bind Rincon, a third party who is not a project applicant or lead agency for the Project.

R-G-46 Beginning at Section 7.2.2, the RDEIR lists a number of "design considerations". In many instances, the design considerations are permissive rather than mandatory enforceable measures. For instance, Design Consideration No. 10 states that renewable energy "would" supply 100% of the residential electricity needs of the Project. This language should be changed to "will" or "shall." Moreover, all Design Consideration should be made enforceable CEQA mitigation measures.

### **E. Conclusion**

R-G-47 We urge the County to consider further analysis and mitigation measures to address the issues identified above. Further, it is evident that reliance upon the GHG threshold of significance is improper. The County should withhold consideration of this Project until the Climate Action Plan is complete.

Thank you for your consideration of these comments.

Sincerely,



Abigail Smith, Esq.

Enclosures (by e-mail only)

R-G-45 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.

R-G-46 The commenter is concerned with the enforceability of the Project design considerations. Design considerations are part of Project design and will therefore be part of the conditions of approval for the Project. As discussed in Subsection 3.1.1.2 of the Final EIR, mitigation has been added that the Applicant shall as a condition to the Project achieve a net-zero level of GHG emissions (i.e., carbon neutrality) through the purchase of carbon offset credits.

R-G-47 The comment states the County should postpone consideration of the Project until further analysis is done (including a new significance threshold for GHG), more mitigation measures are proposed, and the Climate Action Plan is complete. Please refer to responses R-D-4, R-D-5, R-G-20 and R-G-29.

## COMMENTS

## RESPONSES

### Exhibit 1

Monday, January 30, 2017 at 2:24:55 PM Pacific Standard Time

**Subject:** Fwd: GHG reports

**Date:** Monday, January 30, 2017 at 1:48:19 PM Pacific Standard Time

**From:** J Arsivaud

**To:** Abigail A. Smith

**CC:** Scott Sutherland

----- Forwarded message -----

From: **BILL DARNELL** <[bdarnell@darnell-assoc.com](mailto:bdarnell@darnell-assoc.com)>

Date: Fri, Jan 13, 2017 at 12:38 PM

Subject: RE: GHG reports

To: J Arsivaud <[j.arsivaud@gmail.com](mailto:j.arsivaud@gmail.com)>

Jacqueline

I have taken a look at the green house gas report and it appears that the analysis is aimed at 2020 conditions. As we discussed the LLG report shows a vehicle trip length of 7.05 mile. My contact with Sandag and the LLG report identifies the use of the Sanday series 12 2050 model and my discussion with Mike Calandra at Sandag identified that the select zone model was based on 2035 land uses. The green house gas report addresses 2020 conditions. I am not sure what is correct.

At this time I believe that you need to get a Green House Gas consultant to confirm what is required for 2020 and or 2035 or both. If 2020 is a target then the 2035 trip length of 7.05 miles needs to be redone to reflect land uses in 2020.

Bill E. Darnell

Darnell & Associates, Inc.

4411 Mercury St. Suite 207 A

San Diego, Ca. 92111

[619-233-9373](tel:619-233-9373)

R-G-48 The attachment is an email from a traffic engineer regarding GHG analysis and trip length. Please refer to response to comment R-F-56 and R-G-11 regarding trip length.

## COMMENTS

## RESPONSES

## Exhibit 2

Horses	102	18.00	2.34	20.34	2075	43568	0.042
Sheep	64	8.00	0.28	8.28	530	11728	0.011
Goats	64	5.00	0.20	5.20	333	6989	0.007
Swine***	64	1.50	1.00	2.50	160	3360	0.003
Large Market Animal Total	192	4.83	0.49	5.33	1023	21477	0.021
TOTAL	294				3097	65045	0.063
*IPCC CH4 Global Warming Potential = 21. See Valiano Project Appendix H Revised Greenhouse Gases Analysis Report November 2016, Table 1							
**Valiano service population = 1029. See Valiano Project Appendix H Revised Greenhouse Gases Analysis Report November 2016, Table 1.0							
***Using swine manure management emission factor of 1.3 for solid based system @ 18C per 2006 IPCC Guidelines, Volume 4, Table 10.14 ref. Latin America. North America value is 15.0 for liquid based system.							
References						Valiano Revised GHG Emissions/SP/Yr	4.6
						Valiano Revised GHG Emissions/SP/Yr including animal methane	4.7
2006 IPCC Guidelines for National Greenhouse Gas Inventories, Chapter 10: Emissions from Livestock and Manure Management							
						<a href="http://www.ipcc-nggip.iges.or.jp/public/2006gl/pdf/4_Volume4/V4_10_Ch10_Livestock.pdf">http://www.ipcc-nggip.iges.or.jp/public/2006gl/pdf/4_Volume4/V4_10_Ch10_Livestock.pdf</a>	
Valiano Specific Plan & Revised GHG Recirculated EIR Documents							
						<a href="http://www.sandiegocounty.gov/content/sdc/pds/Current_Protects/valiano.html">http://www.sandiegocounty.gov/content/sdc/pds/Current_Protects/valiano.html</a>	
SD County Animal Regulations (Includes Animal Schedule)							
						<a href="http://www.sandiegocounty.gov/pds/zoning/z3000.pdf">http://www.sandiegocounty.gov/pds/zoning/z3000.pdf</a>	

R-G-49 The attachment contains data regarding methane emissions from livestock. Please refer to response R-G-19 and R-G-29.

## COMMENTS

## RESPONSES

## Exhibit 3

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10 Attorneys for Petitioners and Plaintiffs  
CLEVELAND NATIONAL FOREST  
11 FOUNDATION and SAVE OUR FOREST AND  
RANCHLANDS

**SUPERIOR COURT OF THE STATE OF CALIFORNIA****COUNTY OF SAN DIEGO, CENTRAL DIVISION**

15 CLEVELAND NATIONAL FOREST  
16 FOUNDATION; SAVE OUR FOREST  
AND RANCHLANDS,

17 Petitioners and Plaintiffs,

18 v.

19 COUNTY OF SAN DIEGO; SAN DIEGO  
20 COUNTY BOARD OF SUPERVISORS;  
and DOES 1-20, inclusive,

21 Respondents and Defendants.

22  
23 COUNTY OF SAN DIEGO; PLANNING  
AND DEVELOPMENT SERVICES; and  
24 DOES 21-40, inclusive,

25 Real Parties in Interest.

Case No.

**VERIFIED PETITION FOR WRIT OF  
MANDATE AND COMPLAINT FOR  
DECLARATORY RELIEF**

California Environmental Quality Act ("CEQA")  
Pub. Res. Code § 21000, et seq.;  
Code Civ. Proc. § 1094.5 (alternatively, § 1085);  
California Planning and Zoning Law, Gov. Code  
§ 65000, et seq.

R-G-50 Please refer to response R-G-29.

Exhibit 4

**CHATTEN-BROWN & CARSTENS LLP**

Jan Chatten-Brown (SBN 050275)

Josh Chatten-Brown (SBN 243605)

302 Washington Street, #710

San Diego, CA 92103

619-940-4522; 310-798-2400

Fax: 310-798-2402

Attorneys for Petitioner Sierra Club

**SUPERIOR COURT OF THE STATE OF CALIFORNIA****FOR THE COUNTY OF SAN DIEGO**

CASE NO.: 37-2012-00101054-CU-TT-CTL

**SIERRA CLUB,**

Petitioner,

v.

**COUNTY OF SAN DIEGO,**

Respondent.

**SECOND SUPPLEMENTAL PETITION  
FOR WRIT OF MANDATE****IMAGED FILE****(CALIFORNIA ENVIRONMENTAL  
QUALITY ACT)**

Judge: Hon. Timothy B. Taylor

Dept: C-72

Original Petition Filed: July 20, 2012

First Supplemental Petition for Writ of

Mandate Filed: February 18, 2014

R-G-51 Please refer to response R-G-29.

**SECOND SUPPLEMENTAL  
PETITION FOR WRIT OF MANDATE**

Exhibit 5

**LATHAM & WATKINS LLP**  
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**Andrew Yancey (Bar No. 287531)**  
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**Attorneys for Petitioner and Plaintiff**  
**GOLDEN DOOR PROPERTIES, LLC**

**ELECTRONICALLY FILED**  
 Superior Court of California,  
 County of San Diego  
**10/24/2016** at 04:24:01 PM  
 Clerk of the Superior Court  
 By Patrick Gonzaga, Deputy Clerk

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**COUNTY OF SAN DIEGO, CENTRAL DIVISION**

**GOLDEN DOOR PROPERTIES, LLC, a**  
 California limited liability company, and  
 DOES 1-10, inclusive,

**Petitioner and Plaintiff,**

**v.**

**COUNTY OF SAN DIEGO, a political**  
 subdivision of the State of California, and  
 DOES 11-20, inclusive,

**Respondent and Defendant.**

**CASE NO.** 37-2016-00037402-CU-PT-CTL

**VERIFIED PETITION AND**  
**COMPLAINT FOR INJUNCTIVE AND**  
**DECLARATORY RELIEF**

**[Code Civ. Proc. §§ 1060, 1085, 1094.5;**  
**Pub. Res. Code §§ 21168, 21168.5]**

R-G-52 Please refer to response R-G-29.

Exhibit 6

**CHATTEN-BROWN & CARSTENS LLP**

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Attorneys for Petitioner Sierra Club

**SUPERIOR COURT OF THE STATE OF CALIFORNIA****FOR THE COUNTY OF SAN DIEGO****SIERRA CLUB,**

Petitioner,

v.

**COUNTY OF SAN DIEGO,**

Respondent

CASE NO.: 37-2012-00101054-CU-TT-CTL

**PETITIONER'S MEMORANDUM OF  
POINTS AND AUTHORITIES IN  
OPPOSITION TO RESPONDENT'S  
DEMURRER****IMAGED FILE****(California Environmental Quality Act,  
Planning and Zoning Law)**

Judge: Hon. Timothy B. Taylor

Department: C-72

Original Petition Filed: July 20, 2012

First Supplemental Petition Filed:

February 18, 2014

Second Supplemental Petition Filed:

September 2, 2016

Demurrer Hearing and CMC: January 6, 2017

Time: 1:30 p.m.

R-G-53 Please refer to response R-G-29.



## COMMENTS

## RESPONSES

### CREST/DEHESA/GRANITE HILLS/HARBISON CANYON

SUBREGIONAL PLANNING GROUP  
P. O. Box 21489, El Cajon, CA 92021-1489  
wrplanning@gmail.com

County Planning and Development Services

Attn:

Dave Sibbets: David.Sibbet@sdcounty.ca.gov

Michelle Chan (assigned planner): michelle.chan@sdcounty.ca.gov

Mark Wardlaw, Director: Mark.Wardlaw@sdcounty.ca.gov

5510 Overland Avenue #110 & 310

San Diego, CA 92123

County Planning Commission

Attn: Lisa.Fitzpatrick@sdcounty.ca.gov

County of San Diego, Planning & Development Services

5510 Overland Avenue, Suite 110

San Diego, CA 92123

By unanimous vote of the Crest/Dehesa/Granite Hills/Haribson Canyon Subregional Planning Group, we write to comment on what is a direct attack and attempt to subvert the extensive community based process of developing subregional community plans adopted and updated by the County as part of its overall General Plan.

While the specific matter of immediate consequence is a residential developer's attempt to avoid adopted community plan in the Harmony Grove/Eden Valley neighborhood via a proposed change to internal planning area boundaries that would allow it to develop to higher density, any change to a Planning or Sponsor Group's internal or external boundaries that is not originated by the affected Planning or Sponsor Group, by the County itself as part of a general realignment, or otherwise circumvents the normal community plan development and amendment process should not be allowed. It should be a prerequisite that any attempt to change a Planning or Sponsor Group's internal or external boundaries be initiated by or consented to by the affected Planning or Sponsor Group(s). If not a prerequisite, then, at a minimum, Planning and Sponsor Groups must be given an opportunity to evaluate and comment on any proposed change to the Group's internal or external boundaries and any such change should have to go through the same public process as required for an amendment or update to the community plan.

It is the consensus of the Crest/Dehesa/Granite Hills/Haribson Canyon Subregional Planning Group that:

1) developments should conform to the approved existing Plans that are the result of community process and public vote;

2) any revisions of approved existing Plans should likewise require community process and public vote; and

R-H-1 Introductory comment noted. Please see responses to specific comments, below.

R-H-2 The comment claims that changes to planning area boundaries should not be allowed. Please see Topical Response: General Plan Amendment and Subarea Boundary Line Adjustment CEQA Analysis and Response R-G-36 regarding the importance of the local voice and rights of private property owners.

R-H-3 Comment noted. Please see Topical Response: General Plan Amendment and Subarea Boundary Line Adjustment CEQA Analysis. Consistent with the comment, Planning and Sponsor groups have been given an opportunity to evaluate and comment on the proposed change exactly the same as the amendment process. The Recirculated Draft EIR provided the opportunity for comment and input similar to the General Plan Amendment comment period provided during the initial Draft EIR circulation. Also similarly, the San Dieguito Planning Group will continue to provide input on the Project as desired. All of this information is part of the record considered by County staff during their recommendations to the Planning Commission and Board of Supervisors, and considered by the Planning Commission and Board of Supervisors during their consideration of the Project.

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**COMMENTS**

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**RESPONSES**

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- |  |   |
|--|---|
|  | <p>R-H-4 Comment noted. It is understood that there is a preference for exact conformance to an approved document by the Planning Group. Please see Topical Response: General Plan Amendment and Subarea Boundary Line Adjustment CEQA Analysis for a discussion of the Project's conformity to the General Plan and SDCP policies, as well as a discussion about the need for revisions to applicable land use plans and the County's authority to make such changes. As part of the planning process, California law allows private property owners to propose uses of their property that vary from projections in an existing plan in a discretionary application. The decision-maker must consider the proposal with appropriate engineering, design and environmental review, and cannot deny it strictly on the basis of a requested plan amendment. The applicant seeks a consistent set of planning rules to apply to its entire Specific Plan Project, and not a separate set of rules for just Neighborhood 5.</p> <p>R-H-5 Please see Responses R-H-3 and R-H-4 regarding community process. The Planning Group's opinion that any revision to an approved plan require also should require a public vote is noted. Revisions to Community Plans, however, are within the purview of the Board of Supervisors and do not require public vote.</p> |
|--|---|

## COMMENTS

## RESPONSES

R-H-6 3) the Planning Group is opposed to a developer circumventing the public process and participation, by means of a privately-initiated General Plan Amendment to alter the existing, approved Community Plan.

R-H-7 Accordingly, the Crest/Dehesa/Granite Hills/Harbison Canyon Subregional Planning Group opposes the proposed changes to the Harmony Grove Community Plan proposed as part of the Valiano Project on grounds it subverts the public process that led to the community plan in the first place. On the broader level, it is the Group's consensus as enumerated above, that community process and public vote must determine the boundaries of Community Plans.

  
Wally Riggs, Chair  
Crest/Dehesa/Harbison Canyon/Granite Hills  
Subregional Planning Group

Cc:  
Supervisor Dianne Jacob, Chair  
Supervisor Kristin Gaspar, Vice Chair  
Supervisor Greg Cox  
Supervisor Ron Roberts  
Supervisor Bill Horn  
San Diego County Board of Supervisors  
County Administration Center  
1600 Pacific Highway  
Room 335  
San Diego, CA 92101

R-H-6 Comment noted. As described in Response R-H-3, the developer is not circumventing the public process and participation. Documentation of the public comment/participation in the evaluation of the proposed amendment is provided by the comments received on this topic in response to the Recirculated Draft EIR.

R-H-7 The comment states that changes to planning boundaries should be done by community process and public vote. Please see Responses R-H-3 through R-H-6.

**BONSALL COMMUNITY SPONSOR GROUP***Dedicated to enhancing and preserving a rural lifestyle*

January 30, 2017

County of San Diego  
 Planning and Development Services  
 5510 Overland Avenue, Suite 310  
 San Diego, CA 92123

Via E Mail: Michelle Chan [michelle.chan@sdcounty.ca.gov](mailto:michelle.chan@sdcounty.ca.gov)  
 Donna Beddow [donna.beddow@sdcounty.ca.gov](mailto:donna.beddow@sdcounty.ca.gov)

RE: Valiano Specific Plan: PDS2013-SP-13-0012, PDS2013-GPA-13-001, PDS2013-REZ-13001, PDS2013-TM-5575, PDS2013-STP-003, PDS2014-MUP-14-019, LOG NOPDS2013-ER-13-08-002

R-I-1

Thank you for the opportunity to submit comments regarding the proposed Valiano Project on behalf of the Bonsall Community Sponsor Group. We are very concerned that once again developers are trying to use the General Plan Amendment process to exceed the density of a community plan in the County. While this project exceeds the 239 acres in question from the approved density to high density to accommodate 326 homes a major concern of ours is that these newly submitted projects that are growth inducing in changing A70 and RS with minimum lot sizes of 1 to 2 acres into small cities.

R-I-2

It appears that with all the projects submitted to the County that require General Plan Amendments in semi-rural areas of the County projects have their own wastewater treatment plant included in the plan as they are rural by nature and sewer is not available. After talking to LAFCO we were told that this project is within the sphere of influence of the City of Escondido and that this project could be annexed into Escondido for sewer service removing more agriculture land from the County into a high-density subdivision to the City of Escondido. While permitting this building process to happen any project in the middle of County agriculture land can pop up without any regard to good planning based on the County General Plan and turn into another mini city without any regard to the community plan or the increased traffic impact.

R-I-3

Regarding traffic impact and the change that existing homeowners in the area must contend with if this project is approved as each of the 362 homes will be increasing the traffic on the rural roads by 10 trips a day per home which totals 3,620 trips a day. As most rural roads were not included in the "approved Traffic Impact fee" the roads will remain throughout the years as a level F service.



<http://www.bcsbg.org>



- R-I-1      Introductory comment noted. Please see responses to specific comments, below.
- R-I-2      The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.
- R-I-3      The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.

## COMMENTS

## RESPONSES

### BONSALL COMMUNITY SPONSOR GROUP

*Dedicated to enhancing and preserving a rural lifestyle*



R-I-4 County communities are all facing the same problem with lands being annexed from our community into adjacent cities which will change our text in the community plan not to mention the tapestry of our community.

R-I-5 It appears that this developer has a proposed project in South Morrow Hills which is in the City of Oceanside and has been considered by many as a terrible project and has major problems.

R-I-6 This is an unprecedented action to attempt to null and void a portion of a long-established community plan in the Harmony Grove/Eden Valley neighborhood simply by proposing to change planning area boundaries by a residential developer as staff has indicated that (this has never been done in the unincorporated county to date).

R-I-7 Are we to understand that any developer may seek General Plan Amendments within the county to as this project proposes to avoid being consistent with community plans, visions, goals, and policies and have the Board of Supervisors approve such a project as to give the developers a “forum shopping” for developers unhappy with the restrictions in any given community by annexing into a more lenient jurisdiction? With options that would comply with the Harmony Grove/Eden Valley Community Plan why would this project be considered?

R-I-8 We support the community of Harmony Grove/ Eden Valley and the San Dieguito Planning Group in their concern and request that this project not be approved.

Sincerely,  
**Margarette Morgan**

Margarette Morgan, Chair  
Bonsall Sponsor Group

Cc: [David.Sibet@sdcounty.ca.gov](mailto:David.Sibet@sdcounty.ca.gov)  
[Lisa.Fitzpatrick@sdcounty.ca.gov](mailto:Lisa.Fitzpatrick@sdcounty.ca.gov)  
[Greg.cox@sdcounty.ca.gov](mailto:Greg.cox@sdcounty.ca.gov)  
[Dianne.jacob@sdcounty.ca.gov](mailto:Dianne.jacob@sdcounty.ca.gov)  
[Kristin.gaspar@sdcounty.ca.gov](mailto:Kristin.gaspar@sdcounty.ca.gov)  
[Ron-roberts@sdcounty.ca.gov](mailto:Ron-roberts@sdcounty.ca.gov)  
[Bill.horn@sdcounty.ca.gov](mailto:Bill.horn@sdcounty.ca.gov)  
[Douglas.dill@att.net](mailto:Douglas.dill@att.net)



<http://www.bcsbg.org>



R-I-4 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.

R-I-5 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.

R-I-6 The comment states that the proposed amendment is designed to null and void a portion of the Community Plan. Please see Response R-D-3.

R-I-7 The comment is concerned with how the amendment process is implemented for proposed projects. California law, and the amendment process, allows private property owners to propose uses of their property that vary from projections in an existing plan in a discretionary application. Any developer may seek a general plan amendment, and the proposed amendment will be evaluated through the public review process, staff evaluation, and consideration by the Planning Commission and Board of Supervisors during consideration of the project.

In this particular instance, the Project does not seek annexation into a “more lenient jurisdiction.” The Project is located in County jurisdiction, and would remain within the San Dieguito CPA.

Relative to the commenter’s preference for an alternative that complies with the EFHGCP subarea lot size without amendment (provided in Chapter 4.0, Alternatives) of the EIR, the decision makers will consider the Project and alternatives in light of benefits, impacts, and over-arching planning goals held by the County.

R-I-8 Comment noted.



## COMMENTS

## RESPONSES

January 30, 2017

To the San Diego Board of Supervisors,

With reference to The San Dieguito Planning Group's comment on the Valiano recirculated DEIR (Valiano Project, PDS2013-SP-13-001, PDS2013-GPA-13-001, PDS2013-REZ-13-001, PDS2013-TM-5575, PDS2014-MUP-14-019, PDS2013-STP-13-003, PDS2013-ER-13-08-002), the Del Dios/Mt. Israel Town Council wishes to file a formal statement in support of the Harmony Grove Town Council, the community of Harmony Grove and the community of Elfin Forrest and their strong opposition to the above referenced DEIR.

The Board of the Del Dios/Mt. Israel Town Council have been following the Harmony Grove project with great interest as the development directly impacts our community, safety, and way of life. We are opposed to this DEIR. The proposed development is incompatible with fire safety. Density in the area will increase further taxing evacuation routes that are already problematic to the existing communities. Additional volume will exacerbate an already bad situation.

We are also concerned with the traffic issues that will be impacted with the increase in homes. Traffic issues are understated for peak travel times and off peak increases in volume, travel time and compatibility with recreational activities, especially cyclists have not been addressed.

We are also concerned that redrawing an area sets a precedent and should be considered very cautiously.

In conclusion, the Del Dios/Mt. Israel Town Council is very much opposed to Valiano Recirculation DEIR.

Sincerely,

Del Dios/Mt. Israel Town Council

R-J-1 Introductory comment noted. Please see responses to specific comments, below.

R-J-2 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.

R-J-3 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.

R-J-4 The comment expresses concern regarding the proposed General Plan Amendment. The County would fully review any future request for an analogous change specifically associated with a project similarly to the ongoing review (i.e., public circulation of the proposed change, receipt of public comment, and response to those comments, prior to taking any action on the request). Please note, however, that in order for the current request to be precedent setting, there would have to be analogous condition in this (or another) plan area in order for the precedent to apply. There is not another place in the EFHG portion of the San Dieguito CPA where a large block of property is sandwiched between two cities (San Marcos and Escondido) and wholly surrounded by existing developed or approved and developing uses. Please see Topical Response: General Plan Amendment and Subarea Boundary Line Adjustment CEQA Analysis.

R-J-5 Comment noted.

## COMMENTS

## RESPONSES

**From:** Friends Of Eden Valley <edenvalleynews@aol.com>  
**Sent:** Monday, January 30, 2017 3:55 PM  
**To:** Sibbet, David; Chan, Michelle; Wardlaw, Mark; Fitzpatrick, Lisa  
**Cc:** Cox, Greg; Jacob, Dianne; Gaspar, Kristin; Ron-Roberts; Horn, Bill; douglas.dill@att.net; efhtgc@gmail.com  
**Subject:** Valiano Specific Plan

RE: VALIANO SPECIFIC PLAN: PDS2013-SP-13-0012, PDS2013-GPA-13-001, PDS2013-REZ-13-001, PDS2013-TM-5575, PDS2013-STP-13-003, PDS2014-MUP-14-019, LOG NO. PDS2013-ER-13-08-002

Dear Planning and Development staff and Board of Supervisors:

As a resident of Eden Valley for over 15 years, I am appalled at the disrespect of the current residents by this applicant, and am truly insulted by the document portion which states:

*"There is a lack of established neighborhoods, as well as public services. As such, there is no existing community on site to divide."*

When my husband retired from the Marine Corps, we sought out and bought in Eden Valley specifically because of the zoning as we have horses. The quiet rural atmosphere, natural wildlife, and sense of community was a bonus for us! We bought here knowing that the zoning and general plan would not allow us to subdivide our lot into many smaller lots. We even attended County workshops regarding the General Plan update which accounted for the future growth of our area. Integral Communities also bought land in this community knowing the zoning, but appears to be indifferent to the existing residents, setting their intentions on convincing the board of supervisors to change the rules so they can disregard our community character and turn a fast profit.

Since we have lived here, we have discovered a great **community** of people who will go the extra mile during a crisis such as the recent Coco's Fire, or step-up and help each other to keep the trails clear of brush... to name a few. We've attended multiple Community Meeting and enjoyed the Eden Valley Community Potluck. Not once has this developer requested to attend an Eden Valley Community Meeting. They HAVE gone as far as striking the Eden Valley name from the EIR documentation and now attempting to divide my neighbors. WE OBJECT! This proposal marks the first attempt ever by a developer to rewrite a community's boundaries and effectively erase the very existence of a community in order to avoid having to work with and compromise with the existing community.

Integral Communities states they've already reduced the number of homes, but this is from their first draft that didn't account for topography of the land. Since then, they've seemed to refuse to seriously consider alternate options. In an effort to work with the developer, the communities of Eden Valley, Harmony Grove and Elfin Forest together have produced alternate plans for this project that would be more in keeping with the existing Community Character, but have been received by deaf ears from the developer. This project as proposed does not belong in this valley for many reasons, including safety of the citizens living here. We can only hope the County Board of Supervisors will recognize this as a tragic loss of small agricultural farms and Equestrian properties here before it's paved over.

I oppose the project as currently presented, and hope that as elected officials you will do the right thing and protect our rights as property owners, taxpayers and citizens of San Diego County.

Sincerely,

Janean Huston & FEVRD

Friends of Eden Valley for Responsible Development

*Save our neighborhood from Irresponsible Development! Donate to our fundraising campaign at [www.GoFundMe.com/FriendsOfEdenValley](http://www.GoFundMe.com/FriendsOfEdenValley)*

Like us on Facebook if you want to get updates on what's happening around town.

<http://www.facebook.com/FriendsofEdenValley>

R-K-1 The commenter misinterprets the text identified in the comment. As noted in the quote, the lack of community was identified for within the Project boundary only (i.e., the reference to "on site"). In the same paragraph in the recirculated DEIR, the sentence one above the quoted sentence stated: In summary, the existing Proposed Project area is described as a semi-rural community [emphasis added]." It was not intended for these comments to reflect the adjacent properties within the Eden Valley. The sense of community in Eden Valley is well understood.

Regarding existing zoning and General Plan anticipations, please see Topical Response: General Plan Amendment and Subarea Boundary Line Adjustment CEQA Analysis. Please also see Response R-G-36. By design, general plans and associated zoning are not static. As stated in the State of California General Plan Guidelines (2003:14) by the Governor's Office of Planning and Research:

*Most jurisdictions select 15 to 20 years as the long-term horizon for the general plan.... Remember that planning is a continuous process; the general plan should be reviewed regularly, regardless of its horizon, and revised as new information becomes available and as community needs and values change. For instance, new population projections that indicate that housing will be needed at a greater clip than anticipated, an unexpected major development in a neighboring jurisdiction that greatly increases traffic congestion, or a ballot initiative that establishes an urban growth boundary may all trigger the need to revise the general plan. A general plan based upon outdated information and projections is not a sound basis for day-to-day decision making and may be legally inadequate.*

R-K-2 The comment expresses the sense of community felt by the residents in the area, which is fully understood; please see Response R-K-1. Project developers have held over 20 community outreach meetings, 4 of them with the Planning Group, to involve residents in the area surrounding their property in the development process. Regarding the misunderstanding related to corrections in text and deletion of focused use of the term Eden Valley, please see Response R-F-63.

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**COMMENTS**

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**RESPONSES**

R-K-3    The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.

R-K-4    Comment noted.



## COMMENTS

## RESPONSES

**From:** jeanbenelli@cox.net  
**Sent:** Sunday, January 29, 2017 9:49 PM  
**To:** Sibbet, David; Chan, Michelle; Wardlaw, Mark  
**Subject:** Valiano Specific Plan

To Whom it may concern,

I have been a resident in Eden Valley, a small community north of Harmony Grove and Elfin Forest, for 30 years. Over that 30 years I have seen the encroachment of planned communities, business parks and recently the new Palomar Hospital. The rural nature of our community is in danger. How many times do we need to tell developers that we cherish our life style. We attended every meeting with the developer of Harmony Grove Village, they promised us they would listen to our concerns. What did we get? Dense housing with the population to go with it.

I used to see the stars at night. I used to hear the crickets and frogs in the spring. I used to walk my dogs along the road and never see a car pass me by. Now I hear the freeway and when I walk the dogs I can hear the Palomar Hospital generators and PA system. The light pollution is so great I can only see the brightest of stars.

Our very way of life is constantly being threatened by developers who do not live in our area. If another development is built in our little burg It will not be long until the new comers will complain about living among horses, chickens, goats and other farm animals.

In the 30 years I have lived here three times our neighborhood became a firestorm. Hundreds of people were evacuating with their animals. The line of evacuees slowly moving out with the fire raging in the hills is not an image I will ever forget. With hundreds of more homes built on top of the 720 that are currently being built in the Harmony Grove area how will now thousands of residents be able to evacuate with out injury?

Our neighborhood is becoming less and less rural. We would like to keep the last vestige of our community rural.

Sincerely  
 Jean Benelli  
 1302 Country Club Drive  
 Escondido CA 92029

R-L-1 Comment noted. Please see responses to specific comments, below.

R-L-2 The comment expresses the opinions of the commenter, but is not at variance with the environmental document.

R-L-3 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.

R-L-4 Comment noted.

## COMMENTS

## RESPONSES

**From:** Rick Bockelman <troppo29@yahoo.com>  
**Sent:** Monday, January 30, 2017 7:49 AM  
**To:** Sibbet, David; Chan, Michelle; Wardlaw, Mark; Fitzpatrick, Lisa; Jacob, Dianne; Gaspar, Kristin; Roberts, Ron; Horn, Bill; douglas.dill@att.net; efhgtc@gmail.com

RE: VALIANO SPECIFIC PLAN: PDS2013-SP-13-0012, PDS2013-GPA-13-001, PDS2013-REZ-13-001, PDS2013-TM-5575, PDS2013-STP-13-003, PDS2014-MUP-14-019, LOG NO. PDS2013-ER-13-08-002 .

To whom it may concern:

I am a longtime resident of Eden Valley and I wanted to comment on the recirculated EIR for the Valiano Specific Plan. We ARE a community that will not be divided! I agree 100% with the San Dieguito Planning Group's comment letter provided and sent on 1/12/17. I oppose the project as currently presented, and hope that as elected officials you will do the right thing and protect our rights as property owners, taxpayers and citizens of San Diego County.

Sincerely,

Richard Bockelman  
 2703 El Rocko Rd.  
 92029

Send to:

[David.Sibbet@sdcounty.ca.gov](mailto:David.Sibbet@sdcounty.ca.gov)  
[michelle.chan@sdcounty.ca.gov](mailto:michelle.chan@sdcounty.ca.gov)  
[Mark.Wardlaw@sdcounty.ca.gov](mailto:Mark.Wardlaw@sdcounty.ca.gov)  
[Lisa.Fitzpatrick@sdcounty.ca.gov](mailto:Lisa.Fitzpatrick@sdcounty.ca.gov)

CC to:

[greg.cox@sdcounty.ca.gov](mailto:greg.cox@sdcounty.ca.gov)  
[dianne.jacob@sdcounty.ca.gov](mailto:dianne.jacob@sdcounty.ca.gov)  
[kristin.gaspar@sdcounty.ca.gov](mailto:kristin.gaspar@sdcounty.ca.gov)  
[ron.roberts@sdcounty.ca.gov](mailto:ron.roberts@sdcounty.ca.gov)  
[bill.horn@sdcounty.ca.gov](mailto:bill.horn@sdcounty.ca.gov)  
[douglas.dill@att.net](mailto:douglas.dill@att.net)  
[efhgtc@gmail.com](mailto:efhgtc@gmail.com)

Reply <https://mg.mail.yahoo.com/neo/launch?.rand=bhhke3tl6uhlp#>

R-M-1 Your support of the San Dieguito Planning Group's comment letter and opposition to the Project is noted. Please refer to responses R-F-1 through R-F-65.

## COMMENTS

## RESPONSES

**From:** Teresa Cowart <teresacowart@hotmail.com>  
**Sent:** Monday, January 30, 2017 6:23 AM  
**To:** Fitzpatrick, Lisa; Sibbet, David; Chan, Michelle  
**Cc:** Teresa Cowart  
**Subject:** Valiano

RE: VALIANO SPECIFIC PLAN: PDS2013-SP-13-0012, PDS2013-GPA-13-001, PDS2013-REZ-13-001, PDS2013-TM-5575, PDS2013-STP-13-003, PDS2014-MUP-14-019, LOG NO. PDS2013-ER-13-08-002 .

To whom it may concern:

We are a 25 year residents of Eden Valley, having moved here in 1991. I wanted to comment on the recirculated EIR for the Valiano Specific Plan. I agree 100% with the San Dieguito Planning Group's comment letter provided and sent on 1/12/17. I oppose the project as currently presented and hope that as elected officials you will do the right thing and protect our rights as property owners, taxpayers and citizens of San Diego County.

Sincerely,  
 Teresa and Steve Cowart  
 1454 Romance Road  
 Escondido, CA 92029

R-N-1 This is a repeat of comment R-M-1. See Response R-M-1.

## COMMENTS

## RESPONSES

**From:** Sheila Dean <sheila0019d@yahoo.com>  
**Sent:** Monday, January 30, 2017 2:18 PM  
**To:** Chan, Michelle; Wardlaw, Mark; david.sibbet@sdcounty.ca.com  
**Cc:** Fitzpatrick, Lisa; Jacob, Dianne; Gaspar, Kristin; Ron-Roberts; Horn, Bill; douglas.dill@att.net; efhgto@gmail.com; Cox, Greg  
**Subject:** Harmony Grove, Eden Valley, Elfin Forest proposal

RE: VALIANO SPECIFIC PLAN: PDS2013-SP-13-0012, PDS2013-GPA-13-001, PDS2013-REZ-13-001, PDS2013-TM-5575, PDS2013-STP-13-003, PDS2014-MUP-14-019, LOG NO. PDS2013-ER-13-08-002 ,

To Whom It May Concern,

I am a longtime (30 Year) resident of Harmony Grove and I wanted to comment on the recirculated EIR for the Valiano Specific Plan. I agree 100% with the San Dieguito Planning Group's comment letter provided and sent on 1/12/17. In addition I wanted to weigh in on the most troubling portion of the REIR that will affect my family and my community. According to the document, it states in multiple places that:

- "There is a lack of established neighborhoods, as well as public services. As such, there is no existing community on site to divide"

Along with all the many issues I have with the application, this one is the most egregious to me personally. The community of Harmony Grove has existed for over 120 years. I've lived here for 30 years. I know all my neighbors around HG and Eden Valley. We organized and developed a community plan some years ago which encodes the very nature of our community. We have multiple events every year including the Fourth of July Picnic and Parade and our very own "Keepin' It Rural" 5k10k Trail Run. If you haven't been to Harmony Grove or Eden Valley, you really must come down and look at it yourself to see that we are a vibrant, thriving community.

This proposal marks the first attempt ever by a developer to rewrite a community's boundaries and effectively erase the very existence of a community in order to avoid having to work with and compromise with the community. Projects like this should be a two-way street. The very fact that the developer is suggesting we don't exist shows that they are not interested in working with us.

We cannot allow others to rewrite our diligently created boundaries simply to avoid having to follow the same rules that we all have to follow.

I oppose the project as currently presented and hope that as elected officials you will do the right thing and protect our rights as property owners, taxpayers and citizens of San Diego County.

There is a lack of Common Sense in this issue along with no provisions for safety of the existing community and an obvious dose of criminal greed. Please help our long time community continue.

Respectfully,

Sheila Dean

R-O-1 This is a repeat of comment R-M-1. See Response R-M-1.

R-O-2 The comment refers to a statement in the EIR regarding the existence of a neighborhood or community within the Project site. Please see Response R-K-1 regarding the sense of community experienced by those living in the area. The reference to the "neighborhood" in the cited quote refers to the "on-site" characteristics, and not the surrounding area (which is clearly served by water and electrical utilities, etc.).

R-O-3 There is no intent to "erase" the community within which the Project is located. The suggested amendment to the Community Plan would simply incorporate the parcel within the community plan area that includes all the rest of Eden Valley (the San Dieguito CPA). Please see Response R-F-63 regarding continued recognition of Eden Valley, and Response R-K-2 regarding developer outreach to the community. The amendment to the EFHGCP subarea northern boundary is not proposed to avoid having to follow "rules," please see Response R-D-3.

R-O-4 Your opposition to the Project as currently designed is noted.

R-O-5 Comment noted.

## COMMENTS

## RESPONSES

To Whom It May Concern:

R-P-1 I am a longtime resident of Elfin Forest 92029 and I wanted to comment on the recirculated EIR for the Valiano Specific Plan. I agree 100% with the San Dieguito Planning Group's comment letter provided and sent on 1/12/17. In addition I wanted to weigh in on the most troubling portion of the REIR that will affect my family at 7030 Elfin Oaks Rd and my community of Elfin Forest. According to the document, it states in multiple places that:

~ "There is a lack of established neighborhoods, as well as public services. As such, there is no existing community on site to divide"

R-P-2 Along with Traffic and Fire Safety and the many issues I have with the application, this is one of the most egregious to me personally. The community of Harmony Grove has existed for over 120 years. I lived here for 9 years. I know all my neighbors around HG and Eden Valley. We organized and developed a community plan some years ago which encodes the very nature of our community. We have multiple events every year including the Fourth of July Parade which I watch from my driveway and the picnic which my kids ride their bikes to and our very own "keeping it Rural" 5k 10k Trail Run which my husband kids and dogs run in. If you haven't been to Harmony Grove or Eden Valley, you must really come down and look at it yourself to see that we are a vibrant, thriving community.

R-P-3 This proposal marks the first attempt ever by a developer to rewrite a community's boundaries and effectively erase the very existence of a community in order to avoid having to work with and compromise with the community. Projects like this should be a two way street. The very fact that the developer is suggesting we don't exist shows that they are not interested in working with us.

We cannot allow others to rewrite our DILIGENTLY created boundaries simply to avoid having to follow the same rules that we all have to follow.

R-P-4 The impact of Harmony Grove Village has been an obvious increase of fast traffic going in between places that make my 5 acre farm loud from rushing cars for a good period of the day it also makes turning off of private roads to a rushing 80MPH highway very dangerous for me and my soon to be driving teens. It feels like frogger game and many people pass on the 2 lane road. My animals are impacted by the noise as all my animals are prey animals and react to noise. This traffic is seen by the SEH school as well where there are many houses and during school traffic emergency rescue vehicles would get stuck. There are limited ways out of my community and during the last fire evacuation the neighboring communities were gridlocked and I could not drive out with my horse trailer with any ease. This is a high fire risk area as it is hard to get property insurance. Adding density and changing a community plan which affords for space and infrastructure to protect its inhabitants is a bad idea and a recipe for death for many residents of Elfin Forest, Harmony Grove and Eden Valley in the next catastrophic fire event which will be a matter of when not if it will occur.

R-P-5 I oppose the project as currently presented and hope that as elected officials you will do the right thing and protect our right as property owners, taxpayers and citizens of San Diego County.

Respectfully,

Susanne Desai  
Elfin Oaks Farm  
7030 Elfin Oaks Rd  
Elfin Forest, CA 92029

R-P-1 This is a repeat of comment R-M-1. See Response R-M-1.

R-P-2 The comment refers to a statement in the EIR regarding the existence of a neighborhood or community within the Project site and indicates other issues of the commenter's concern. Please see Response R-K-1 regarding the lack of community quote, as well as R-O-2 regarding the portion of the quote addressing neighborhoods. It is not possible to respond to your traffic and fire safety concerns because no specifics are stated and these are not issues addressed in the Recirculated Draft EIR, please see Response RA-1. Please note, however, that these topics are addressed in EIR Subchapters 2.8, *Transportation/Traffic*, and 2.9, *Hazards and Hazardous Materials*.

R-P-3 Please see Responses R-O-3 and R-F-63 regarding "erasure" of the Eden Valley community, and Response R-K-2 regarding developer outreach to the community. The amendment to the EFHGCP subarea northern boundary is not proposed to avoid having to follow rules; please see Response R-D-3.

R-P-4 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.

R-P-5 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.

R-P-6 Comment noted.

## COMMENTS

## RESPONSES

**From:** Marty Duddy <mhduddy@gmail.com>  
**Sent:** Monday, January 30, 2017 9:12 AM  
**To:** Sibbet, David; Chan, Michelle; Wardlaw, Mark; Fitzpatrick, Lisa  
**Cc:** Cox, Greg; Jacob, Dianne; Gaspar, Kristin; Roberts, Ron; Horn, Bill; douglas.dill@att.net; efhgct@gmail.com  
**Subject:** VALIANO SPECIFIC PLAN: PDS2013-SP-13-0012, PDS2013-GPA-13-001, PDS2013-REZ-13-001, PDS2013-TM-5575, PDS2013-STP-13-003, PDS2014-MUP-14-019, LOG NO. PDS2013-ER-13-08-002

To whom it may concern:

We have lived in Eden Valley since 1988 and want to comment on the recirculated EIR for the Valiano Specific Plan. We are offended by the off-handed remarks by the developer that Eden Valley is not a "community". Nothing could be further from the truth and it's on obvious ploy by the developer to circumvent years of planning and work between the community of Eden Valley and planning agencies (i.e., the General Plan). We agree 100% with the San Dieguito Planning Group's comment letter provided and sent on 1/12/17. We oppose the project as currently presented, and hope that as elected officials you will do the right thing and protect our rights as property owners, taxpayers and citizens of San Diego County.

Sincerely,

Karen and Marty Duddy

2361 Live Oak Road

Escondido, CA 92029

R-Q-1 This comment is substantially similar to R-M-1. See Response R-M-1. With respect to Eden Valley not being acknowledged as a community, please refer to response R-F-59.

## COMMENTS

## RESPONSES

January 30, 2017

To: County Planning and Development Services (PDS) Staff:

- Dave Sibbets: [David.Sibbet@sdcounty.ca.gov](mailto:David.Sibbet@sdcounty.ca.gov)
- Michelle Chan (assigned planner): [michelle.chan@sdcounty.ca.gov](mailto:michelle.chan@sdcounty.ca.gov)
- Mark Wardlaw (Director of PDS): [Mark.Wardlaw@sdcounty.ca.gov](mailto:Mark.Wardlaw@sdcounty.ca.gov)

Reference: Valiano Specific Plan: PDS2013-SP-13-0012, PDS2013-GPA-13-001, PDS2013-REZ-13-001, PDS2013-TM-5575, PDS2013-STP-13-003, PDS2014-MUP-14-019, LOG NO. PDS2013-ER-13-08-002.

To Whom It May Concern,

I am writing you this letter to voice my opinion of the developer, Integral Communities, plan to divide Harmony Grove as proposed in the amended EIR. The developer makes the claim that we do not have a community as we have no stores, schools, or post office. The English-Oxford Dictionary defines "community" as "a group of people living in the same place or having a particular characteristic in common." Nowhere in this definition are stores, schools, or a post office. I have been living in Harmony Grove off and on for 50 years. My father built a house here in the 60's using us kids as his labor. I came back after I had my family and built a house next to my father's house. To this day, there are still families living with us in Harmony Grove that I grew up with. They have brought their children to live here. It is not uncommon to have two and three generations either living here in the same house or nearby houses. That is how much our community values the rural lifestyle of Harmony Grove. It is a special place that we all appreciate so much that we stay here. It is not a transient community where people come and go like is typical in suburban communities. Please don't divide up our community disregarding the Elfin Forest/Harmony Grove Community Plan to benefit a developer who will leave the area as soon as the development is done. We are not completely against development as we worked with the County to accept the Harmony Grove Village development as our part of county growth. We were told by representatives of the County Planning and Development Services that if we accepted Harmony Grove Village, that would be our part of county growth. We have stuck to that bargain by not fighting the Harmony Grove Village development. I hope the County Board of Supervisors will stick to their part of the bargain by not destroying our rural community through increasing housing density, and will abide by the County General Plan.

Sincerely,

Jonathan D. Dummer  
2966 Cordrey Drive,  
Escondido, CA 92029

cc: County Planning Commission:

- [Lisa.Fitzpatrick@sdcounty.ca.gov](mailto:Lisa.Fitzpatrick@sdcounty.ca.gov)

cc: Board of Supervisors:

- [greg.cox@sdcounty.ca.gov](mailto:greg.cox@sdcounty.ca.gov),
- [dianne.jacob@sdcounty.ca.gov](mailto:dianne.jacob@sdcounty.ca.gov),
- [kristin.gaspar@sdcounty.ca.gov](mailto:kristin.gaspar@sdcounty.ca.gov)
- [ron-roberts@sdcounty.ca.gov](mailto:ron-roberts@sdcounty.ca.gov)
- [bill.horn@sdcounty.ca.gov](mailto:bill.horn@sdcounty.ca.gov)

cc: San Diego Planning Group

- Doug Dill: [douglas.dill@att.net](mailto:douglas.dill@att.net)

cc: Town Council: [efhgtd@gmail.com](mailto:efhgtd@gmail.com)

R-R-1 The sense of community described in the comment and felt by the residents in the area is fully understood; please see Response R-K-1.

## COMMENTS

## RESPONSES

**From:** Jan Duncan <janduncan77@yahoo.com>  
**Sent:** Monday, January 30, 2017 9:38 AM  
**To:** Fitzpatrick, Lisa; Sibbet, David; Chan, Michelle  
**Subject:** RE: VALIANO SPECIFIC PLAN: PDS2013-SP-13-0012, PDS2013-GPA-13-001, PDS2013-REZ-13-001, PDS2013-TM-5575, PDS2013-STP-13-003, PDS2014-MUP-14-019, LOG NO. PDS2013-ER-13-08-002 .

To whom it may concern:

I am a 6 year resident of Eden Valley and I wanted to comment on the recirculated EIR for the Valiano Specific Plan. I agree 100% with the San Dieguito Planning Group's comment letter provided and sent on 1/12/17. I oppose the project as currently presented and hope that as elected officials you will do the right thing and protect our rights as property owners, taxpayers and citizens of San Diego County.

I moved to Eden Valley for the rural character. I have horses etc. I live on Eden Valley, which is a small 2 lane street with homes and out buildings of each side of the road and some very close to the road. I can't imagine how this could become a main entrance to urban sprawl. The rest of the area has the same narrow roads with close in structures.

The Harmony Grove project that has started looks like a ghost town. Very few of existing homes are lived in and it is just too far (out of the loop) from shopping, schools etc..

*Jan Duncan*

R-S-1 This is a repeat of comment R-M-1. See Response R-M-1.

R-S-2 The comment refers to the roadways in the vicinity of Eden Valley. Traffic/circulation was not one of the issues addressed in the Recirculated Draft EIR; however, traffic/circulation is analyzed in Section 2.8 of the EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.

R-S-3 The comment expresses the opinions of the commenter, but is not at variance with the environmental document.



## COMMENTS

## RESPONSES

**From:** Kellie Harden <kellieharden@hotmail.com>  
**Sent:** Monday, January 30, 2017 3:49 PM  
**To:** Sibbet, David; Chan, Michelle; Wardlaw, Mark  
**Cc:** Fitzpatrick, Lisa; greg@sdcounty.ca.gov; Jacob, Dianne; Gaspar, Kristin; Ron-Roberts; Horn, Bill; douglas.dill@att.net; efhtc@gmail.com  
**Subject:** Valiant Specific Plan: pds2013-sp-13-0012, pds2013-PGA-13-001, pds2013-Rez-13-001, pds2013-tm-5575, pds2013-stp--13-003, pds 2014-mup-14-019, log no. Pds 203-er-13-08-002

*To whom it may concern:*

- R-T-1 *I am a resident of Harmony Grove and I wanted to comment on the recirculated EIR for the Valiano Specific Plan. I agree 100% with the San Dieguito Planning Group's comment letter provided and sent on 1/12/17. In addition I wanted to weigh in on the most troubling portion of the REIR that will affect my family and my community. According to the document, it states in multiple places that:*
- *"There is a lack of established neighborhoods, as well as public services. As such, there is no existing community on site to divide"*
- R-T-2 *Along with all the many issues I have with the application, this one is the most egregious to me personally. The community of Harmony Grove has existed for over 120 years. I've lived here for only 1.5 years. I moved my family here after living in Carmel Valley for 15 years because I wanted them to be able to enjoy the rural lifestyle of this beautiful and peaceful area. I know all my neighbors around HG and Eden Valley. We organized and developed a community plan some years ago which encodes the very nature of our community. We have multiple events every year including the Fourth of July Picnic and Parade and our very own "Keepin' It Rural" 5k10k Trail Run. If you haven't been to Harmony Grove or Eden Valley, you really must come down and look at it yourself to see that we are a vibrant, thriving community.*
- R-T-3 *This proposal marks the first attempt ever by a developer to rewrite a community's boundaries and effectively erase the very existence of a community in order to avoid having to work with and compromise with the community. Projects like this should be a two-way street. The very fact that the developer is suggesting we don't exist shows that they are not interested in working with us.*
- We cannot allow others to rewrite our diligently created boundaries simply to avoid having to follow the same rules that we all have to follow.*
- R-T-4 *I oppose the project as currently presented and hope that as elected officials you will do the right thing and protect our rights as property owners, taxpayers and citizens of San Diego County.*
- Respectfully,  
Kellie Harden  
Harmony Grove Resident
- Sent from my iPad

- R-T-1 This is a repeat of comment R-M-1. See Response R-M-1.
- R-T-2 Please see Response R-K-1 regarding the lack of community quote, as well as R-O-2 regarding the portion of the quote addressing neighborhoods.
- R-T-3 The comment is similar to R-O-3. There is no intent to “erase” the community within which the Project is located. Please refer to R-O-3.
- R-T-4 Comment noted.

## COMMENTS

## RESPONSES

**From:** Angelique Hartman <angeliquehamel@hotmail.com>  
**Sent:** Monday, January 30, 2017 10:21 AM  
**To:** Sibbet, David; Chan, Michelle; Wardlaw, Mark; Fitzpatrick, Lisa  
**Cc:** Cox, Greg; Jacob, Dianne; Gaspar, Kristin; Roberts, Ron; Horn, Bill; douglas.dill@att.net; efhgtc@gmail.com  
**Subject:** RE: VALIANO SPECIFIC PLAN: PDS2013-SP-13-0012, PDS2013-GPA-13-001, PDS2013-REZ-13-001, PDS2013-TM-5575, PDS2013-STP-13-003, PDS2014-MUP-14-019, LOG NO. PDS2013-ER-13-08-002 .

Dear Mr. Sibbet:

I am a resident of Harmony Grove and would like to comment on the recirculated EIR for the Valiano Specific Plan. I agree 100% with the San Dieguito Planning Group's comment letter provided and sent on 1/12/17. In addition I wanted to weigh in on the most troubling and misleading portion of the REIR that will affect my family and my community. According to the document, it states in multiple places that:

"There is a lack of established neighborhoods, as well as public services. As such, there is no existing community on site to divide"

Along with all the many issues I have with the application, this one is the most is most disconcerting to me. The community of Harmony Grove has existed for over 120 years. I've lived here for several years. I know all my neighbors around HG and Eden Valley. I would be surprised if folks living in our suburban/urban counterparts even now the neighbor they share walls with or neighbors that are 10 feet away from them. We are a unique community, we share our wisdom with each other on RURAL living. We know who to ask for advice on country living in our community: How to beat the backyard gophers, how to raise chickens in coyote and bobcat territory, how to earnestly garden, we crop share, build and maintain horse trails, and so much more. We look after each other, we make sure during nature's most challenging moments we have each other's backs. We help each other evacuate during wildfire. This unique, successful, and beautiful community exists because we remain strong on our rural preservation and advocate relentlessly for our remarkable community. Valiano will tear our community apart in so many ways. We feel we have the right to live in our community, and our Community Plan should be upheld as per the General Plan. Violation of our hard fought Community Plan, is an injustice. And a waste of taxpayers monies.

We organized and developed our community plan some years ago which encodes the very nature of our community. We have multiple events every year including the Fourth of July Picnic and Parade and our very own "Keepin' It Rural" 5k10k Trail Run. If you haven't been to Harmony Grove or Eden Valley, you really must come down and look at it yourself to see that we are a vibrant, thriving community.

This proposal marks the first attempt ever by a developer to rewrite a community's boundaries and effectively erase the very existence of a community in order to avoid having to work with and compromise with the

R-U-1 This is a repeat of comment R-M-1. See Response R-M-1.

R-U-2 The comment is similar to R-O-2. Please see Response R-K-1 regarding the lack of community quote, as well as R-O-2 regarding the portion of the quote addressing neighborhoods.

R-U-3 The comment is concerned with community boundaries. Please see Responses R-O-3 and R-F-63 regarding "erasure" of the Eden Valley community, and Response R-K-2 regarding developer outreach to the community. The amendment to the EFHGCP subarea northern boundary is not proposed to avoid having to follow rules; please see Topical Response: General Plan Amendment and Subarea Boundary Line Adjustment CEQA Analysis.

## COMMENTS

## RESPONSES

R-U-3  
cont.

community. Projects like this should be a two-way street. The very fact that the developer is suggesting we don't exist shows that they are not interested in working with us.

We cannot allow others to rewrite our diligently created boundaries simply to avoid having to follow the same rules that we all have to follow.

R-U-4

I oppose the project as currently presented and hope that as elected officials you will do the right thing and protect our rights as property owners, taxpayers and citizens of San Diego County.

It could save countless lives.

Respectfully,

Angelique Hartman

2848 Country Club Drive  
Harmony Grove, CA 92029

R-U-4 Comment noted.

## COMMENTS

## RESPONSES

**From:** [Hathaway, Karin](#)  
**To:** [Sibbet, David](#); [Chan, Michelle](#); [Wardlaw, Mark](#)  
**Cc:** [Fitzpatrick, Lisa](#); [Cox, Greg](#); [Jacob, Dianne](#); [Ron-Roberts](#); [Horn, Bill](#); [douglas.dill@att.net](#); [efhgtr@gmail.com](#)  
**Subject:** Valiano Specific Plan:PDS2013-SP-13-0012, PDS2013-GPA-13-001, PDS2013-REZ-13-001, PDS2013-TM-5575, PDS2013-STP-13-003, PDS2014-MUP-14-019, LOG NO. PDS2013-ER-13-08-002 .  
**Date:** Monday, January 30, 2017 1:47:09 PM

To Whom It May Concern-

As a homeowner/ resident of Elfin Forest I wanted to comment on the recirculated EIR for the Valiano Specific Plan.

I am deeply troubled by the document especially the portion which states:

***“There is a lack of established neighborhoods, as well as public services. As such, there is no existing community on site to divide.”***

We sought out and bought in this neighborhood for a lot of reasons. One of them is the quiet rural area and larger lots with a country feel. We did this knowing that the zoning and general plan would not allow us to subdivide our lot and sell it for profit. The developers also bought land in this community knowing the same, but they intend on doing just that, by convincing the board of supervisors to change the rules so they can have an unfair advantage.

Since we have lived here, I can tell you that you will not find a better **community** of folks who know how to pull together in a crisis (the recent Coco’s Fire) as well have wonderful organized events. Whether it is at our Fire Station for CERT trainings or Fire prevention and awareness or a neighbor’s home for local landscape and trail committees to name a few.

There is a very well organized 5K and 10k trail run every year that we **all** are a part of in one way or another. We also have a great holiday parade to celebrate the Fourth of July.

Harmony Grove, Eden Valley and Elfin Forest all have the same community mind set. We are NOT divided and would not appreciate any changes in our boundaries.  
We all agree that this area should be kept as rural as possible.

We are not against change but it needs to be done in a way that benefits all parties, not just the developers, but also the property owners who live here and appreciate its uniqueness. We have property rights as well. We **ARE** a community albeit not one of “clubhouses and sidewalks with street lights” but that does not make a community... People make a community and that is what we have here. We would like to keep it that way. This is why I oppose the project as currently presented and hope that as elected officials you will do the right thing and protect our rights as property owners, tax payers and citizens of San Diego County.

Thank you for your time.

**Karin Hathaway**  
Cell/ 760.518.4146

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R-V-1 The comment refers to a statement in the EIR regarding the existence of a neighborhood or community within the Project site. Please see Response R-K-1 regarding the lack of community quote, as well as R-O-2 regarding the portion of the quote addressing neighborhoods.

R-V-2 The comment expresses the sense of community felt by the residents in the area, which is fully understood. Please see Response R-K-1.

R-V-3 The commenter provides an opinion related to the cohesive nature of the Harmony Grove, Eden Valley, and Elfin Forest communities and the desire to keep the area as rural as possible. See response to comment R-K-1 and Topical Response: General Plan Amendment and Subarea Boundary Line Adjustment CEQA Analysis.

The Eden Valley community is largely semi-rural in nature and that would continue. The residential use proposed by the Project is SR-0.5 (a semi-rural land use designation) and Project uses include large areas of open space and agricultural set aside, park and trail uses, potential horse or other large animal properties, etc.

R-V-4 The comment refers to the sense of community felt by the residents in the area; please see Response R-K-1. The County acknowledges your opposition to the Project.

## COMMENTS

## RESPONSES

**From:** Nancy Henderson <nancy4art@sbcglobal.net>  
**Sent:** Saturday, January 28, 2017 8:29 PM  
**To:** Horn, Bill; Ron-Roberts; Gaspar, Kristin; Jacob, Dianne; Cox, Greg; Fitzpatrick, Lisa; Wardlaw, Mark; Chan, Michelle; Sibbet, David; douglas.dill@att.net  
**Subject:** Comment on the Valiano Project-- Please Oppose!

Dear members of the Board of Supervisors, County Planning and Development, County Planning Commission, and San Dieguito Planning Group:

I have lived overlooking Harmony Grove for the past four and half years, and I wanted to comment on the recirculated EIR for the Valiano Specific Plan. I agree 100% with the San Dieguito Planning Group's comment letter provided and sent on 1/12/17. In addition I wanted to weigh in on the most troubling portion of the REIR that will affect my family and my community. According to the document, it states in multiple places that:

- "There is a lack of established neighborhoods, as well as public services. As such, there is no existing community on site to divide"

Along with all the many issues I have with the application, this one is the most egregious to me personally. The community of Harmony Grove has existed for over 120 years. I know all my neighbors along Crestwind Drive above Harmony Grove, as well as many in Elfin Forest and Eden Valley.

I have personally participated in fundraisers providing my time and donations of my creative products to keep developers at bay—and I can attest to a very strong community with locals passionately committed to the preserving the quality of the rural atmosphere here. There is indeed a very strong and close knit community here! We organized and developed a community plan some years ago which encodes the very nature of our community.

We have multiple events every year including the Fourth of July Picnic and Parade and our very own “Keepin’ It Rural” 5k10k Trail Run. If you haven’t been to Harmony Grove or Eden Valley, you really must come down and look at it yourself to see that we are a vibrant, thriving community. We are one of the gems of San Diego County with our natural spaces and open country feel, our nearby Elfin Forest Nature Preserve, and the beautiful property preserved by the Escondido Creek Conservancy.

This Valiano proposal marks the first attempt ever by a developer to rewrite a community’s boundaries and effectively erase the very existence of a community in order to avoid having to work with and compromise with the community. Projects like this should be a two-way street. The very fact that the developer is suggesting we don't exist shows that they are not interested in working with us.

We cannot allow others to rewrite our diligently created boundaries simply to avoid having to follow the same rules that we all have to follow.

I live overlooking the Harmony Grove Village development and on any proposed Valiano project. It is a sea of houses already and we don't need ANY more. Our roads are at an unsafe capacity already. Our lives are threatened by the lack of safe evacuation due to overcrowding.

Please do not allow any more development in Eden Valley, Elfin Forest and Harmony Grove!

I oppose the project as currently presented and hope that as elected officials you will do the right thing and protect our rights as property owners, taxpayers and citizens of San Diego County.

Respectfully,

R-W-1 This is a repeat of comment R-M-1. See Response R-M-1.

R-W-2 The comment refers to a statement in the EIR regarding the existence of a neighborhood or community within the Project site and expresses the sense of community that residents in the area feel. Please see Response R-K-1 regarding the lack of community quote, as well as R-O-2 regarding the portion of the quote addressing neighborhoods.

R-W-3 The comment is in reference to the proposed Subarea boundary line adjustment. Please see Responses R-O-3 and R-F-63 regarding “erasure” of the Eden Valley community, and Response R-K-2 regarding developer outreach to the community. The amendment to the EFHGCP subarea northern boundary is not proposed to avoid having to follow rules; please see Topical Response: General Plan Amendment and Subarea Boundary Line Adjustment CEQA Analysis.

R-W-4 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.

R-W-5 Your opposition to the Project is noted.

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**COMMENTS**

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**RESPONSES**

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**Nancy C Henderson, MFA**  
**21387 Crestwind Drive**  
**Mailing address:**  
**FMB 137, POB 5005**  
**Rancho Santa Fe, CA 92067**

## COMMENTS

## RESPONSES

**From:** Mary A Holden <questhavenpets@att.net>  
**Sent:** Monday, January 30, 2017 11:38 AM  
**To:** Chan, Michelle  
**Subject:** Elfin Forest

*To whom it may concern:*

*I am a longtime resident of Elfin Forest and I wanted to comment on the recirculated EIR for the Valiano Specific Plan. I agree 100% with the San Dieguito Planning Group's comment letter provided and sent on 1/12/17. In addition I wanted to weigh in on the most troubling portion of the REIR that will affect my family and my community. According to the document, it states in multiple places that:*

- *"There is a lack of established neighborhoods, as well as public services. As such, there is no existing community on site to divide"*

*Along with all the many issues I have with the application, this one is the most egregious to me personally. The community of Harmony Grove has existed for over 120 years. I've lived here for 17 years. I know all my neighbors around HG and Eden Valley. We organized and developed a community plan some years ago which encodes the very nature of our community. We have multiple events every year including the Fourth of July Picnic and Parade and our very own "Keepin' It Rural" 5k10k Trail Run. If you haven't been to Harmony Grove or Eden Valley, you really must come down and look at it yourself to see that we are a vibrant, thriving community.*

*This proposal marks the first attempt ever by a developer to rewrite a community's boundaries and effectively erase the very existence of a community in order to avoid having to work with and compromise with the community. Projects like this should be a two-way street. The very fact that the developer is suggesting we don't exist shows that they are not interested in working with us.*

*We cannot allow others to rewrite our diligently created boundaries simply to avoid having to follow the same rules that we all have to follow.*

*I oppose the project as currently presented and hope that as elected officials you will do the right thing and protect our rights as property owners, taxpayers and citizens of San Diego County.*

Respectfully,  
 Mary Ann Holden

R-X-1 This is a repeat of comment R-M-1. See Response R-M-1.

R-X-2 The comment expresses the sense of community felt by the residents in the area, which is fully understood. Please see Response R-K-1 regarding the lack of community quote, as well as R-O-2 regarding the portion of the quote addressing neighborhoods.

R-X-3 The comment is in reference to the proposed Subarea boundary line adjustment. Please see Responses R-O-3 and R-F-63 regarding "erasure" of the Eden Valley community, and Response R-K-2 regarding developer outreach to the community. The amendment to the EFHGCP subarea northern boundary is not proposed to avoid having to follow rules; please see Topical Response: General Plan Amendment and Subarea Boundary Line Adjustment CEQA Analysis.

R-X-4 Your opposition to the Project is noted.

## COMMENTS

## RESPONSES

**From:** Ken Hoppenrath <kenhoppenrath@gmail.com>  
**Sent:** Monday, January 30, 2017 1:37 AM  
**To:** Chan, Michelle  
**Cc:** Sibbet, David; Wardlaw, Mark; Fitzpatrick, Lisa; Cox, Greg; Jacob, Dianne; Gaspar, Kristin; ron-roberts@sdcounty.ca.gov; Horn, Bill  
**Subject:** Comment on Valiano — Recirculated Draft EIR

I wish to comment on the Valiano — Recirculated Draft EIR; PDSS2013-SP-13-001, PDS2013-GPA-13-001, PDS2013-REZ-13-001, PDS2013-TM-5575, PDS2014-MUP-14-019, PDS2013-STP-13-001, PDS2013-ER-13-08-002.

The Valiano project, which is grossly inconsistent with both the County General Plan and the Harmony Grove Community Plan, is proposing to remove part of their project from the guidelines and protections of the existing Community Plan to avoid having to study the full range of adverse impacts of their project. I cannot support this action, which is taken solely to benefit the developer by increasing density, and for which the community has demonstrated strong opposition.

This area is very prone to wildfires; I have had to evacuate several times myself. More density will only endanger those of the community, who may become trapped in traffic while surrounded by wildfire and trying to evacuate through narrow, two lane highways. In addition, the area is better suited to homes of the same large-lot equestrian style that is already supported by the current General Plan and Community Plan.

There is no need for any GP amendment. Further, this action of a developer-initiated removal of property from a Community Plan could cause far reaching lack of confidence in the County Planners and, if supported, in the supervisors. I do not wish to have my taxes wasted in defending the County from any legal battles that may ensue from this senseless action.

These very serious risks have not been fully described in this RDEIR, and the proposed benefits have been poorly supported and overestimated. Please do not approve this RDEIR or the requested GPA.

Thank you,

Ken Hoppenrath  
 1575 Tanglewood Lane Apt E217  
 Escondido, CA 92029

R-Y-1 The comment claims the Project is grossly inconsistent with the General Plan or the EFHGCP Subarea of the San Dieguito CPA. The Project varies from these documents relative to base lot size (density) and use of a WTWRF, but conforms relative to open space uses, park provision, conformance with the County Resource Protection Ordinance, etc. Please also see Topical Response: General Plan Amendment and Subarea Boundary Line Adjustment CEQA Analysis.

R-Y-2 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the recirculated Draft EIR.

R-Y-3 The comment questions the need for the General Plan Amendment and provides the commenter's opinion of potential consequences. Please see Response R-G-36 regarding the requirement to allow property owners to propose uses that vary from approved plans, and for the County to evaluate such requests.

R-Y-4 The comment expresses the opinions of the commenter, but is not at variance with the environmental document.



## COMMENTS

## RESPONSES

**From:** Huston Ranch <hustonqtrhorses@aol.com>  
**Sent:** Sunday, January 29, 2017 10:49 PM  
**To:** Sibbet, David; Chan, Michelle; Wardlaw, Mark; Fitzpatrick, Lisa  
**Cc:** Cox, Greg; Jacob, Dianne; Gaspar, Kristin; roberts@sdcounty.ca.gov; Horn, Bill; douglas.dill@att.net; efhtgc@gmail.com; edenvalleynews@aol.com  
**Subject:** VALIANO SPECIFIC PLAN

RE: VALIANO SPECIFIC PLAN: PDS2013-SP-13-0012, PDS2013-GPA-13-001, PDS2013-REZ-13-001, PDS2013-TM-5575, PDS2013-STP-13-003, PDS2014-MUP-14-019, LOG NO. PDS2013-ER-13-08-002 .

To whom it may concern:

- R-Z-1 ☐ I am a 15 year resident of Eden Valley and I wanted to comment on the recirculated EIR for the Valiano Specific Plan. I agree 100% with the San Dieguito Planning Group's comment letter provided and sent on 1/12/17. Great letter!
- R-Z-2 ☐ This absurd proposal marks the first attempt ever by a developer to rewrite a community's boundaries and effectively erase the very existence of a community in order to avoid having to work with and compromise with the community. Projects like this should be a two-way street. The very fact that the developer is suggesting we don't exist, and even deletes the name of Eden Valley from this revised plan shows that they are not interested in working with us.
- R-Z-3 ☐ Please note that we are an established community and we will NOT be divided. We will not allow others to rewrite our existing boundaries simply to avoid having to follow the same rules that we all have to follow.
- R-Z-4 ☐ I oppose the project as currently presented and hope that as elected officials you will do the right thing and protect our rights as property owners, taxpayers and citizens of San Diego County.

Best regards,  
 William G. Huston, USMC - Ret  
 1023 Country Club Drive,  
 Escondido, CA 92029

- R-Z-1 This is a repeat of comment R-M-1. See Response R-M-1.
- R-Z-2 The comment is in reference to the proposed Subarea boundary line adjustment. Please see Responses R-O-3 and R-F-63 regarding "erasure" of the Eden Valley community, and Response R-K-2 regarding developer outreach to the community. The amendment to the EFHGCP subarea northern boundary is not proposed to avoid having to follow rules; please see Topical Response: General Plan Amendment and Subarea Boundary Line Adjustment CEQA Analysis.
- R-Z-3 The comment indicates that the amendment to the EFHGCP subarea northern boundary is proposed to avoid having to follow rules; please see Topical Response: General Plan Amendment and Subarea Boundary Line Adjustment CEQA Analysis. Please also see Response R-V-3 regarding the Eden Valley community and R-K-1 regarding the acknowledged sense of community.
- R-Z-4 Your opposition to the Project is noted.

## COMMENTS

## RESPONSES

**From:** Steven Hutchison <hutchisonsm@gmail.com>  
**Sent:** Monday, January 30, 2017 2:58 PM  
**To:** Sibbet, David  
**Cc:** Chan, Michelle; Wardlaw, Mark; Fitzpatrick, Lisa  
**Subject:** Valiano Project in Eden Valley

R-AA-1 [ Regarding the Valiano project in Eden Valley, it seems that the overwhelming defeat of the Lilac Hills Ranch project at the polls in November did not instill the lesson that citizens of San Diego County do not approve of, nor want, development that is ill-conceived and poorly located. Planning and Development Services needs to be more responsive to the citizens you are working for when it comes to reviewing traffic congestion, needless infrastructure extension and loss of community identity and values in relation to projects such as this.

R-AA-2 [ Those of us in north county opposed to the scope of this project are **not** necessarily opposed to all development, but we do expect to have developers and the county government respect the recently enacted General Plan. That plan calls for responsible growth, and yet, even after communities accept their share of that growth [read Harmony Grove Village], the development community seems to think that additional large projects should be permitted as well. What is just as worrying is that the PDS folks agree more often than not. Stick to the plan and develop at densities allowed in the General Plan.

R-AA-3 [ We don't need to create an even more daunting evacuation scenario in Eden Valley than the one the recent Cocos fire created by adding hundreds more panic-stricken motorists to narrow country roads. Please recommend that this project not be advanced to the planning commission.

Steve Hutchison  
Valley Center CA 92082

R-AA-1 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the recirculated Draft EIR.

R-AA-2 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the recirculated Draft EIR.

R-AA-3 The comment is related to fire/evacuation routes, which are not part of the Recirculated Draft EIR. Please refer to Response R-A-1; however, it is discussed in detail in Section 3.1.7 of the EIR. Your opposition to the Project is noted.

## COMMENTS

## RESPONSES

**From:** Nicole Travis Jenkins <nicole.s.travis@gmail.com>  
**Sent:** Wednesday, January 11, 2017 3:20 PM  
**To:** efhgct@gmail.com; douglas.dill@att.net; Cox, Greg; Jacob, Dianne; Gaspar, Kristin; Ron-  
 Roberts; Horn, Bill; Fitzpatrick, Lisa; Chan, Michelle; Sibbet, David  
**Subject:** VALIANO SPECIFIC PLAN

I am writing this letter in regards to the following plan:

VALIANO SPECIFIC PLAN: PDS2013-SP-13-0012, PDS2013-GPA-13-001, PDS2013-REZ-13-001, PDS2013-TM-5575, PDS2013-STP-13-003, PDS2014-MUP-14-019, LOG NO. PDS2013-ER-13-08-002

It has recently come to my attention that the developer for the Valiano plan has come up with a work-around to the community plan that is in place for Harmony Grove and Eden Valley. It seems they would like to carve out a section of Harmony Grove so that they would no longer have to follow Harmony Grove's plan. I cannot believe this is even being put forth as an option. I do not live in Harmony Grove. I live in North Park and North Park has just spent considerable time on our own community plan. If these developers are allowed to do what they are proposing, who's to say other developers couldn't do this in North Park, or Poway, or any other community? To allow the carving up of communities at the whims of the developers would be irresponsible at best and downright criminal at worst. It would take away the voices and the rights of the people who actually live in the community and would tear at the very fabric of those communities. Please do not allow these developers to have this amount of power and control.

Sincerely,  
 Nicole Jenkins  
 3540 Alabama St. Unit 1  
 San Diego, CA 92104

R-AB-1 The comment is in reference to the modification of Neighborhood 5 boundaries within the overarching San Dieguito CPA; please see Topical Response: General Plan Amendment and Subarea Boundary Line Adjustment CEQA Analysis and Response R-D-3. Please also see Response R-F-34 regarding the routine nature of boundary changes stemming from the planning jurisdiction.

## COMMENTS

## RESPONSES

Monday, January 29, 2017

San Diego County Planning and Development Services  
5510 Overland Ave., # 110  
San Diego, CA 92123

RE: VALIANO SPECIFIC PLAN: PDS2013-SP-13-0012, PDS2013-GPA-13-001, PDS2013-REZ-13-001, PDS2013-TM-5575, PDS2013-STP-13-003, PDS2014-MUP-14-019, LOG NO. PDS2013-ER-13-08-002

Dear Ms. Ehsan,

We're writing to express our concerns and opposition to the potential building of the Valiano Project in Harmony Grove and Eden Valley, which is adjacent to where we live in Elfin Forest.

We would first like to thank you and your colleagues for all the time and work you've put into reviewing the Valiano project. It means a great deal to our community and we all appreciate the due diligence you've given the planning for this project.

We have lived in Elfin Forest for 4 wonderful years living at 20125 Colina Encantada Way, 92029. We built here knowing the close-knit community and rural lifestyle would be a wonderful match for us. Neighbors here look out for one another and when there's a disaster in the area as with the fires of May 2014, each person looks out for their neighbor. Though we don't have horses, horses abound in this area and we love them! We saw numerous vehicles pulling horse trailers looking for anyone who needed help with their animals. More than one drove up our short road to check to see that all animals were taken care of.

As you know, the project, as proposed, threatens to destroy the rural nature of our community and instead, assists in the urban sprawl that has taken over many parts of San Diego County. It also goes against the general plan that was agreed upon by the county many years ago. We know that numerous meetings were held to undertake this vast and daunting job, but in the end all parties agree that our community should take "our share of density" to accommodate the growth that San Diego County would experience over the next 20 years. A compromise was made and agreed upon. This project violates that Community Development Model creating a much higher density.

Which leads me to the roads. Elfin Forest and Harmony Grove Roads are mostly small, two lane roads and yet already have a high density of motor vehicles on them as it's a major east-west thoroughfare. The road was not intended for the traffic load that it now carries, not to mention an immensely increased load, which the Valiano Project would add to. People die on this road on a regular basis including a motorcycle accident about a year ago. The year before that, a head on crash occurred and killed another. Both within a ½ mile of our home.

There are so very many issues that would have a negative impact if this development were completed. The roads are incredibly busy with bicycles vying for space in packs sometimes. We haven't even touched on the issues of lack of schools for so many new people. As it is, the Harmony Grove Village project does not even address that! How can that be??

R-AC-1 Introductory comment noted. Please see responses to specific comments, below.

R-AC-2 The comment describes the sense of community felt by the residents in the area, which is fully understood; please see Response R-K-1. Please note that fire/evacuation routes are not part of the Recirculated Draft EIR. Please refer to Response R-A-1; however, it is discussed in detail in Section 3.1.7 of the EIR.

R-AC-3 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the recirculated Draft EIR.

R-AC-4 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.

R-AC-5 The commenter lists issues of concern and refers to the Harmony Grove Village project. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR. Your opposition to the Project is noted.

COMMENTS

RESPONSES

R-AC-5  
cont.

There are many more issues that we could go on about but we'll stop here. Please vote against this project as it stands. Thank you for your consideration.

Regards,

Farron & Kay Kolb

## COMMENTS

## RESPONSES

**From:** Andy Laderman <aladerman@cox.net>  
**Sent:** Monday, January 30, 2017 10:02 AM  
**To:** Sibbet, David; Chan, Michelle; Wardlaw, Mark; Fitzpatrick, Lisa; Jacob, Dianne; Gaspar, Kristin; Roberts, Ron; Horn, Bill; douglas.dill@att.net; efhgct@gmail.com  
**Subject:** RE: VALIANO SPECIFIC PLAN: PDS2013-SP-13-0012, PDS2013-GPA-13-001, PDS2013-REZ-13-001, PDS2013-TM-5575, PDS2013-STP-13-003, PDS2014-MUP-14-019, LOG NO. PDS2013-ER-13-08-002 .

Dear Planning and Development staff and Board of Supervisors:

R-AD-1 I have lived in Eden Valley for over 30 years and have spent the last several years following the evolution of the proposed Valiano project and Integral's maneuvering to get the project approved with blatant disregard for the existing residents whose lives would not only be disrupted but would actually be put at risk if the project was approved. It is time for you to kill this project once and for all. We have all wasted far too much time considering and re-considering a project that is fatally flawed and whose only value is to provide profit for the applicant.

R-AD-2 The Board of Supervisor's primary responsibility is the safety of the citizens living within the County. Allowing 300+ homes to be built in this area without a complete and costly infrastructure project to build multiple new evacuation routes in the case of wild fire would not only put the lives of existing residents at risk but also Valiano residents. This is a high fire risk area that has seen many fires in the 30 years that I have lived there, including the fatal Harmony Grove fire and the Cocos fire. This should be reason enough to reject the project.

R-AD-3 In addition there are many other indisputable justifications for rejecting the project including non-compliance with the County's General Plan, the developer's proposal to have a sizable portion of the project's footprint removed from the Harmony Grove community plan so they don't have to comply with it and inadequate analysis of greenhouse gas impacts. The list goes on and on. If the County decides to approve this project, any one of these flaws could result in lengthy litigation which the County would have to defend at a considerable cost to tax payers. That is not how I would like to see my taxes spent.

R-AD-5 It is time to stop flogging a dead horse and firmly reject this project.

Respectfully submitted,  
 Andrew Laderman  
 2710 Surrey Lane  
 Eden Valley

Sent from my iPad

R-AD-1 The comment expresses the opinions of the commenter, but is not at variance with the environmental document.

R-AD-2 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.

R-AD-3 The comment lists reasons the commenter believes the Proposed Project should be rejected. Please see Topical Response: General Plan Amendment and Subarea Boundary Line Adjustment CEQA Analysis for a discussion on the project's consistency with the General Plan.

Please see Topical Response: Greenhouse Gases Analysis. The comment does not address the adequacy of the REIR, therefore, no further response is required or necessary.

R-AD-4 The comment expresses the opinions of the commenter, but is not at variance with the environmental document.

R-AD-5 Your opposition to the Project is noted.

## COMMENTS

## RESPONSES

**From:** Kira Lee Lakin <kira.lee@gmail.com>  
**Sent:** Thursday, January 26, 2017 8:54 PM  
**To:** Sibbet, David; Chan, Michelle; Wardlaw, Mark  
**Cc:** Fitzpatrick, Lisa; Cox, Greg; Jacob, Dianne; Gaspar, Kristin; Ron-Roberts; Horn, Bill; douglas.dill@att.net; Elfin Forest Harmony Grove Town Council  
**Subject:** Resident letter regarding Valiano project -- Kira Lee Lakin

This letter is regarding plans around the proposed Valiano development: PDS2013-SP-13-0012, PDS2013-GPA-13-001, PDS2013-REZ-13-001, PDS2013-TM-5575, PDS2013-STP-13-003, PDS2014-MUP-14-019, LOG NO. PDS2013-ER-13-08-002

My husband and I, along with our two young children, are residents of the Hidden Hills community, directly adjacent to Eden Valley and Harmony Grove. We moved here in 2012, having found a community with a rural feel and neighbors who are highly invested into the maintenance and well-being of the neighborhood. We are very concerned about all of the latest in Integral Communities' efforts to move forward with their Valiano project, the impacts of which would reach far beyond even our community.

We have seen the land on which Harmony Grove Village was recently built be emptied of its previous residents, stripped of all its natural environment down to bare dirt, and then built into a characterless, cookie-cutter neighborhood indistinguishable from countless others in the County. The units in Harmony Grove Village are not selling well, and yet even the limited number of new residents who have moved into this area have already had a substantial impact on the street traffic, crime, and natural habitat in our neighborhoods.

Just a few months ago, my neighbor's house was robbed in broad daylight while his 14-year-old daughter was home alone... and then robbed again just a few weeks later so the criminals could finish what they had started, emptying out his closets and his wife's jewelry box of family heirlooms and valuable property. A few years ago, this would have been unheard of. The detective who was assigned the case told us that he had never felt the need to even monitor our quiet neighborhood before, but would be driving through during his shifts from now on, since there is more foot and car traffic coming through and he recognizes that this makes us more of a target of crime.

Every morning, previously quiet surface streets around our home are now clogged with rush hour commuters, causing one to wonder what would happen in the event of an emergency evacuation -- not a rare occurrence in this area. We have one way in and out (via Country Club Drive) and additional congestion during something like the Cocos Fire would have meant we would be unable to get out.

Anecdotally, more and more neighbors are reporting increasingly aggressive coyote encroachment, with pet dogs and cats being snatched more frequently by animals who have had their natural habitat destroyed by the development. The coyotes are becoming less afraid of humans, and their displacement has resulted in their behavior becoming aggressive enough that some are afraid for their children's safety.

These are just a few examples of the impacts that the Harmony Grove Village project has had on our neighborhood. We moved here in 2012, looking for a rural setting in which to raise our children while my husband's commute to Sorrento Valley would still be reasonable; it is difficult to see the actions of

R-AE-1 Introductory comment noted. Please see responses to specific comments, below.

R-AE-2 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.

R-AE-3 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.

R-AE-4 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.

R-AE-5 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.

COMMENTS

RESPONSES

R-AE-5  
cont. the HGV developer and now, IC, as being anything but an attack on that lifestyle. Especially in light of the empty HGV homes sitting on the market, tearing up this natural environment and destroying the rural character of this community seems like a poorly-conceived, short-sighted, permanently destructive idea with negative impacts that could not be reversed.

R-AE-6 Learning more about how IC is working to avoid having to conform to the Community Plan, their actions to have the boundaries around Eden Valley redrawn and working with Rincon to impose sewer service onto the residences in the area are NOT going ignored, and the residents here are well aware of just how shameless their political maneuvers are. I assure you that the people who live in this area are well-educated, motivated, and unified in their resistance to IC's rule-bending and attempts to exploit bureaucratic loopholes.

R-AE-7 I ask that those who have been given the responsibility of making decisions when it comes to how our neighborhoods are planned and how development happens consider the big picture when it comes to Valiano. Between the negative impacts that will inevitably affect communities in and around the areas targeted as the new Valiano project, and the unethical ways in which IC is seeking to move forward with the project, we would ask that you represent our concerns and make the decisions that will do right by the residents that live in our communities.

Best regards,  
Kira Lakin  
952 Chardonney Way  
Escondido, CA 92029  
858-692-4876

R-AE-6 The comment suggests the amendment to the EFHGCP Subarea northern boundary is proposed in order to avoid having to conform to that subarea plan; please see Topical Response: General Plan Amendment and Subarea Boundary Line Adjustment CEQA Analysis, which addresses Project compliance with the subarea plan. The potential for Rincon to serve the Proposed Project with sewer would not result in adjacent property owners being tied into the facility if they prefer to remain on septic.

R-AE-7 The comment expresses the opinions of the commenter, but is not at variance with the environmental document.



## COMMENTS

## RESPONSES

**From:** Sibbet, David  
**Sent:** Monday, January 30, 2017 10:30 AM  
**To:** Chan, Michelle  
**Subject:** Fwd: VALIANO SPECIFIC PLAN

Sent from my iPhone

Begin forwarded message:

**From:** Alan Lasnover <[momzer1@att.net](mailto:momzer1@att.net)>  
**Date:** January 30, 2017 at 9:47:52 AM PST  
**To:** "Sibbet, David" <[David.Sibbet@sdcounty.ca.gov](mailto:David.Sibbet@sdcounty.ca.gov)>  
**Cc:** <[Lisa.Fitzpatrick@sdcounty.ca.gov](mailto:Lisa.Fitzpatrick@sdcounty.ca.gov)>  
**Subject:** VALIANO SPECIFIC PLAN

Dear Mr. Sibbet,

I have been a resident of Elfin Forest since 2001. I am well aware of the efforts of some of my neighbors to keep the combined neighborhoods of Elfin Forest and Harmony Grove rural, bravely working against the encroachment of developers who intend to urbanize this area at profit and no apparent concern for the residents of the areas.

Such a developer is the Valiano Company, who is attempting to re-draw longstanding community boundaries, previously worked out by the combined efforts of various hard-working persons and agents of the County of San Diego, the result being consistent with rural development.

I moved to this area because of the quiet environment it provides. I strongly oppose any efforts, like that under consideration, to add high-density housing and increased traffic on rural roads.

Alan L. Lasnover, MD  
 Elfin Forest, CA

R-AF-1 Introductory comment noted. Please see responses to specific comments, below.

R-AF-2 The comment is in reference to the proposed General Plan Amendment. The goal of the Community Plan is to address development consistent with rural elements. Both plans designate Eden Valley land uses as Semi-rural Residential uses (1 and 2). The Proposed Project also proposes a semi-rural land use designation (0.5). With respect to modification of Neighborhood 5 boundaries within the overarching San Dieguito CPA, please see Topical Response: General Plan Amendment, Subarea Boundary Line Adjustment and Community Character CEQA Analysis.

R-AF-3 Your opposition to the Project is noted.

COMMENTS

RESPONSES

**From:** [ma](#)  
**To:** [reply+GIZTONZOGQZV64DSN5SHKY3UNFXW4X2QJ5JYIXZUGAYDAMRSGAYQ===@hiddenhillscitracadoes.nextdoor.com](#); [Sibbet, David](#); [Chan, Michelle](#); [Wardlaw, Mark](#); [Fitzpatrick, Lisa](#); [Cox, Greg](#); [Cox, Greg](#); [Jacob, Dianne](#); [Gaspar, Kristin](#); [Ron-Roberts](#); [Horn, Bill](#); [douglas.dill@att.net](#); [efhgtc@gmail.com](#); [gbunch6@gmail.com](#); [art@suresafe.com](#); [mangotango62@aol.com](#)  
**Subject:** Re: VALIANO SPECIFIC PLAN: PDS2013-SP-13-0012, PDS2013-GPA-13-001, PDS2013-REZ-13-001, PDS2013-TM-5575, PDS2013-STP-13-003, PDS2014-MUP-14-019, LOG NO. PDS2013-ER-13-08-002  
**Date:** Saturday, January 07, 2017 8:31:22 PM

WE OPPOSE THIS PLAN WHICH IS AN OUTRAGE TO OUR COMMUNITY. THESE DEVELOPERS SHOULD NOT BE ALLOWED TO DESTROY NATURE AND THE UNIQUE ENVIRONMENT WE HAVE IN THIS COMMUNITY OF EDEN VALLEY.

EDEN VALLEY RESIDENTS UNITE!!!!!!!!!!!!!!

-----Original Message-----

From: Nextdoor Hidden Hills/Citracado <[reply@rs.email.nextdoor.com](mailto:reply@rs.email.nextdoor.com)>  
To: [pvsuccess19](mailto:pvsuccess19@aol.com) <[pvsuccess19@aol.com](mailto:pvsuccess19@aol.com)>  
Sent: Sat, Jan 7, 2017 5:31 pm  
Subject: ALERT: Valiano developer says Eden Valley doesn't exist, wants to squeeze 380+ houses into it! Meeting scheduled for your feedback!

 Kira Lakin, Hidden Hills/Citracado

I know quite a few people on this site have been following the various development efforts in our neighborhoods. In the latest update, the developer behind the proposed Valiano project, Integral Communities, has decided that this community's hard work to protect the rural feel of our neighborhoods and make sure the Community Plan is respected has been too hard to deal with... so they're trying to undermine us completely. In an unprecedented move, IC is arguing that there is "no established community" in Eden Valley and proposing that the 50...[Read more](#)

Jan 7 in General to 11 neighborhoods

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This message is intended for [pvsuccess19@aol.com](mailto:pvsuccess19@aol.com).  
[Unsubscribe](#) or [adjust your email settings](#)  
Nextdoor, 875 Stevenson Street, Suite 700, San Francisco, CA 94103

R-AG-1 Please see Response R-H-5.

## COMMENTS

## RESPONSES

**From:** Ken Manzoni <kenmanzoni@premiereyachtcharters.com>  
**Sent:** Wednesday, January 11, 2017 9:33 PM  
**To:** Chan, Michelle  
**Subject:** Comments on Valiano specific plan

Re) the Valiano draft EIR,

- R-AH-1 ☐ First of all it is completely wrong that the Community Boundaries could be changed without a vote.
- R-AH-2 ☐ I am deeply concerned that there are not adequate fire evacuation roads for this community as it is, let alone with the addition of significantly more homes. I do not see this addressed appropriately in the EIR.
- R-AH-3 ☐ The greenhouse gas increase from the homes and the autos that the homes will add to the community is not appropriately addressed, this is counter to CA AB 32.
- R-AH-4 ☐ The added traffic congestion to the Del Dios Hwy, which already faces near grid lock twice a day will put this local bi way over the top. Not to mention the added traffic to the 15 corridor.
- R-AH-5 ☐ The impact to the local ecosystem is unacceptable and may force the extinction of the endangered species who live there such as: the Red Diamond Rattlesnake, Quino Checkerspot Butterfly, Stephen's Kangaroo Rat, and the Least Bell's Vireo.
- R-AH-6 ☐ Please confirm that I have sent these comments on the Valiano EIR to the correct place.

Thank you,

Ken Manzoni  
[www.PremiereYachtCharters.com](http://www.PremiereYachtCharters.com)  
 Phone: (619)410-5222  
 Fax: (800)530-7668

- R-AH-1 Please see Response R-H-5.
- R-AH-2 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.
- R-AH-3 The comment claims GHG emissions are not appropriately addressed. Greenhouse gas emissions were quantified using the latest models and emission factors available based on land use with particular attention paid to mobile sources and vehicle miles traveled. Please see Topical Response: Greenhouse Gases Analysis and the Supplemental Memo for the Valiano Project Environmental Impact Report Appendix J Greenhouse Gas Analyses Report for more information regarding the appropriateness of the GHG Analysis methodology.
- R-AH-4 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.
- R-AH-5 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.
- R-AH-6 Your comments have been received and responded to accordingly.

## COMMENTS

## RESPONSES

January 28, 2017

RE: Valiant REIR

To whom it may concern:

This letter concerns the Valiant project the the EIR Report on the fifth parcel of land that is bordered by Country Club Drive and Mount Whitney Road with the boundaries of the Harmony Village project. It consists of 98 or 99 acres of land that the EIR report is made to build fifty homes on.

The County General plan was zoned and this Valiant project wants to change that for this parcel of land. How can you get fifty homes on this parcel of land when you have SDG&E high voltage lines easements running through it with the highest voltage on the outside lines of 230,000 volts? It is a big easement for these power lines: loss of land for homes.

Also, the creek that flows through this property will be consumed by a 50 year-100 year flood plain: Another loss of land for homes. Plus the streets that are put in for the homes in this area—loss of land to build on—have to be wide enough for fire truck to get in and out.

The grading for this area, I have been told, will be anywhere from 15' of soil added to 70' of soil=wet years of rain, a lot of runoff water with possible compaction problems possible, I would think.

Stick with the County's General plan for zoning and please watch that this property will not be overdeveloped into a nightmare of traffic on Country Club Drive and other surface roads.

Sincerely,  
BRUCE MARSHBURN  
2738 HARMONY HEIGHTS ROAD  
ESCONDIDO, CA 92029

R-AI-1 Introductory comment noted. Please see responses to specific comments, below.

R-AI-2 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.

R-AI-3 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.

R-AI-4 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.

R-AI-5 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.

## COMMENTS

## RESPONSES

January 28, 2017

Re: Valiano REIR

To whom it may concern:

R-AJ-1 I have lived in Elfin Forest/Harmony Grove for over 32 years. My home is directly opposite proposed Neighborhood Five. I have previously submitted my comprehensive oppositions to the Valiano proposed project, and now will specifically address the RECIRCULATED ENVIRONMENTAL IMPACT REPORT.

R-AJ-2 First, the statement that, "There is a lack of established neighborhoods, as well as public services. As such, there is no existing community on site to divide," is patently false. Not only are we currently united as a "community," but in my over 30 years of being part of this "community," we have united numerous times to participate, oppose, compromise (i.e., Harmony Village), resolve (i.e., the development of fire protection) over many and varied issues.

R-AJ-3 Second, the attempt by the proposed Valiano project is to change the long established boundaries of our historic community by carving the Neighborhood Five land out of the EF/HG Community Plan area so they can meet the less restrictive San Dieguito Community Plan. Compliance with the applicable community plan is a critical step for them to obtain the General Plan Amendment they need to make the 388 homes Valiano subdivision a reality. If they are allowed to remove the Neighborhood 5 parcels from the EF/HG Community Plan, they will be much closer to cashing in on the dense, congested subdivision they want to build right in Harmony Grove no matter what our community plan says. My home is directly opposite Neighborhood Five. I am well acquainted with the unique features of this particular plot

R-AJ-1 Introductory comment noted. Please see responses to specific comments, below.

R-AJ-2 The comment refers to a statement in the EIR regarding the existence of a neighborhood or community within the Project site. Please see Response R-K-1 regarding the misunderstanding of the "on-site" portion of the quote, as well as R-O-2 regarding public services.

R-AJ-3 The comment is in reference to the removal of Neighborhood 5 from the EFHG Subarea. Please see Topical Response: General Plan Amendment and Subarea Boundary Line Adjustment CEQA Analysis.

Please note that the farm pond resulted from damming of a streambed and is not a vernal pool. There are no vernal pools on the property (please see Subchapter 2.4, Biological Resources, of the EIR). The pond would be retained within open space (along with coast live oak woodland and herbaceous wetland vegetation) as part of the Proposed Project regardless of the boundary change and deletion of the parcel from the EFHG Subarea.

## COMMENTS

## RESPONSES

R-AJ-3  
cont. of land, including a naturally occurring vernal pool which hosts much wildlife including migrating fowl. Additionally, the large SDG&E transmission power lines dissect this proposed neighborhood for which consideration must be made as to the set backs for maintenance and safety. The current EF/HG Community Plan takes these and all other factors into consideration. Permitting this boundary to be erased and simply disregarded to allow for consistency of development is egregiously insulting to our "community" who put much thought, effort, and time into our existing plan.

R-AJ-4

R-AJ-5 Lastly, is the issue of precedence. If allowed to go forward, it would make "forum shopping" a viable option for developers unhappy with the restrictions in a given community by annexing into a more lenient jurisdiction. This would most assuredly give developers an unfair advantage in any disputed project and silence the debate.

R-AJ-6 The developer has not shown that they are willing to work in good faith with our community and has, effectively, attempted to erase our very existence in the most recently recirculated EIR. We oppose this project as proposed and hope that as elected public officials, you will reject this proposal and protect our rights as taxpayers, property owners and citizens of the County.

Respectfully,  
SHELLIE MARSHBURN  
2738 HARMONY HEIGHTS ROAD  
ESCONDIDO, CA 92029  
[ladybugs1810@yahoo.com](mailto:ladybugs1810@yahoo.com)  
760-641-3369

cc: Dave Dibbets; Michelle Chan; Mark Wardlaw; Lisa Fitzpatrick; Greg Cox; Dianne Jacob; Kristin Gaspar; Ron Roberts; Bill Horn; Doug Dill; EF/HG Town Council

R-AJ-4 The comment references the existing SDG&E transmission lines and towers, which are depicted on Figure 3.1.2-6 of the EIR, and addressed in Section 3.1.2, Energy, of the EIR. As stated on page 1-7 of both the Draft EIR and Recirculated Draft EIR, this easement and the facilities within it would be retained under the Proposed Project. Appropriate setbacks also have been retained as part of Project design – the setback boundary has not been erased.

R-AJ-5 The comment is concerned with the removal of Neighborhood 5 from the EFHG Subarea. Please see Response R-I-7 regarding the potential of annexation into a more lenient jurisdiction, and Response R-F-34 regarding potential for Project actions to be precedent setting.

R-AJ-6 Your opposition to the Project is noted.

## COMMENTS

## RESPONSES

**From:** Frautene McLarney <frautene@gmail.com>  
**Sent:** Friday, January 27, 2017 9:44 AM  
**To:** Sibbet, David; Chan, Michelle; Wardlaw, Mark  
**Cc:** Fitzpatrick, Lisa; Cox, Greg; Jacob, Dianne; Ron-Roberts; Horn, Bill; douglas.dill@att.net;  
 Elfin Forest Harmony Grove Town Council  
**Subject:** Re: Valiano specific plan

VALIANO SPECIFIC PLAN: PDS2013-SP-13-0012, PDS2013-GPA-13-001, PDS2013-REZ-13-001, PDS2013-TM-5575, PDS2013-STP-13-003, PDS2014-MUP-14-019, LOG NO. PDS2013-ER-13-08-002

To whom it may concern:

I've been an Elfin Forest/Harmony Grove resident for 5 years now. For 10 years prior to buying property and establishing our small farm, my husband and I would frequently drive through our community and daydream about the day we would hopefully be able to afford a rural lifestyle for us and our children. I have been disappointed and dismayed at the attempts of developers recently to split up and change our community plan all with their profits being their only concern. I fully support the San Diego Planning Groups comment letter sent on January 12 2017. I have reviewed all of the REIR documents that have been submitted and take great offense to the quote "There is a lack of established neighborhoods, as well as public services. As such, there is no existing community on site to divide." There are established neighborhoods, there are carpools, there are farmsharing co-ops, there are co-operative horse facilities just to name a few 'services' that WE have established to serve US, OUR COMMUNITY. We live here because we all want the rural lifestyle and with that comes livestock, gardens, orchards, openspace etc. This is why we worked tirelessly for YEARS to establish the existence of our COMMUNITY with the county in a LEGAL document. It is infuriating that a developer with NO real knowledge of this area and without bothering to consider the affects these homes will have on us plows through with something that is not wanted or needed in this area. Does SD county need homes? Yes, but not in rural areas that are established and flourishing. This just happens to be the quick easy buck in their eyes.

If anyone wants to assess if there is an established community in an area, they need to speak to the residents. Community is not something you see on paper, it is not defined by the proximity to stores or anything else. It is defined by the love and cooperation of the residents that occupy the area.

Sincerely,

Frautene McLarney  
 19928 fortuna del este  
 Elfin Forest, CA 92029  
 760-579-2993

On Fri, Jan 27, 2017 at 9:34 AM, Frautene McLarney <frautene@gmail.com> wrote:  
 VALIANO SPECIFIC PLAN: PDS2013-SP-13-0012, PDS2013-GPA-13-001, PDS2013-REZ-13-001, PDS2013-TM-5575, PDS2013-STP-13-003, PDS2014-MUP-14-019, LOG NO. PDS2013-ER-13-08-002

To whom it may concern:

I've been an Elfin Forest/Harmony Grove resident for 5 years now. For 10 years prior to buying property and establishing our small farm, my husband and I would frequently drive through our community and daydream about the day we would hopefully be able to afford a rural lifestyle for us and our children. I have been disappointed and dismayed at the attempts of developers recently to split up and change our community plan all with their profits being their only concern. I fully support the San Diego Planning Groups comment letter sent on January 12 2017. I have reviewed all of the REIR documents that have been submitted and take great offense to the quote "There is a lack of established neighborhoods, as well as public services. As such, there is no existing community on site to divide." There are established neighborhoods, there are carpools, there are farmsharing co-

R-AK-1 Introductory comment noted. See Response R-M-1 regarding the San Dieguito Planning Group letter.

R-AK-2 The comment refers to a statement in the EIR regarding the existence of a neighborhood or community within the Project site. Please see Response R-K-1 regarding the misunderstanding of the "on-site" portion of the quote, as well as R-O-2 regarding public services. As stated in Response R-V-3, the Eden Valley community is largely semi-rural in nature and that would continue. The residential use proposed by the Project is SR-0.5 (a semi-rural land use designation) and Project uses include large areas of open space set aside, park and trail uses, agricultural land set aside, potential horse or other large animal properties, etc.

R-AK-3 The comment is related to the sense of community felt by the residents in the area, which is fully understood; please see Response R-K-1.

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## COMMENTS

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## RESPONSES

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ops, there are co-operative horse facilities just to name a few 'services' that WE have established to serve US, OUR COMMUNITY. We live here because we all want the rural lifestyle and with that comes livestock, gardens, orchards, openspace etc. This is why we worked tirelessly for YEARS to establish the existence of our COMMUNITY



## COMMENTS

## RESPONSES

**From:** mcsparron@sbcglobal.net  
**Sent:** Monday, January 30, 2017 9:55 AM  
**To:** Sibbet, David; Chan, Michelle; Wardlaw, Mark; Fitzpatrick, Lisa  
**Cc:** Jacob, Dianne; Cox, Greg; Gaspar, Kristin; Roberts, Ron; Horn, Bill; douglas.dill@att.net; efhgctc@gmail.com  
**Subject:** RE: VALIANO SPECIFIC PLAN: PDS2013-SP-13-0012, PDS2013-GPA-13-001, PDS2013-REZ-13-001, PDS2013-TM-5575, PDS2013-STP-13-003, PDS2014-MUP-14-019, LOG NO. PDS2013-ER-13-08-002

R-AL-1

Good morning and thank you for the opportunity to address the Valiano Plan EIR. My name is Andrew McSparron and I have lived in Eden Valley on Country Club Drive for 36 years. My wife's family originally built their home on this property 47 years ago. As you would imagine, we have seen many changes during that period of time. It has gone from a sleepy, unorganized, but friendly rural valley, to a thriving yet still tightly knit, still rural, still friendly, still horse and agricultural community with enough distance between homes to keep the community rural, yet still know our neighbors well. Years ago, many people worked tirelessly to develop a *Community Plan* which would be accepted by the community and the county. It would maintain the rural character of the area and allow reasonable development which would be suitable to the area, i.e. large lots, no clusters of homes, horse and hiking trails, open spaces, dark nights, and that feeling of true country living which is not available in many places in San Diego County.

R-AL-2

I will fight to maintain that feeling for my family. Recently our daughter, her husband and 3 children moved back to our property and we expanded our home so they could live here. She wanted to raise her family in the atmosphere she was raised in. Now there comes a developer with apparently unlimited funds who has the gall to invade our valley with a plan to dismantle our *Community Plan*, destroy the character of our valley, and take away the dreams of my daughter and her family, as well as the members of this community who moved here to enjoy the rural nature of Eden Valley. This is about greed. This is about committing any act necessary in attaining the goal of wealth. Valiano doesn't want to be a good neighbor and fit in to the plan of this community, they want money and they don't seem to care how they get it or what they ruin. Had they come to this community with a reasonable plan to build good homes on large lots in keeping with the *Community Plan*, I have no doubt that they would have been accepted by the community and would be well on their way to building and selling their homes.

R-AL-3

I implore you to not allow this developer to run roughshod on this community, this county, and this board, by denying their blatant attack on our *Community Plan*, thereby setting a precedent for this and other developers to attack communities throughout the county.

Respectfully submitted;

Andrew McSparron  
 1021 Country Club Dr.  
 Escondido, CA 92029  
[mcsparron@sbcglobal.net](mailto:mcsparron@sbcglobal.net)

R-AL-1 Introductory comment noted. Please see responses to specific comments, below.

R-AL-2 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.

R-AL-3 With respect to the community plan, please see Topical Response: General Plan Amendment and Subarea Boundary Line Adjustment CEQA Analysis. The comment expresses the opinions of the commenter, but is not at variance with the environmental document.

## COMMENTS

## RESPONSES

**From:** Allen Meredith <alleninsd@gmail.com> on behalf of Allen Meredith  
<Allen@AllenMeredith.com>  
**Sent:** Monday, January 30, 2017 9:34 AM  
**To:** Chan, Michelle  
**Subject:** Valiano Re-Circulated EIR

Dear Ms. Chan,

My family currently lives in Eden Valley, has been living in Eden Valley for nearly 4 years, and we feel the need to comment on the re-circulated EIR for the Valiano Specific Plan. I will try to keep this brief as I know you are very busy.

Recently we as a community worked with and compromised with the Harmony Grove Village development as our way of accepting our fair share of density in San Diego County as part of the **General Plan**, a General Plan that was revised and updated just 5½ years ago. Perhaps working with Harmony Grove Village was a mistake on the part of our community as Harmony Grove Village has opened the door for other projects such as Valiano, even though Harmony Grove is currently not selling as they expected. It's just not affordable housing.

The General Plan should last 20 to 30 years, it was designed to do that. That's why it took 13 years, it cost you and me and (the public). Everyone in the county had to pitch in to pay \$18 million to get a balanced General Plan (KPBS article quote from Patsy Fritz, Mar 21, 2016).

The citizens on San Diego County, in part, have spoken by way of defeating Measure B which would have signaled a shift in how large housing projects in the region's backcountry are pursued in the future. The people currently residing in rural communities throughout San Diego County have invested their savings, endure their daily commute to and from work, and work tirelessly on their properties that do adhere to the General Plan guidelines, because they want a rural lifestyle for their families.

In conclusion, I feel, and I believe the many voters who defeated Measure B feel, that if an investor wants to develop a new community in rural San Diego County, the development must adhere to the current General Plan, as it has been written, with no exceptions. Any new proposed development in rural area San Diego County that does not meet the General Plan just doesn't fit.

Thank you for your time and consideration.

With gratitude,

*Allen Meredith*, CDPE, ePro

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R-AM-1 Introductory comment noted. Please see responses to specific comments, below.

R-AM-2 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.

R-AM-3 The commenter expresses the expected lifespan of the General Plan. Please see Response R-K-1 regarding normal general plan lifespan and the general plan process in California.

R-AM-4 The comment refers to the rejection of Measure B. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.

R-AM-5 The comment states that development should adhere to the General Plan. Please note that with the exception of specific density of the semi-rural land use category, the Proposed Project complies with all goals and policies of the 2011 General Plan.

## COMMENTS

## RESPONSES



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## COMMENTS

## RESPONSES

**From:** barnj@cox.net  
**Sent:** Monday, January 30, 2017 7:17 AM  
**To:** Chan, Michelle; Sibbet, David; Wardlaw, Mark; Fitzpatrick, Lisa  
**Cc:** Cox, Greg; Jacob, Dianne; Gaspar, Kristin; Roberts, Ron; Horn, Bill; efhgct@gmail.com  
**Subject:** VALIANO SPECIFIC PLAN: PDS2013-SP-13-0012, PDS2013-GPA-13-001, PDS2013-REZ-13-001, PDS2013-TM-5575, PDS2013-STP-13-003, PDS2014-MUP-14-019, LOG NO. PDS2013-ER-13-08-002

R-AN-1 My name is Barney Mohler, I reside at 2721 Surrey Lane. I am writing about the Valiano Specific Plan and proposed revisions to the General Plan in relation to it.

R-AN-2 I am appalled and insulted by the lie from Integral Communities that Harmony Grove/ Eden Valley and Elfin Forrest are not “real”, integrated communities. As a 38 year resident here on Surrey Lane I can tell you HONESTLY that they are. Harmony Grove here is more that 100 yrs old. The reason “ Country Club Dr is so named is because 100 yrs ago there was a golf course right here where I live. I can still show you some of the original rock walls that exist up on the hill from the club house.

I am sure you know the history of this area. The many years of Master Plan development. The Agricultural / Residential Zoning of the area... These Long established COMMUNITIES have a cohesive history and long standing reputation for good citizenship.

R-AN-3 We here in this area gave 740 homes , Just a quarter mile from my place, to Harmony Grove Village as our part of the housing of San Diego County. I understand there have only been 30 sales in 2 yrs. That looks like we have an over abundance by at least 700 units...

In the plan for Harmony Grove Village it was agreed that the density boundary would be respected.

R-AN-4 We had a fire here up on the land of the proposed development by Integral Communities. I bet you recall. In 2014. In the spring ... There is no infrastructure or any plan to move people out of here when another fire comes racing through. That fire got to within 600 ft of my place. I was very lucky we had massive firefighter support ... But! There is no safe way to evacuate 300++ homes from the east slope to country club dr. There are only 2 small roads ... Mt Whitney and Hill Valley... They can't get out through San Marcos and County Club Dr. is the only North South road through the valley from Auto Park Way to Harmony Grove Village.

R-AN-5 Integral Communities is trying to circumvent the decades of work to develop a General Plan for the Harmony Grove / Eden Valley / Elfin Forrest Communities. There has been no changes on the land to warrant ANY change to the GP.

R-AN-1 Introductory comment noted. Please see responses to specific comments, below.

R-AN-2 The comment refers to a statement in the EIR regarding the existence of a neighborhood or community within the Project site. With respect to the misinterpretation of not a “real” community, please refer to Responses R-F-59 and R-K-1.

R-AN-3 The comment expresses the opinions of the commenter, but is not at variance with the environmental document.

R-AN-4 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.

R-AN-5 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.

## COMMENTS

## RESPONSES

R-AN-5  
cont. **I would ask that This re Spun "revised" Proposal by Integral Communities be Denied forthwith.**  
**Barney J. Mohler**  
**2721 Surrey Lane**  
**Escondido, Ca. 92029-1825**  
[barnij@cox.net](mailto:barnij@cox.net)

## COMMENTS

## RESPONSES

**From:** Molenaar, Amy <Amy.Molenaar@ironmountain.com>  
**Sent:** Friday, January 27, 2017 12:24 PM  
**To:** dave.sibbet@sdcounty.ca.gov; Chan, Michelle; Wardlaw, Mark  
**Cc:** Fitzpatrick, Lisa; Cox, Greg; Jacob, Dianne; Ron-Roberts; Horn, Bill; douglas.dill@att.net; efgtc@gmail.com; Gaspar, Kristin  
**Subject:** Valiano Specific Plan: PDS2013-SP-13-0012 et al

To whom it may concern:

R-AO-1 I am a long-time resident of Harmony Grove and am highly concerned about the plans to develop Valiano. Harmony Grove is a community that has been established for more than 120 years and is one of the oldest in North County. It is a place where open space is appreciated and required for the diverse, high value ecosystem that exists in our community. We have a community plan that we created to maintain a certain way of life. We are a community.

R-AO-2 I agree 100% with the San Dieguito Planning Group's comment letter provided and sent on 1/12/2017.

R-AO-3 I would like to say that the current proposal and the recently recirculated EIR for Valiano, if approved, would divide our community and the open space we so value. The developer, in their most recent iteration of the EIR, has stated that there is no such existing community to divide and they are referring to my community – to Harmony Grove. A community that has stood here for more than 120 years. The developer has even struck out multiple references to Eden Valley as though it is a non-existent place as well. As a resident of Harmony Grove, a real community with real people and real places, I find this offensive and a tactic the developer is using to justify the build out of Valiano – an urban community that is slated to divide our rural community.

R-AO-4 Our neighborhood/community is one in which homes are on large parcels and open space is abundant and the land is of high value because of an extremely unique ecosystem of chaparral and coast live oak. Bringing in a development will overburden the land, the ecosystem and our way of life. There is already excessive traffic and excessive amounts of people trampling through the woodlands and parks.

R-AO-5 The developer has not shown that they are willing to work in good faith with our community and is, in fact, attempting to create a false reality: That there is no community here. There is a community here, one that has been active in preserving our lands and taking our fair share of growth – further growth will significantly alter our way of life and bring too much traffic to our narrow, rural, winding roads.

R-AO-6 Our community rejects this proposal and hopes that our elected officials will reject this proposal as well and protect our rights as taxpayers, property owners and citizens.

Sincerely,

Amy Molenaar  
 9115 Harmony Grove Road  
 Escondido, CA 92029

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R-AO-1 Introductory comment noted. Please see responses to specific comments, below.

R-AO-2 This is a repeat of comment R-M-1. See Response R-M-1.

R-AO-3 The comment refers to a statement in the EIR regarding the existence of a neighborhood or community within the Project site and references in the EIR to the Eden Valley community. Please see Response R-K-1 regarding the lack of community quote. Please see Responses R-O-3 and R-F-63 regarding “erasure” of the Eden Valley community, and Response R-K-2 regarding developer outreach to the community. The amendment to the EFHGCP subarea northern boundary is not proposed to avoid having to follow rules; please see Response R-D-3 and Topical Response: General Plan Amendment and Subarea Boundary Line Adjustment CEQA Analysis.

R-AO-4 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.

R-AO-5 The comment expresses the opinions of the commenter regarding the developer and increased traffic. Please see Response R-K-1 regarding the lack of community quote and Response R-K-2 regarding developer outreach to the community. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.

R-AO-6 Your opposition to the Project is noted.

## COMMENTS

## RESPONSES

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## COMMENTS

## RESPONSES

**From:** Richard Murphy <rpm10@att.net>  
**Sent:** Thursday, January 26, 2017 10:28 PM  
**To:** Sibbet, David; Chan, Michelle; Wardlaw, Mark  
**Cc:** Fitzpatrick, Lisa; Cox, Greg; Jacob, Dianne; Gaspar, Kristin; Ron-Roberts; Horn, Bill; douglas.dill@att.net; JP Theberge  
**Subject:** Valiano Specific Plan amended DEIR public comment

Dear Mr. Sibbet and the Planning and Development Services Staff,

- R-AP-1 I am a long time resident of Elfin Forest and have reviewed the section of the amended DEIR for the Valiano project dealing with Green House Gases (GHGs). While the analysis methodology is completely different than the original report it still does not adequately address the increased GHGs the proposed project would generate and thus does not comply with California's GHG laws.
- R-AP-2 First, the methodology has not been subjected to review and public comment. Nor have the County Supervisors voted to approve it as required by the County's 2011 General Plan update.
- R-AP-3 Secondly, the analysis, as it is, completely ignores the increased GHGs the requested up-zone of 270 dwelling units over the 118 the property is currently zoned for would generate. It does not account for the increased in GHGs due to the additional grading needed to accommodate a 329% increase in units. It does not address the GHGs for the additional vehicles traffic each additional home would create. Nor does it address any other increased GHGs that would be generated by the proposed up-zone.
- R-AP-4 The analysis as presented compares the developer's proposed number of homes in an "unmitigated" state with the same number of homes in a "mitigated" state and concludes the "mitigated" homes would produce 17% less GHGs with the use of high energy heaters and the like and thus concludes the development is "less than significant". This is obviously a false comparison, as stated above it does not address any of the additional GHGs the up-zone creates. For this methodology to have any validity, the base line would need to be the 118 homes the property is currently zoned for. The units of the proposed up-zoned development would need to produce 16% less than the base line of 118 homes to be considered "less than significant".
- R-AP-5 Simply ignoring the increased GHGs the proposed up-zone would generate is not a valid way to conclude the project is "less than significant". It is clear that the Valiano project, as proposed, does not meet California's GHG laws and must be rejected. As the courts have made clear in the Newhall case, magical thinking is not sufficient in dealing with GHG mitigation.
- R-AP-6 Additionally, a 329% up-zoning in a fire prone area with roads inadequate to safely evacuate the proposed number of residence (existing and new) as acknowledged by the developers own DEIR would be extremely troubling in its own right. And as the dismal sales of the Harmony Grove Village development show, there is not a market in Harmony Grove/Eden Valley for this type of project anyway.
- R-AP-7 If this project were to be approved it would create a public safety hazard, and would not survive a challenge in court due to lack of compliance to the GHG laws and thus should and must be rejected.

Thank you for your time and consideration.

Sincerely,

Richard Murphy

1

R-AP-1 Introductory comment noted. Please see responses to specific comments, below.

R-AP-2 The comment claims the GHG methodology was not subjected to review and public comment or properly approved. The GHG methodology was subjected to review and public comment as part of the Recirculated Draft EIR, which included the revised GHG technical study explaining the methodology. There is no requirement in the County's 2011 General Plan update that the County Supervisors vote to approve a project-specific GHG threshold prior to its use in a Draft EIR or Final EIR. This comment will be provided to the decision-makers prior to a final decision on the project.

Please see Topical Response: Greenhouse Gases Analysis for more information regarding the appropriateness of the GHG analysis methodology.

R-AP-3 The comment claims the GHG analysis did not properly account for emissions associated with the number of proposed dwelling units. With regard to the number of dwelling units analyzed, Appendix J to the Recirculated Draft EIR states:

Emissions calculations started with the following conservative land use assumption: The 239 acre Proposed Project would include the construction of 334 single-family residential units; 54 multi-family units; park and recreational uses; biological and agricultural open space; and an on-site WTWRF.

Also, as detailed in Appendix J:

The Project would generate 3,786 average daily trips (ADT) (Linscott, Law & Greenspan Engineers [LLG] 2015). CalEEMod assumed an annual total of 9,744,642 miles would be traveled each year by Project residents, visitors to the public neighborhood park, and WTWRF workers. This total annual VMT was based on the average trip length calculated for this Project which was 7.05 miles per trip (LLG 2016; see Appendix H)

As such, operational emissions from every dwelling unit including mobile source emission from the increase in vehicles were fully accounted for. See also Supplemental Memo for the Valiano Project Environmental Impact Report Appendix J Greenhouse Gases Analyses Report.



COMMENTS

RESPONSES

- R-AP-4 The comment states inaccurate information. The RDEIR analysis does not conduct a comparison of the mitigated to the unmitigated emissions. The analysis quantified project generated emissions with the inclusion of project design features and regulatory requirements and compared the result to a carefully chosen efficiency metric significance threshold based on emissions per service population.
- The Project's GHG analysis is no longer using the service population efficiency metric. For a discussion of the new project-specific, net zero GHG threshold that is being used instead, please see Topical Response: Greenhouse Gases Analysis for more information regarding the appropriateness of the GHG analysis methodology.
- R-AP-5 The comment claims that the Proposed Project does not meet California's GHG laws. Please refer to response to comment R-AP-3 regarding land uses analyzed.
- R-AP-6 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.
- R-AP-7 Your opposition to the Project is noted.

## COMMENTS

## RESPONSES

**From:** Eric Neubauer <eric.neubauer@sduhsd.net>  
**Sent:** Monday, January 30, 2017 8:58 AM  
**To:** Sibbet, David; Chan, Michelle; Wardlaw, Mark  
**Cc:** Fitzpatrick, Lisa; Gaspar, Kristin; Cox, Greg; Jacob, Dianne; Elfin Forest Harmony Grove Town Council; douglas.dill@att.net; Horn, Bill; Ron-Roberts  
**Subject:** Comments from a Eden Valley/Harmony Grove resident

To whom it may concern;

I am reaching out to you to comment on the EIR for the Valiano Specific Plan. I agree 100% with the San Dieguito Planning Group's comment letter provided and sent on 1/12/17. Valiano's plan is going to have a detrimental effect on my family, property, and safety if/when we have our next wildfire. According to the document, it states in multiple places that:

- *"There is a lack of established neighborhoods, as well as public services. As such, there is no existing community on site to divide"*

The community of Harmony Grove has existed for over 120 years. The oldest church in San Diego was right here in Harmony Grove until the 2014 Coco's fire (where I watched the fire sweep through in an instant and burn it and many families' homes to the ground). I know all my neighbors for miles in each direction. We organized and developed a community plan some years ago which encodes the very nature of our community. "Keeping it Rural" isn't just a cute tag-line. Both in our practices and our geography, we are a very rural area that happens to be close to city boundaries. In addition to our ability to come together as a community, one of the issues that has kept this area rural is the lack of developments being able to provide safe thoroughfare in event of a natural disaster. Having been one of the last people out of the very area described during the 2014 Coco's fire, I can tell you reasonable access/evacuation routes do not exist nor will they without SUBSTANTIAL capital improvements. I have attached pictures from the fire and even from a recent creek rescue where fire crews saved a man and his 11yr old son.

This proposal marks the first attempt ever by a developer to rewrite a community's boundaries and effectively erase the very existence of a community in order to avoid having to work with and compromise with the community. Projects like this should be a two-way street. The very fact that the developer is suggesting we don't exist shows that they are not interested in working with us.

We cannot allow others to rewrite our diligently created boundaries simply to avoid having to follow the same rules that we all have to follow.

I oppose the project as currently presented and hope that as elected officials you will do the right thing and protect our rights as property owners, taxpayers and citizens of San Diego County.

Respectfully,

**Eric Neubauer**  
Automotive Technology  
Wood Technology  
Engineering

Torrey Pines High School  
[eric.neubauer@sduhsd.net](mailto:eric.neubauer@sduhsd.net)

R-AQ-1 This is a repeat of comment R-M-1. See Response R-M-1.

R-AQ-2 Please see Response R-K-1 regarding the lack of community quote, as well as R-O-2. Please note that fire/evacuation routes are not part of the Recirculated Draft EIR. Please refer to Response R-A-1; however, it is discussed in detail in Section 3.1.7 of the EIR.

R-AQ-3 Please see Responses R-O-3 and R-F-63 regarding "erasure" of the Eden Valley community, and Response R-K-2 regarding developer outreach to the community. The amendment to the EFHGCP subarea northern boundary is not proposed to avoid having to follow rules; please see Response R-D-3 and Topical Response: General Plan Amendment and Subarea Boundary Line Adjustment CEQA Analysis.

R-AQ-4 Your opposition to the Project is noted.

## COMMENTS

## RESPONSES

MiraCosta College

[eneubauer@miracosta.edu](mailto:eneubauer@miracosta.edu)

[www.ericneubauer.com](http://www.ericneubauer.com)

## COMMENTS

## RESPONSES

Neubauer Exhibit A



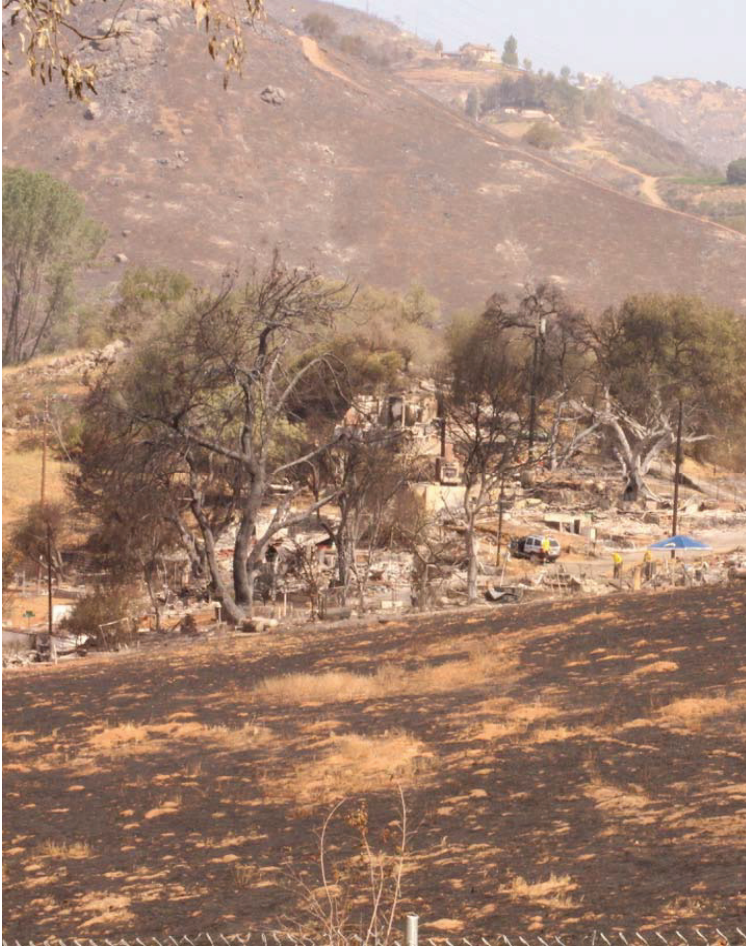
R-AQ-  
5a-d

Photos received and included. Please note that fire/evacuation routes are not part of the Recirculated Draft EIR. Please refer to Response R-A-1; however, it is discussed in detail in Section 3.1.7 of the EIR.

## COMMENTS

## RESPONSES

Neubauer Exhibit B



## COMMENTS

## RESPONSES

Neubauer Exhibit C





## COMMENTS

## RESPONSES

Neubauer Exhibit D



## COMMENTS

## RESPONSES

**From:** Matthew Nicolas <Mattico@outlook.com>  
**Sent:** Monday, January 30, 2017 3:18 PM  
**To:** Sibbet, David; Chan, Michelle; Wardlaw, Mark  
**Cc:** lisa.fitzpatric@sdcounty.ca.gov; Cox, Greg; Jacob, Dianne; Gaspar, Kristin; Roberts, Ron; Horn, Bill; douglas.dill@att.net; elhgtc@gmail.com  
**Subject:** VALIANO SPECIFIC PLAN: PDS2013-SP-13-0012, PDS2013-GPA-13-001, PDS2013-REZ-13-001, PDS2013-TM-5575, PDS2013-STP-13-003, PDS2014-MUP-14-019, LOG NO. PDS2013-ER-13-08-002

To whom it may concern:

I am a resident of Elfin Forest and I wanted to comment on the recirculated EIR for the Valiano Specific Plan. I agree 100% with the San Dieguito Planning Group's comment letter provided and sent on 1/12/17. In addition I wanted to weigh in on the most troubling portion of the REIR that will affect my family and my community. According to the document, it states in multiple places that:

- "There is a lack of established neighborhoods, as well as public services. As such, there is no existing community on site to divide"

Along with all the many issues I have with the application, this one is the most egregious to me personally. The community of Harmony Grove has existed for over 120 years. I've lived here for 3 years. I know all my neighbors around HG and Eden Valley. We organized and developed a community plan some years ago which encodes the very nature of our community. We have multiple events every year including the Fourth of July Picnic and Parade and our very own "Keepin' It Rural" 5k10k Trail Run. Both my wife and I are active CERT (Community Emergency Response Team) members and have worked with our former EFHG Fire District and now the newly former RSF in Elfin Forest, Harmony Grove and Eden Valley. If you haven't been to Harmony Grove or Eden Valley, you really must come down and look at it yourself to see that we are a vibrant, thriving community.

This proposal marks the first attempt ever by a developer to rewrite a community's boundaries and effectively erase the very existence of a community in order to avoid having to work with and compromise with the community. Projects like this should be a two-way street. The very fact that the developer is suggesting we don't exist shows that they are not interested in working with us.

We cannot allow others to rewrite our diligently created boundaries simply to avoid having to follow the same rules that we all have to follow.

I oppose the project as currently presented and hope that as elected officials you will do the right thing and protect our rights as property owners, taxpayers and citizens of San Diego County.

Respectfully,

Matthew Nicolas  
 20031 Elfin Forest Lane  
 Elfin Forest, CA 92009

R-AR-1 This is a repeat of comment R-M-1. See Response R-M-1.

R-AR-2 Please see Response R-K-1 regarding the lack of community quote, as well as R-O-2.

R-AR-3 Please see Responses R-O-3 and R-F-63 regarding "erasure" of the Eden Valley community, and Response R-K-2 regarding developer outreach to the community. The amendment to the EFHGCP subarea northern boundary is not proposed to avoid having to follow rules; please see Response R-D-3 and Topical Response: General Plan Amendment and Subarea Boundary Line Adjustment CEQA Analysis.

R-AR-4 Your opposition to the Project is noted.



## COMMENTS

## RESPONSES

**From:** Robert Nielsen <kbn Nielsen@cox.net>  
**Sent:** Monday, January 30, 2017 11:56 AM  
**To:** Sibbet, David; Chan, Michelle; Wardlaw, Mark; Fitzpatrick, Lisa  
**Cc:** Cox, Greg; Jacob, Dianne; Gaspar, Kristin; Roberts, Ron; Horn, Bill; douglas.dill@att.net; efhtgc@gmail.com  
**Subject:** RE: VALIANO SPECIFIC PLAN: PDS2013-SP-13-0012, .....

RE: VALIANO SPECIFIC PLAN: PDS2013-SP-13-0012, PDS2013-GPA-13-001, PDS2013-REZ-13-001, PDS2013-TM-5575, PDS2013-STP-13-003, PDS2014-MUP-14-019, LOG NO. PDS2013-ER-13-08-002 .

To whom it may concern:

My wife and I have been residents of Eden Valley for the last 18 years and I wanted to comment on the recirculated EIR for the Valiano Specific Plan. We ARE a community that will not be divided! I agree 100% with the San Dieguito Planning Group's comment letter provided and sent on 1/12/17. I oppose the project as currently presented, and hope that as elected officials you will do the right thing and protect our rights as property owners, taxpayers and citizens of San Diego County.

Sincerely,

Robert and Penny Nielsen  
1144 Country Club Drive  
Escondido, CA 92029

R-AS-1 This is a repeat of comment R-M-1. See Response R-M-1. Your opposition to the Project is noted.

## COMMENTS

## RESPONSES

**From:** Michael O'Connor <firemanmic@aol.com>  
**Sent:** Monday, January 30, 2017 11:26 AM  
**To:** Chan, Michelle  
**Cc:** Wardlaw, Mark  
**Subject:** Valiano Specific Plan

Good Morning

I would like to express my opposition to this development in the Hills of Harmony Grove and Eden Valley., for the life of me I can not understand why this type of Leapfrog development continues to be entertained by our County Planning Dept. Do you not have a copy of the General Plan to hand out to these Developers. These areas roads are not suited for this type of development, but yet developers seem to think it is ok to put folks in harms way in event of a wild fire like the Cocos Fire . Please reject this project and start urging developers to study the General Plan and guide them away from this leapfrog development . I was driving the 52 East the other day and for miles and miles there was build able area for thousands of homes, if we are truly in a housing crisis there is a fine spot to put many homes . Please forward this to The Planning Commissioners and Board Of Supervisors

Regards Michael O'Connor

R-AT-1 Introductory comment noted. Please see Response R-K-1 regarding general plan amendments and their use. Please note that fire/evacuation routes are not part of the Recirculated Draft EIR. Please refer to Response R-A-1; however, it is discussed in detail in Section 3.1.7 of the EIR.

R-AT-2 Comments noted. Please see Response R-K-1 regarding general plan amendments and their use. Please also note that detailed review of General Plan conformity was undertaken by this Project, as described in Subchapter 3.1.4, Land Use, of the EIR and summarized in Topical Response: General Plan Amendment and Subarea Boundary Line Adjustment CEQA Analysis. The Project is not considered leapfrog development; please see Response R-F-42 on this topic. Your comments have been forwarded to both the Planning Commission and Board of Supervisors through their incorporation into this Final EIR.

## COMMENTS

## RESPONSES

January 30, 2017

To: County Planning and Development Services (PDS) Staff:

- Dave Sibbets: [David.Sibbet@sdcounty.ca.gov](mailto:David.Sibbet@sdcounty.ca.gov)
- Michelle Chan (assigned planner): [michelle.chan@sdcounty.ca.gov](mailto:michelle.chan@sdcounty.ca.gov)
- Mark Wardlaw (Director of PDS): [Mark.Wardlaw@sdcounty.ca.gov](mailto:Mark.Wardlaw@sdcounty.ca.gov)

Reference: Valiano Specific Plan: PDS2013-SP-13-0012, PDS2013-GPA-13-001, PDS2013-REZ-13-001, PDS2013-TM-5575, PDS2013-STP-13-003, PDS2014-MUP-14-019, LOG NO. PDS2013-ER-13-08-002.

To Whom It May Concern,

Please accept this letter as a response to the proposal by the developer, Integral Communities, to divide the community of Harmony Grove to better fit their proposed plan for the Valiano development. As a 15-year homeowner in a house we built in Harmony Grove, I am against dividing up our community. I am offended that the developer claims we are not a community. My husband grew up out here. Our neighborhood still is made up of families he grew up with. We are more of a community than the developer designed subdivisions that Integral Communities builds because we help each other out and have the common desire to live in a rural community. Cookie cutter homes and strip malls are not what makes a community. People helping each other and sharing common experiences make a community. The neighbors of Harmony Grove help each other during times of flood, fire, and day to day living. We live out here because we enjoy the rural lifestyle and support the Elfin Forest/Harmony Grove Community Plan. The plan was developed, and I believe accepted by the County Board of Supervisors, as being consistent with the County General Plan. This plan allows for planned, managed growth in the county of San Diego which does not include high density development in Harmony Grove. Please keep Harmony Grove as historically designated and planned for in the General Plan. Do not divide us to allow for higher density housing.

Sincerely,

Debra J. O'Neill  
2966 Cordrey Drive,  
Escondido, CA 92029

cc: County Planning Commission:

- [Lisa.Fitzpatrick@sdcounty.ca.gov](mailto:Lisa.Fitzpatrick@sdcounty.ca.gov)

cc: Board of Supervisors:

- [greg.cox@sdcounty.ca.gov](mailto:greg.cox@sdcounty.ca.gov),
- [dianne.jacob@sdcounty.ca.gov](mailto:dianne.jacob@sdcounty.ca.gov),
- [kristin.gaspar@sdcounty.ca.gov](mailto:kristin.gaspar@sdcounty.ca.gov)
- [ron-roberts@sdcounty.ca.gov](mailto:ron-roberts@sdcounty.ca.gov)
- [bill.horn@sdcounty.ca.gov](mailto:bill.horn@sdcounty.ca.gov)

cc: San Dieguito Planning Group

- Doug Dill: [douglas.dill@att.net](mailto:douglas.dill@att.net)

cc: Town Council: [efhgtc@gmail.com](mailto:efhgtc@gmail.com)

R-AU-1 Please see Response R-K-1 regarding the lack of community quote. Please also note that the Proposed Project would neither divide Harmony Grove, nor would it implement high density development. The Project 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. Please see Response R-K-1 regarding general plan amendments.

## COMMENTS

## RESPONSES

Ms. Michelle Chan  
Planning & Development Services  
County of San Diego  
5510 Overland Avenue, Suite 310  
San Diego, CA 92123  
[Michelle.Chan@sdcounty.ca.gov](mailto:Michelle.Chan@sdcounty.ca.gov)

Re: Valiano Project—Recirculated Draft EIR; PDSS2013-SP- 13-001, PDS2013-GPA- 13-001, PDS2013-REZ- 13-001, PDS2013-TM- 5575, PDS2014-MUP- 14-019, PDS2013-STP- 13-001, PDS2013-ER- 13-08- 002

To whom it may concern:

I am a 14 year resident of Eden Valley and am writing to comment on the recirculated EIR for the Valiano Specific Plan.

I agree 100% with the San Dieguito Planning Group's comment letter provided and sent on 1/12/17. As my representative planning group I am proud of the work they put in to capture a good portion of what is so deplorable about Integral and their proposed Valiano project. I oppose the project as currently presented and hope that as elected officials you will do the right thing and protect our rights as property owners, taxpayers and citizens of San Diego County.

Our community, along with those of Harmony Grove and Elfin Forest have made multiple attempts to work in good faith with Integral. We have made several requests for Integral to sit down with us to discuss an alternative plan that would benefit all parties. This plan would allow Integra a zoning change to SR1 on the acreage that is not already designated as such. This effectively provides them the ability to build approximately 225 homes on lot sizes that would fit into our community. It would also have less visual, noise, traffic, and pollution impacts on our valley. Sadly, Integral has refused to consider such an alternate that has community support. Instead they rather forge ahead with a plan that simply does not fit or belong in our community. Also, Integral states they held several community meetings, which they have. However, every meeting has been met with some hostility from Integral representatives and a consistent message of, we will not reduce the number of homes no matter what. So essentially those meetings were simply held so that Integral could check off a box that they had community meetings.

The plan our community has put forth to Integral would also allow the new residents to keep horses on a property that is suited to keeping of farm animals and horses. Their currently proposed "horse keeling lots" are unrealistic due to their size and lack of space to accommodate hay storage and manure disposal. I have not seen any mention of either hay storage or manure disposal in any documents produced by Integral thus far.

I also would like to express my outrage at the attempt to omit Eden Valley from the EIR. Integral even went as far as to state that we are not a community within the document. According to the Merriam-Webster dictionary a community is "a unified body of individuals: such as the people with common interests living in a particular area; broadly: the area itself" and "a group of people with a common characteristic or interest living together within a larger society." As you are well aware based on the letters received, comments on the DEIR, and the number of people from Eden Valley who attended meetings regarding this development, our community more than meets this definition. Prior to moving to Eden Valley I lived in a condo in Carlsbad where I loved for four years. I knew one neighbor. Here in Eden Valley I know a large portion of those who live here. We help each other when we are in need and socialize together. Our community helps one another to mend neighbor's fences, we help each other with animal care, we work to keep our community clean, we sharing ideas, we gathering for summer BBQs, and so much more. We are a community! I ask that at each point where Eden Valley was redacted from the DEIR that it be added back in.

R-AV-1 Response

R-AV-2 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.

R-AV-3 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.

R-AV-4 Please see Responses R-F-63 regarding the focused modifications citing Eden Valley, and R-K-1 regarding the well-understood sense of community.

## COMMENTS

## RESPONSES

R-AV-5

Regarding the removal of Neighborhood 5 from Elfin Forrest Harmony Grove Town Council. This is an outrageous move by Integral to circumvent the restrictive policies that the community worked diligently with the county to create. Neighborhood 5 in the current plan is separated from the other neighborhoods in the plan as there are now connecting roadways within the development. They will not share entry points and for someone in neighborhoods 1 through 4 to access neighborhood 5, they will have to leave the proposed development in order to reach neighborhood 5. When Integral purchased the property, they were fully aware of the constraints of that area and they should be held to them.

R-AV-6

Lastly, when Measure B was defeated by a fairly wide margin despite the developer spending millions of dollars on an ad campaign, county residents sent a clear message about how they feel about developers pushing beyond the General Plan. They do not want it. The General Plan meets the housing needs for the foreseeable future. I have not seen any solid evidence in the EIR that displays a need for this project at its proposed size.

Regards,  
Bill and Kathryn Osborn  
2952 Milpas Drive  
Eden Valley, CA 92029

R-AV-5

As a point of clarification, please note that the boundary clarification would affect the EFHGCP Subarea within the larger San Dieguito CPA (please see Response R-D-3). The cited Town Council is a community group.

There is no intent to circumvent community policies. Please see Topical Response: General Plan Amendment, Subarea Boundary Line Adjustment and Community Character CEQA Analysis regarding EFHG Subarea policies, which were analyzed in the publically circulated Draft EIR. The constraints of the existing plans are described and analyzed as well in the Final EIR, including the responses to comments received on these issues. The property owner is not, however, constrained by law to strictly meet plan goals and policies; please see Response R-H-4 regarding modification of community plans. Please see Responses R-F-4 regarding issues of separation and connection between proposed Valiano neighborhoods.

R-AV-6

Comment noted. Please see Response R-AM-4.

## COMMENTS

## RESPONSES

**From:** Bill Porter <billporter8964@att.net>  
**Sent:** Monday, January 30, 2017 4:06 PM  
**To:** Sibbet, David; Chan, Michelle; Wardlaw, Mark  
**Cc:** Fitzpatrick, Lisa; Cox, Greg; Jacob, Dianne; Roberts, Ron; Horn, Bill; douglas.dill@att.net; effhgtc@gmail.com  
**Subject:** Valiano Specific Plan: PDS2013-SP,PDS2013-GPA-13-001, PDS2013-REZ-13-001, PDS2013-TM-5575, PDS2013-STP-13-003, PDS2014-MUP-14-019, LOG NO. PDS2013-ER-13-08-002

To whom it may concern:

My wife and I have been residents in Eden Valley for over 30 years having built our home to enjoy the rural lifestyle which included raising and riding our horses and back then, the extreme quiet days and dark nights. Yes, we have seen changes in the last 30 years, of a tall hospital built directly across from our home which has taken the darkened nights to another level now. We have seen the density change with the development of Harmony Grove Village and the addition of 742 new dwellings, which we opposed but accepted because the developers at least worked with the Elfin Forest-Harmony Grove TownCouncil/CountyPlanning recommendations. The County Supervisors, when they approved the above development, stated there would be no further development north of Mt. Whitney Rd.

We have opposed the Valiano Project from day one as expressed in previous letters to the Planning & Development Services and have stated previously we have no issues with any developer if they build to the existing General Plan. The Eden Valley site is subject to the General Plan Semi-Rural Regional Category, Semi-Rural 1 (SR-1) and Semi-Rural 2 (SR-2) Land Use Designation which was approved years ago by the Board of Supervisors.

Our main concern is SAFETY. Our ingress or egress from Milpas Drive onto Country Club Drive today has become more difficult due to the increase in traffic from the Harmony Grove Village development and that community is not even 50% filled! Country Club Drive is to remain a two lane road, which we disagree. Valiano's Project public review draft EIR indicate a ADT of 10,050, LOS of F. which means to us if Valiano's project is approved the build up of traffic on Country Club Drive would be unbearable for all concerned trying to ingress or egress onto Country Club Drive!

It appears to us the developers have no concerns about traffic issues nor the paramount concern of fires. The majority of Valiano's project area burned in the 2014 Cocos Fire and we have noticed one fire engine at the CDF site for Harmony Grove Village. The Porter's have experienced being asked to evacuate the area twice and did evacuate during the 2014 fire. Just trying to leave the area was a total disaster. It was no comparison to what happen in San Elijo area during the evacuation.

The Porter family is disgusted with Integral Communities (Valiano) in their last revised PDS trying to make it easier to change the rules of our long existing community boundaries.

The Porter's hope the County Planning & Development along with the County Supervisor's will take into consideration the San Dieguito Planning Group's overwhelming vote against Integral Communities (Valiano) newly recirculated EIR.

Regards,  
 William A. Porter  
 Merlyn Porter

R-AW-1 Introductory comment noted.

R-AW-2 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.

R-AW-3 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.

R-AW-4 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.

R-AW-5 The Project is not trying to make it easier to change the rules relative to community plan boundaries. Please see Topical Response: General Plan Amendment, Subarea Boundary Line Adjustment and Community Character CEQA Analysis regarding compliance with the EFHGCP Subarea goals and policies.

R-AW-6 Your opposition to the Project is noted.

## COMMENTS

## RESPONSES

**From:** nancyef2010@gmail.com on behalf of Nancy Reed <nancy@elfinforest.net>  
**Sent:** Monday, January 30, 2017 2:43 PM  
**To:** Sibbet, David; Chan, Michelle; Wardlaw, Mark  
**Cc:** Fitzpatrick, Lisa; Cox, Greg; Jacob, Dianne; Gaspar, Kristin; Ron-Roberts; Horn, Bill; douglas.dill@att.net; Elfin Forest Harmony Grove Town Council  
**Subject:** Recirculated EIR for the Valiano Specific Plan

Dear Sir/Ms,  
 Thank you for the accepting my comments on the recirculated EIR for the Valiano Specific Plain located in Harmony Grove and Eden Valley. I am a 17 year resident of this area and a second generation San Diego native. I have also served in planning commissions and local planning groups and various community groups. I will attempt to keep my comments short.

The issue I find most amazing (jaw dropping) is Integral Communities new assertion that the communities of Eden Valley and Harmony Grove do not exist. They go on to propose that since no communities exist, a change in boundaries would be harmless. This is patently untrue and is offensive at best. Harmony Grove is 120 years old, making it one of the oldest communities in the county. Eden Valley is also well established with a very tight community of families and small farms, ranches and bussiness. The proposed changes in the community boundaries are an attempt to remove the affected land from the San Diego Planning Group, the Elfin Forest/Harmony Grove Town Council purview. I am deeply opposed to such changes.

The General Plan was revised and approved after millions of dollars (our tax dollars) and thousands of hours of community input. Integral Communities is asking for a massive change in the General Plan and Community Plan which would be totally inconsistent with the existing neighborhood. This is very much like the Lilac Hills proposal that was soundly rejected in the November 2016 election. To approve such a change is ill advised as it puts the entire General Plan at risk. Why would you waste millions of tax dollars and damage the integrity of the plan?

Another issue is the lack of infrastructure that Integral is proposing to build. The roads proposed are inadequate and will not provide for safe passage on normal days and during extraordinary events such as wildfires. I am sure you recall the massive traffic jams that occurred as the Cocos fire raged. I am also sure you recall the horrific traffic that prevented the people of Ramona from escaping the wildfires of 2007. And why would you approve dense development in a high risk fire area in the first place?

Thank you for your time and attention to this message. I strongly urge you to deny certification of this EIR and require further revision.

Nancy Reed  
 19902 Elfin Forest Lane  
 Escondido, CA 92029

R-AX-1 Introductory comment noted. Please see responses to specific comments, below.

R-AX-2 There is no assertion in the EIR that the communities of Eden Valley and Harmony Grove do not exist. Please see Response R-K-1 regarding the well-understood sense of community. Please see Please see Topical Response: General Plan Amendment and Subarea Boundary Line Adjustment CEQA Analysis regarding the boundary change and Project compliance with the EFHGCP Subarea goals and policies. Please also note that regardless of boundary lines, the County planning group responsible for the Project area would remain the San Dieguito Planning Group.

R-AX-3 The change requested by the Project developer is not seen as a massive change. The requested change would replace two semi-rural land use designations with another (SR-1 and SR-2 with SR-0.5). All of these categories are semi-rural in nature. The proposal is very different from the Lilac Hills Ranch proposal, which would have sited a much larger and mixed use project east of I-15 in an area that does not abut existing cities; please see Response R-AM-4.

The requested amendment would not put the 2011 General Plan at risk. The 2011 General Plan is subject to amendment as part of routine planning process. Please see Responses R-K-1 regarding the general plan process in California and Topical Response: General Plan Amendment and Subarea Boundary Line Adjustment CEQA Analysis regarding general plan amendment.

R-AX-4 Your opposition to the Project as designed is noted.

## COMMENTS

## RESPONSES

**From:** Rusty <ribeye2k@yahoo.com>  
**Sent:** Monday, January 30, 2017 8:24 AM  
**To:** Sibbet, David; Chan, Michelle; Wardlaw, Mark; Fitzpatrick, Lisa; Jacob, Dianne; Gaspar, Kristin; Roberts, Ron; Horn, Bill; douglas.dill@att.net; efhgtc@gmail.com; Beth Ehsan  
**Subject:** RE: VALIANO SPECIFIC PLAN: PDS2013-SP-13-0012, PDS2013-GPA-13-001, PDS2013-REZ-13-001, PDS2013-TM-5575, PDS2013-STP-13-003, PDS2014-MUP-14-019, LOG NO. PDS2013-ER-13-08-002 .

To whom it may concern:,

I own a residential property in the established community of Eden Valley. I reside on a private road (Calico Ln) that would be surrounded on (3) sides by this project. I am in agreement with the San Diequito Planning commission. I oppose the recirculated EIR for the Valiano Specific Plan.

Thank you.

Edwin Riley  
1480 Calico Ln Escondido, CA

R-AY-1 This comment is substantially similar to R-M-1. See Response R-M-1. Your opposition to the Project is noted.



## COMMENTS

## RESPONSES

**From:** allsaid@cox.net  
**Sent:** Sunday, January 29, 2017 1:29 PM  
**To:** Sibbet, David; Chan, Michelle; Wardlaw, Mark; Fitzpatrick, Lisa; reg.cox@sdcounty.ca.gov; Jacob, Dianne; Gaspar, Kristin; Ron-Roberts; Horn, Bill; douglas.dill@att.net; efhgct@gmail.com  
**Subject:** VALIANO SPECIFIC PLAN: PDS2013-SP-13-0012, PDS2013-GPA-13-001, PDS2013-REZ-13-001, PDS2013-TM-5575, PDS2013-STP-13-003, PDS2014-MUP-14-019, LOG NO. PDS2013-ER-13-08-002

To whom it may concern,

We would like to comment on the re-circulated EIR for the Valiano Specific Plan.

R-AZ-1

Our family are thirty-year residents of Eden Valley. Our working horse facility is directly adjacent to the proposed Valiano-Harmony Grove property. We are not anti-development. We have worked with developers for the past twenty-plus years, attended many meetings, and were part of the process to craft the development of Harmony Grove Village in order for the valley to remain rural or be developed in such a way as to respect current zoning and the rural nature of this one-hundred-twenty-year-old community.

R-AZ-2

The Harmony Grove property is part of a community plan designed many years ago by the Elfin Forest-Harmony Grove Town Council and recognized by the County as a means of protecting the rural character of our shared community. By carving out this section and disregarding this community plan, the developer disrespects the character and way of life maintained by many residents like ourselves. We rely on the rural nature of this valley to protect our way of life and our horse facility. If any developer is allowed to carve out a community plan, it sets a dangerous precedent for the entire County, not just our own personal community.

R-AZ-3

Integral Communities could develop at present large acre ranch-style homes to the current zoning, respecting the current rural valley characteristics without opposition from valley residents. The current proposal and the recently re-circulated EIR for Valiano, if approved, would tear our community apart and specifically create isolated islands of communities in Harmony Grove and Eden Valley, disconnected from the rest of the community. The fact that the developer is suggesting changing our community boundaries in order to avoid having to work with us shows a complete lack of good faith and an unwillingness to make any compromises what-so-ever.

R-AZ-4

As concerned residents, we oppose this project as proposed and hope that as elected public officials, you will reject this proposal and protect our rights as taxpayers, property owners, and citizens of the County.

Respectfully,

Albert Said  
Wendy Said  
Christopher Said

1517 Country Club Dr.  
Escondido, CA 92029

R-AZ-1 Introductory comment noted. Please see responses to specific comments, below.

R-AZ-2 Comments noted. Please see Topical Response: General Plan Amendment and Subarea Boundary Line Adjustment CEQA Analysis and Response R-F-34 regarding precedent. Please also note that regardless of boundary lines, the County planning group responsible for the Project area would remain the San Dieguito Planning Group.

R-AZ-3 Please see Response R-AU-1 regarding potential disconnection of a community. The purpose of the proposed boundary change is not to avoid working with local residents; Project developers have held over 20 community outreach meetings to involve residents in the area surrounding their property in the development process. Please see Topical Response: General Plan Amendment and Subarea Boundary Line Adjustment CEQA Analysis and Response R-E-20 regarding reasons for the proposed Community Plan Amendment.

R-AZ-4 Your opposition to the Project is noted.

## COMMENTS

## RESPONSES

**From:** Juanita <jandjsav@prodigy.net>  
**Sent:** Sunday, January 29, 2017 10:33 PM  
**To:** Sibbet, David; Chan, Michelle; Wardlaw, Mark; Fitzpatrick, Lisa  
**Cc:** Horn, Bill; roberts@sdcounty.ca.gov; Gaspar, Kristin; Jacob, Dianne; Cox, Greg; efhgct@gmail.com; douglas.dill@att.net  
**Subject:** VALIANO SPECIFIC PLAN

1/29/17

RE: VALIANO SPECIFIC PLAN: PDS2013-SP-13-0012, PDS2013-GPA-13-001, PDS2013-REZ-13-001, PDS2013-TM-5575, PDS2013-STP-13-003, PDS2014-MUP-14-019, LOG NO. PDS2013-ER-13-08-002 .

To whom it may concern:

I am a longtime resident of Eden Valley and I wanted to comment on the recirculated EIR for the Valiano Specific Plan. I agree 100% with the San Dieguito Planning Group's comment letter provided and sent on 1/12/17.

This proposal marks the first attempt ever by a developer to rewrite a community's boundaries and effectively erase the very existence of a community in order to avoid having to work with and compromise with the community. Projects like this should be a two-way street. The very fact that the developer is suggesting we don't exist shows that they are not interested in working with us. EDEN VALLEY/HARMONY GROVE is an established community and we will not be divided. We cannot allow others to rewrite our diligently created boundaries simply to avoid having to follow the same rules that we all have to follow.

I oppose the project as currently presented and hope that as elected officials you will do the right thing and protect our rights as property owners, taxpayers and citizens of San Diego County.

Sincerely,

Juanita Savage

1027 Country Club Drive, Escondido, CA 92029

760-746-9115

R-BA-1 This is a repeat of comment R-M-1. See Response R-M-1.

R-BA-2 There is no intent to “erase” the community within which the Project is located. The suggested amendment to the Community Plan would simply incorporate the parcel within the community plan area that includes all the rest of Eden Valley (the San Dieguito CPA). The amendment to the EFHGCP subarea northern boundary is not proposed to avoid having to follow rules. Please see Topical Response: General Plan Amendment and Subarea Boundary Line Adjustment CEQA Analysis, Response R-F-63 regarding continued recognition of Eden Valley, and Response R-K-2 regarding developer outreach to the community.

R-BA-3 Your opposition to the Project is noted.

## COMMENTS

## RESPONSES

**From:** Pam Searles <pjsearles@gmail.com>  
**Sent:** Monday, January 30, 2017 3:40 PM  
**To:** David.Sibbett@sdcounty.ca.gov; Chan, Michelle; Wardlaw, Mark; Fitzpatrick, Lisa  
**Subject:** Valiano Specific Plan:PDS2013-SP-13-0012, PDS2013-GPA-13-001, PDS2013-REZ-13-001, PDS2013-TM-5575, PDS2013-STP-13-003, PDS2014-MUP-14-019, LOG NO. PDS2013-ER-13-0-8-002

To Whom It May Concern:

Are you seriously going to roll over, play dead, look the other way, and let developers have carte blanc, revise and eviscerate and rewrite the SD County General Plan, and rape, pillage, and develop our serene, peaceful, and lovely valley in Eden Valley with impunity?

Integral Communities wants to do this to my community where I have lived enjoying rural life for over 24 years. They want to add hundreds of homes without regard to OUR wants/desires, and they are only concerned with padding their coffers with copious amounts of money with not a care in the world as to what we want, need, and desire, the nature element and, not to mention adding thousands of people to an area that is rife with fire dangers, lack of fire services, ingress/egress/infrastructure for emergency evacuations.

My above concerns are just scratching the surface of a solid basis as to why the denial of Valiano and other proposed projects must be denied. This is affront to the General Plan. Why can't a card layed be a card played, and why must we continually have to defend our community from greedy, interloper developers?

Thank you for your time.  
 Sincerely,  
 Pam Searles  
 1557 Calico Lane  
 Escondido CA 92029

R-BB-1 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.

## COMMENTS

## RESPONSES

**From:** Marian Sedio <marian\_sedio@yahoo.com>  
**Sent:** Monday, January 30, 2017 2:11 PM  
**To:** Marian Sedio  
**Subject:** Harmony Grove VALIANO SPECIFIC PLAN

This is in reference to the proposed housing projects in Harmony Grove and Eden Valley. Please respect the General Plan! Thousands of taxpayers' dollars were spent to develop it and it already accommodates the building of thousands of new homes. This is yet another project that is not considering the wildfire issue and problems that would arise with residents trying to flee all at once on roads that may not be able to handle the large volume of cars, trucks, and horse trailers. The rural areas of San Diego need to stay rural for the sake of the environment and for the quality of life for its residents.  
Marian Sedio  
760 749-8504

- R-BC-1 Please see Responses R-K-1 regarding the general plan process in California.
- R-BC-2 Regarding fire danger, fire services and issues related to emergency evacuation. please note that fire/evacuation routes are not part of the Recirculated Draft EIR. Please refer to Response R-A-1.
- R-BC-3 Comment noted. The Project would replace two semi-rural land use designations with another (SR-1 and SR-2 with SR-0.5). All of these categories are semi-rural in nature, and the Project includes lots permitting large animal/horse keeping lots. Additional environmental issues were evaluated throughout the Draft EIR and Recirculated Draft EIR; e.g., biology, air quality, water quality, greenhouse gases, traffic and circulation, recreation, etc. relating to environment and quality of life. Areas where impacts were identified also contain proposed mitigation measures and evaluation of the efficacy of those measures.

## COMMENTS

## RESPONSES

**From:** [Niki Sestina](#)  
**To:** [Sibbet, David](#); [Chan, Michelle](#); [Wardlaw, Mark](#)  
**Cc:** [Fitzpatrick, Lisa](#); [Cox, Greg](#); [Jacob, Dianne](#); [Gaspar, Kristin](#); [Ron-Roberts, Horn, Bill](#); [douglas.dill@att.net](#); [Elfin Forest Harmony Grove Town Council](#); [Andy Laderman](#)  
**Subject:** VALIANO SPECIFIC PLAN: PDS2013-SP-13-0012, PDS2013-GPA-13-001, PDS2013-REZ-13-001, PDS2013-TM-5575, PDS2013-STP-13-003, PDS2014-MUP-14-019, LOG NO. PDS2013-ER-13-08-002  
**Date:** Sunday, January 29, 2017 10:00:37 PM

To Whom it May Concern:

I am a resident of Eden Valley and wanted to comment on the recirculated EIR for the Valiano Specific Plan. I agree 100% with the San Dieguito Planning Group's comment letter provided and sent on 1/12/17. In addition I wanted to weigh in on the most troubling portions of the REIR that will affect my family and my community. According to the document:

- There is a lack of established neighborhoods, as well as public services. As such, there is no existing community on site to divide
- The project area (Eden Valley and Harmony Grove) are surrounded by higher density urbanized areas

Along with all the many issues I have with the application, these statements are the most villainous to me personally. Eden Valley and Harmony Grove may not look like the cookie cutter, cul de sac community the developer is trying to impose on our neighborhood, but we are an existing community of residents who choose to live here because we value the natural topography and open space. The REIR also states that the project area (Eden Valley and Harmony Grove) are surrounded by higher density urbanized areas. This is absolutely untrue! Anyone who has visited the area would know this. To the West, there is Coronado Hills, an estate community in San Marcos with lots at least 2-4 acres abutting right up to the Valiano property on the West. There are no high density parcels there. To the northwest, is an agricultural parcel (avocado groves). To the South, Harmony Grove Village parcels are all large lot parcels, which, not coincidentally, was part of the compromise with our community—a design that would decrease density as it left the village limit line. These are large equestrian lots on the north side of HGV. And of course, there are the existing Harmony Grove and Eden Valley residents, also large lots. So, this description is very misleading. There is no urban density visible or adjacent to the project. Again, this is the reason we live here. We choose to live in an area with large lots, dirt roads, no street lights and a rural feel.

The community of Harmony Grove has existed for over 120 years. I've lived in Eden Valley for nearly 4 years. I know many of my Harmony Grove and Eden Valley neighbors. Residents organized and developed a community plan some years ago which encodes the very nature of our community. We have multiple events every year including the Fourth of July Picnic and Parade and our very own "Keepin' It Rural" 5k10k Trail Run. If you haven't been to Harmony Grove or Eden Valley, you really must come down and look at it yourself to see our vibrant, thriving community.

This proposal marks the first attempt ever by a developer to rewrite a community's boundaries and effectively erase the very existence of a community in order to avoid having to work with and compromise with the community. Projects like this should be a two-way street. The very fact that the developer is suggesting we don't exist shows that they are not interested in working with us.

R-BD-1 Please see Response R-M-1.

R-BD-2 Please see Response R-K-1 regarding the lack of community quote, as well as R-O-2 regarding the portion of the quote addressing neighborhoods.

Relative to the higher density comment, please refer to Topical Response: General Plan Amendment and Subarea Boundary Line Adjustment CEQA Analysis, and Subchapter 2.1 of the EIR, which contains detailed description of the abutting lots, as well as reference to the denser lots to the east of Country Club Drive and urban uses in the City of San Marcos to the north. The setting description does not end with uses within a few hundred feet of the Project boundaries, but describes the entire setting – north, west, east and south. Specific to Harmony Grove Village, although a variety of lot sizes are included, the village does contain village densities that are far denser than the semi-rural residential density described for the Project as a whole. Surrounding use types and densities are also clearly depicted on Figure 2.1-2, which is on an aerial photograph base for ease of viewer orientation. These uses are visible from the Eden Valley floor, as well as from the City of San Marcos lots described in the comment. The reference to statements that the Project is “surrounded by higher density urbanized areas” is not fully understood. Review of Subchapters 2.1, Aesthetics, and 3.1.4, Land Use, did not identify any references to urban uses other than those in the City of Escondido as seen from the Elfin Forest Recreational Reserve, or the Palomar Hospital development. As a point of clarification, please note that the agricultural parcel alluded to in the comment is actually on the Project (proposed for retention as open space), and the abutting uses to the north are in the City of San Marcos and adjacent to mobile home communities.

There is no intent to “erase” the community within which the Project is located. The suggested amendment to the Community Plan would simply incorporate the parcel within the community plan subarea that includes all the rest of Eden Valley (the San Dieguito CPA). Please see Response R-F-63 regarding continued recognition of Eden Valley, and Response R-K-2 regarding developer outreach to the community.

COMMENTS

RESPONSES

R-BD-3

The developer has not shown that they are willing to work in good faith with our community and has, effectively, attempted to erase our very existence in the most recently recirculated EIR. My family and I oppose this project as proposed and hope that as elected public officials, you will reject this proposal and protect our rights as taxpayers, property owners and citizens of the County.

Respectfully,  
Nicole Sestina

R-BD-3 Your opposition to the Project is noted.

COMMENTS

RESPONSES

R-BE-1

Dear County planners. Thanks for everything you do.  
  
my name is Francisco Theberge and I live in the Elfin Forest/Harmony Grove community

R-BE-2

I think that Elfin Forest/Harmony Grove is a community because we have friends that live here  
  
people actually exist. Also we all have the same values and we help each other and have each other's backs especially in fires and storms. we love having animals and we help each other take care of our animals if we need help.  
  
we love hiking with our friends in the community and don't want you to say that we don't exist.  
  
We do!  
  
sincerely, Francisco F. Theberge age 9  
Elfin Forest/Harmony Grove  
  
ps we exist.

R-BE-1   Introductory comment noted.

R-BE-2   The sense of community felt by the residents in the area is fully understood. There is no assertion in the EIR that the communities of Elfin Forest and Harmony Grove do not exist. Please see Responses R-F-63, R-K-1 and R-AT-1 regarding the specific analysis regarding the community of Eden Valley.

COMMENTS

RESPONSES

R-BF-1

DEAR COUNTY PLANNERS AND BOARD OF  
SUPERVISORS I AM SAD THAT THE  
DEVELOPERS OF VALIANO SAID THAT  
WE ARE NOT A COMMUNITY. WE  
DIFFERENTLY ARE. WE ARE ALL FRIENDS AND  
CARE ABOUT THE VALLEY. I'VE LIVED  
IN THE ELFIN FOREST + HARMONY GROVE  
COMMUNITY ALL MY LIFE. IT  
IS ALL I KNOW PLEASE DON'T  
TEAR IT APART  
Sincerely,

GISELLA THEBERGE

age 7



R-BF-1 Comment noted. The sense of community felt by the residents in the area is fully understood. There is no assertion in the EIR that the communities of Elfin Forest and Harmony Grove do not exist. Please see Responses R-F-63, R-K-1 and R-AT-1 regarding the specific analysis regarding the community of Eden Valley.



## COMMENTS

## RESPONSES

Dear Developers,

I live in Elfin  
Forest, so I know how many  
animals lose their homes every  
time you develop an area.  
Elfin Forest ~~and Harmony Grove~~ <sup>are</sup> a peaceful, and  
rural community, but if you develop  
in it enough it won't be. Please  
find an area to develop where  
you aren't hurting animals.

Thank you!

From, Fabiola

P.S. we are a community!

R-BG-1 Comment noted. There is no assertion in the EIR that the communities of Elfin Forest and Harmony Grove do not exist. Please see Responses R-F-63, R-K-1 and R-AT-1 regarding the specific analysis regarding the community of Eden Valley. Also, please refer to response to comment R-A-1 regarding relevance to the changes in the recirculated Draft EIR.

## COMMENTS

## RESPONSES

**From:** JP Theberge [jp@culturaledge.net]  
**Sent:** Monday, January 30, 2017 3:48 PM  
**To:** Sibbet, David; Chan, Michelle; Wardlaw, Mark  
**Cc:** Fitzpatrick, Lisa; Cox, Greg; Jacob, Dianne; Gaspar, Kristin; Ron-Roberts; Horn, Bill; Douglas Dill; Elfin Forest Harmony Grove Town Council  
**Subject:** RE: VALIANO SPECIFIC PLAN: PDS2013-SP-13-0012, PDS2013-GPA-13-001, PDS2013-REZ-13-001, PDS2013-TM-5575, PDS2013-STP-13-003, PDS2014-MUP-14-019, LOG NO. PDS2013-ER-13-08-002

Hello Mr. Sibbet, Ms. Chan and Mr. Wardlaw:

First I want to thank you guys for diligently working on behalf of the County of San Diego to ensure that land use, development and planning adhere to the applicable laws of the County and State. Working with your team over the last few years as vice chair of the Elfin Forest/Harmony Grove Town Council, I've gotten to know you and your staff and know that they are faced with a monumental task of ensuring projects that are proposed adhere to the rules, laws and guidelines of the SD County General plan so that the appropriate decision makers can make a reasoned and well-informed decision. While you don't always see our community's point of view, I know that you do your best to be objective planning professionals.

And to the honorable Board of Supervisors: Mr. Cox, Ms. Jacobs, Ms. Gaspar (congratulations), Mr. Roberts and Mr. Horn: I thank you for tirelessly working to make our County a better and more productive place. As a property owner, business owner, taxpayer and citizen in the County, I appreciate everything you do to make this County a better place to live. Thanks and look forward to getting to you know you all better.

Thoughts on the Valiano project and its recently recirculated EIR:

### Property Rights:

As a landowner and business owner, I understand and value the rights we have to do with our property as we see fit. It goes to the core of what it means to be American and to be a capitalist (which I most certainly am). I also understand that there is a certain degree of regulation and code that limits some of what I can do with my property. I purchased my property knowing full well that there were limitations placed on it. For instance, I knew that a 10 story building is out of the question due to the underlying zoning. So I begrudgingly signed my title to the property knowing that my dream was not to be. There are many 500+ property owners in the Harmony Grove, Elfin Forest and Eden Valley Area. All have accepted these limitations.

Going further, to protect our property rights, we have used those same regulations (land use policies) and worked hard over the course of many years to limit the use of the land in our area because, as time went on, residents (going back as far as 1890) realized that this was an important and special place and so we worked with the County to develop a community plan which would limit the uses of land in our area. A large percentage of our community participated in developing these Community Plans (Harmony Grove and Elfin Forest CP). We were all in agreement that we would forsake the potential profit of subdividing our properties into multiple parcels in order to preserve the special, unique community we have here. Those community plans are now part of the General Plan of San Diego and hold the weight of law. This was intended to protect our rights to protect the community we live in from being changed which would affect our property rights.

A developer, presumably, makes the same judgement call when they purchase land in our area. They know there are strict limitations imposed upon the use of the land, yet they buy it anyways. Like us, they have accepted the limitations. The difference is, that they are banking on their ability to convince the Board of Supervisors to set aside the wishes of the community, change the rules in a drastic way, so that they can get a better return on investment. So our having sacrificed our potential profitability of subdividing our properties will have been in vain.

R-BH-1 Comment noted.

R-BH-2 Comment noted.

R-BH-3 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the recirculated Draft EIR.

## COMMENTS

## RESPONSES

R-BH-3 cont.	<p>I wish in my industry (corporate market research) I could increase my revenue in this way: buy low, convince the regulators to change the rules, then sell high. Free money. As much as I respect and honor the esteemed Board, who I trust will do what is in the best interests of the residents and citizens of our County, the fates (and property rights) of thousands of people hang on the decision of 3 out of 5 supervisors. I sincerely hope that they think about the property rights of their own citizens versus the potential profit potential of an Orange County based company. If they adhere to the rules in place, they can still profit as it allows for 118 houses to be built. This Orange County developer is simply asking three of the five supervisors to give them a hand in the tripling of their revenue. I wish I could do the same in my business, but alas, I have to do it the old-fashioned way, by finding a market and</p>	
R-BH-4	<p><b>We are not automatically anti-development:</b></p> <p>Our community has respected, collaborated with and compromised with developers in the recent past as part of our compromise and willingness to accept our fair share of growth. We supported a development in our midst as our way of accepting our fair share of density in San Diego County as part of the General Plan. Harmony Grove Village, a 742 dwelling development is now rising in the midst of our rural community. We compromised with the County, the developers and our elected officials with the understanding that this would allow us to avoid further development and smartly manage the growth in the County while also preserving our community character. This compromise is encoded in our community plan and was recognized out loud by various supervisors in numerous public hearings and is manifested in the terms of approval of HGV (limiting the size of the sewage plant, for example and limiting other growth inducing designs).</p> <p>As a 120 year old community, one of the oldest in North County, we have gone through much adversity, from devastating wildfires to threats of annexation to developer proposals and much more. We have weathered these challenges because we are fierce defenders of the way of life that living in Harmony Grove represents: a rural, equestrian, large lot, open space and free way of living. We are not Nimby's and we do not reject all projects out of hand. But we have taken our lumps, given at the office and done our fair share to accept growth in the unincorporated County. It is now time for you to uphold your end of the bargain and stand for our right to protect our property rights, maintain our community character and preserve our way of life by respecting the General Plan and our own Community Plan.</p>	R-BH-4 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the recirculated Draft EIR.
R-BH-5	<p><b>Dividing and destroying two communities:</b></p> <p>The current proposal and the recently recirculated EIR for Valiano, if approved, would specifically create isolated islands of community in Harmony Grove and Eden Valley disconnected from the rest of the community. The developer, in their most recent iteration of their EIR, has twice suggested that "there is no such existing community to divide" referring to Harmony Grove. They even struck out multiple references to Eden Valley as if to suggest that residents of Eden Valley do not matter either. As a resident of the Elfin Forest/Harmony Grove community, a real, existing community, I find this suggestion patently offensive, but more importantly an egregious attack on each and every one of us who have worked diligently to follow the rules, organize ourselves as a community and, yes, even compromise with developers. We have given our inch and now developers are lining up to "take a mile." The fact that the developer is suggesting changing our community boundaries in order to avoid having to work with us shows a complete lack of good faith and an unwillingness to make any compromises whatsoever.</p>	R-BH-5 Please see Response R-K-1 regarding the lack of community quote, Response R-F-63 regarding continued recognition of Eden Valley, and Response R-K-2 regarding developer outreach to the community. There is no intent to avoid working with the community; the Project has incorporated enhanced landscape screening to shield Project elements from nearby neighbors, has incorporated large animal/horse lots, and would provide enhanced non-vehicular travel opportunities within Eden Valley. Please see Response R-F-42 regarding leapfrog development.
R-BH-6	<p>There is no "intensive urban development" in or around our area:</p> <p>In the REIR you also state that the project area (Eden Valley and Harmony Grove) are surrounded by higher density urbanized areas. This is patently untrue and anyone who knows the area would know this. To the West, there is Coronado Hills is an estate community in San Marcos. Lots are at least 2-4 acres abutting right up to the Valiano property on the West. There are no high density parcels there. Also, to the northwest, is an agricultural parcel (avocado groves). To the South, Harmony Grove Village parcels are all large lot parcels, which, not coincidentally, was part of the compromise with our community—a design that would decrease density as it left the village limit line. These are large equestrian lots on the north side of HGV. And of course, there are the existing Harmony Grove and Eden Valley residents (also large lots) who would be squeezed into islands who abut the Valiano proposed project on the remaining sides. So, this description is very misleading. There is no urban density visible or adjacent to the project. This is part of the reason we live here.</p>	R-BH-6 Please see Response R-BD-2 regarding the density of surrounding uses.

## COMMENTS

## RESPONSES

### Traffic:

R-BH-7 Your document uses "as the crow flies" distances to determine average trip length (7.05 miles). We all know that the actual driving distance is much longer. It is at least 2 to 3 miles to the freeway and it is doubtful that all of the residents' work, shopping, school and social needs will be located one exit away on the 78. 7 miles in the other direction puts you in Elfin Forest.

### In conclusion:

R-BH-8 The developer has shown that they are NOT willing to work in good faith with our community and has, effectively, attempted to erase our very existence in the most recently recirculated EIR. We oppose this project as proposed and hope that as elected public officials, you will reject this proposal and protect our rights as taxpayers, property owners and citizens of the County.

Respectfully,

JP Theberge



**JP Theberge** • President • Director of Insights  
[Cultural Edge Consulting, Inc.](#) • [San Diego, CA](#)  
[O:760.476.0050x101](#) • [M:619.884.2694](#)  
[Website](#) • [Facebook](#) • [Twitter](#) • [LinkedIn](#)

For frequently updated articles and tweets relevant to the multicultural and Hispanic space, [follow us on Twitter](#).

R-BH-7 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the recirculated Draft EIR.

R-BH-8 The sense of community felt by the residents in the area is fully understood. There is no assertion in the EIR that the communities of Eden Valley and Harmony Grove are not a community. Please see Response R-K-1 and R-F-63. Your opposition to the project is noted.

## COMMENTS

## RESPONSES

**From:** Alicia Strother <aliciaann1981@gmail.com>  
**Sent:** Monday, January 30, 2017 2:01 PM  
**To:** Sibbet, David; Chan, Michelle; Wardlaw, Mark; Fitzpatrick, Lisa  
**Cc:** Cox, Greg; Jacob, Dianne; Gaspar, Kristin; Roberts, Ron; Horn, Bill; douglas.dill@att.net; Elfin Forest Harmony Grove Town Council  
**Subject:** Valiano Project

RE: VALIANO SPECIFIC PLAN: PDS2013-SP-13-0012, PDS2013-GPA-13-001, PDS2013-REZ-13-001, PDS2013-TM-5575, PDS2013-STP-13-003, PDS2014-MUP-14-019, LOG NO. PDS2013-ER-13-08-002 .

To Whom it may concern:

I have owned property in Harmony Grove for about 10 years now (specifically Eden Valley). It is a rural community that is a gem left in the chaos of all the surrounding cities. I purchased this property to have a place to keep my horses as did all my neighbors. There is a strong sense of community/rural life that is being threatened. I agree with the San Dieguito Planning group letter sent 1/12/17. I oppose the project as currently presented. Please save our valley from over-development.

Sincerely,

Alicia Torres

2867 Eden Valley Lane

Escondido Ca, 92029

R-BI-1 The sense of community felt by the residents in the area is fully understood. There is no assertion in the EIR that the communities of Eden Valley and Harmony Grove are not a community. Please see Response R-K-1. With respect to the San Dieguito Planning Group letter, please refer to Response R-M-1. Your opposition to the Project is noted.

## COMMENTS

## RESPONSES

**From:** William Travis <watravis@aol.com>  
**Sent:** Sunday, January 29, 2017 1:09 PM  
**To:** Chan, Michelle; Sibbet, David; Wardlaw, Mark; Fitzpatrick, Lisa; Cox, Greg; Jacob, Dianne  
**Subject:** Valiano

I wish to comment on the Valiano —Recirculated Draft EIR; PDSS2013-SP-13-001, PDS2013-GPA-13-001, PDS2013-REZ-13-001, PDS2013-TM-5575, PDS2014-MUP-14-019, PDS2013-STP-13-001, PDS2013-ER-13-08-002.

If Valiano removes Neighborhood 5 from the Harmony Grove Community Plan, there could be much more density and traffic. The RDEIR did not adequately identify the extent of the public danger of adding more traffic into a fire-prone area, especially given the rural nature of the area (narrow roads and horse trailers) and the fact that surrounding suburban areas such as San Elijo Hills, San Marcos, or Escondido may use our roads to evacuate as well. All of Harmony Grove, including the 747-home Village development, must evacuate using only one road, Country Club Drive, and that is the same road used by all of the exits from Valiano.

This RDEIR has not proven that Harmony Grove can safely take any more density above that which is planned for in the Harmony Grove Community Plan.

Thank you,  
 Bill Travis  
 2640 Harmony Heights Road  
 Harmony Grove, CA 92029

R-BJ-1 The incorporation of Neighborhood 5 into the EFHGCP subarea or the larger encompassing San Dieguito CPA would not affect density or traffic. The Neighborhood 5 development plan has not changed as a result of the proposed Community Plan Amendment. Please see Topical Response: General Plan Amendment and Subarea Boundary Line Adjustment CEQA Analysis. Please note that fire/evacuation routes are not part of the Recirculated Draft EIR. Please refer to Response R-A-1. However, the potential for wild-fire of the Project area was fully reviewed by the fire agency with jurisdiction, and was found to comply with necessary safety requirements (see EIR Subchapter 2.9, *Hazards and Hazardous Materials*).

R-BJ-2 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.

## COMMENTS

## RESPONSES

Reference - VALIANO SPECIFIC PLAN: PDS2013-SP-13-0012, PDS2013-GPA-13-001, PDS2013-REZ-13-001, PDS2013-TM-5575, PDS2013-STP-13-003, PDS2014-MUP-14-019, LOG NO. PDS2013-ER-13-08-002

**Date:** January 25, 2017

**To:** Planning & Development Services  
5510 Overland Avenue - Suite 310  
San Diego, CA 92123  
Attention: Michelle Chan

**From:** Wayne and Janice Veres  
606 Coronado Hills Dr.  
San Marcos, CA 92078  
Parcel – 222-200-34-00  
wayne.veres@gmail.com

**Subject:** Reference - VALIANO SPECIFIC PLAN: PDS2013-SP-13-0012, PDS2013-GPA-13-001, PDS2013-REZ-13-001, PDS2013-TM-5575, PDS2013-STP-13-003, PDS2014-MUP-14-019, LOG NO. PDS2013-ER-13-08-002

R-BK-1 My wife and I received your letter titled "NOTICE OF AVAILABILITY OF THE RECIRCULATION OF THE DRAFT ENVIRONMENTAL IMPACT REPORT FOR VALIANO SPECIFIC PLAN" dated December 8, 2016. Thank you for the opportunity to add our comments.

R-BK-2 We have reviewed the Draft Revised EIR in its entirety located at the website [http://www.sandiegocounty.gov/content/sdc/pds/Current\\_Protocols/valiano.html](http://www.sandiegocounty.gov/content/sdc/pds/Current_Protocols/valiano.html). We have for review a printed hardcopy of the Vesting Tentative Map labeled "SDC PDS 05-15-14 SP13-001, GPA13-001, STP13-003, TM5575 REZ13-001, ER13-08-002" hereafter referred to as "Vesting Tentative Map". We attended the San Dieguito Planning Group Meeting on Thursday evening January 12, 2017. We consider ourselves very familiar with the Valiano plan.

R-BK-3 **We are opposed to the Valiano Specific Plan.**

We live in the neighboring San Marcos community of Coronado Hills. Our property located at 606 Coronado Hills Drive borders the proposed Valiano plan and therefore gives us a unique and important perspective on the impact of Valiano.

R-BK-4 We purchased our 2.57 acre lot in 1983 in an area of Coronado Hills which at that time was quite isolated. We built our home in 1986 and we have occupied it ever since as our primary residence. The view directly in front of our house is of Eden Valley and Harmony Grove. Our shared east border is with the valley and for more than 30 years the property east of our border was a thriving avocado grove. We had many choices which lot to purchase in 1983 but chose our location because of the tranquility and peacefulness of valley view. Building a home in Coronado Hills with its steep hillsides was difficult and expensive but we chose to do so because of the view below, the large 2 acre lot requirements and the special culture a rural area brings to the quality of life. We always knew that someday the avocado grove might change but we had a reasonable expectation that the zoning to keep the properties in front of us would always stay large 1 to 2 acre rural size and thus in harmony with the similar 2 acre minimum of our Coronado Hills community. The Valiano plan to place over 380 dwellings in an area zoned for approximately 118 homes is simply not acceptable and is incongruent with our estate community culture.

R-BK-1 Introductory comment noted. Please see responses to specific comments, below.

R-BK-2 Comment noted.

R-BK-3 Your opposition to the Project is noted.

R-BK-4 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.

## COMMENTS

## RESPONSES

Reference - VALIANO SPECIFIC PLAN: PDS2013-SP-13-0012, PDS2013-GPA-13-001, PDS2013-REZ-13-001, PDS2013-TM-5575, PDS2013-STP-13-003, PDS2014-MUP-14-019, LOG NO. PDS2013-ER-13-08-002

### Valiano – A community out of place

To understand how the Valiano plan is a plight on the community please consider the distant view from our perspective (see picture attached below). That is, how community densities flow to the west starting from dense Escondido to rural Eden Valley/Harmony Grove to the steep mountain estate area of Coronado Hills. Looking east from our view we see in the far distance the city of Escondido with its high urban density. From there, a bit closer to us we see on the hill the new hospital where the urban density drops dramatically. Coming even closer we view the peaceful rural communities of Eden Valley and Harmony Grove. Finally our view comes to our property line of Coronado Hills, a San Marcos estate community of 2 acre and greater lots sizes on a rugged hillside. Placing Valiano between Eden Valley/Harmony Grove and Coronado Hills is not compatible with long established low density community plans and forever ruins two communities of similar rural density. The “urban cluster” and “lot averaging” terminology being used by Valiano is not relevant and is not a substitute for the current rural community in which we chose to live. We do not accept the notion that home sites with green zones are equivalent to the current rural zoning of the area. The Valiano plan is simply not acceptable and should be considered an unreasonable disruptive alteration of long established rural community plans.

### EIR Comments

We believe the Valiano plan should ultimately be rejected. As this is a time for review of the EIR we have specific concerns the EIR does not adequately address.

- 1) Disruption of our view and sight-lines which will negatively impact our property value and our quality of life.
- 2) Blasting, excavation and construction which results in damage to our property.

Please find below additional detail for each area of our concern. We make specific requests in each area. Please know we do not authorize any charge, bill and/or invoice to fulfill these requests and we will not accept any charge, bill and/or invoice to fulfill these requests now or in the future from any party.

### Disruption of our view and sight-lines which will negatively impact our property value and our quality of life.

We have lived in our home since May 1987. We were the first home to build on this portion of Coronado Hills Drive and selected this location because of the unique tranquility and views offered by this property location. We felt assured and had a reasonable expectation that the property located in our sight line just below our house would remain rural as intended by county planners and the community plan of the area. That said, as we are one of the closet homes to this new development proposal, we see no section in the revised draft which addresses how our sightlines, our views, our quality of life and how our property value will be impacted. **We request the following:**

- Quality of life impact analysis – no section of your report including section 7.2.1 adequately addresses immediate adjacent residents’ (Coronado Hills residents) concerns regarding this topic.

R-BK-5 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.

R-BK-6 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.

R-BK-7 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.

R-BK-8 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.

R-BK-9 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.

R-BK-10 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.



## COMMENTS

## RESPONSES

Reference - VALIANO SPECIFIC PLAN: PDS2013-SP-13-0012, PDS2013-GPA-13-001, PDS2013-REZ-13-001, PDS2013-TM-5575, PDS2013-STP-13-003, PDS2014-MUP-14-019, LOG NO. PDS2013-ER-13-08-002

R-BK-10 cont.	Urban clustering with green zones is not an acceptable substitute for the current rural zoning. We believe the Valiano plan will have a negative impact on our quality of life.
R-BK-11	- Within the Valiano plan there appears to be a walking trail which will be on our property line border. The EIR does not mention what type of physical element will be added to the plan, such as a sufficiently tall fence, to keep unwanted people from coming unto our property.
R-BK-12	- Sheet 8 of the "Vesting Tentative Map" shows a dotted line indicated as "Fuel Management Zone 2". This line crosses over onto the Northeast corner of our property line. Please know we grant <u>no access and no easement</u> on to our property to maintain this management zone. Additionally, we will not assume obligation to maintain the requirements of this zone and we will not allow others on to our property to maintain the requirements of this zone. We request you immediately remove from your designs and plans any designations, drawings, requirements etc. which cross our property line. The cost to remove these plan elements and any redesign shall be borne solely by the Valiano developer.
R-BK-13	<b><u>Blasting, Excavation and construction which results in damage to our property.</u></b>  We know from the Draft Revised EIR and plans located <a href="http://www.sandiegocounty.gov/content/sdc/pds/Current_Productions/valiano.html">http://www.sandiegocounty.gov/content/sdc/pds/Current_Productions/valiano.html</a> and from the blasting plan located at <a href="http://www.sandiegocounty.gov/content/dam/sdc/pds/regulatory/docs/VALIANO/FDEIR/PDS2013-SP-13-001-DEIR-Chap1.0-Project-Description-pt6.pdf">http://www.sandiegocounty.gov/content/dam/sdc/pds/regulatory/docs/VALIANO/FDEIR/PDS2013-SP-13-001-DEIR-Chap1.0-Project-Description-pt6.pdf</a> that there will significant grading and blasting to prepare this development. We feel the descriptions of these grading and blasting actions described in any chapter, including Chapter 7, of the Draft Revised EIR are inadequate to address our concerns. Specifically, as we are one of the closest homes to this development and we are an adjacent property located less than 600 feet from blasting and excavation we request additional detail how our concerns will be addressed in the following areas:
R-BK-14	- No section including Chapter 7, section M-N-9 adequately address how structures nearby will be safeguarded by the effects of blasting. <b><u>We request the following be addressed immediately</u></b> –
R-BK-15	o Descriptions of how comprehensive surveys of our house and all property elements including driveways, flatwork and underground conditions be taken to create a baseline of existing conditions. An explanation of how these surveys will be performed by mutually agreed upon licensed inspectors must be added. We require assurance that the cost of the surveys will be borne solely by the Valiano developer. Additionally, the EIR must address the scope of analysis of the surveys, dates of the survey work correlated to blasting and grading and what expected final results will be included in survey reports. Descriptions of how final results of surveys will be formalized and accepted by all parties must be noted.
R-BK-16	o Section M-N-9 or any section for that matter does not adequately specify what constitutes damage to nearby property as a result of blasting and/or excavation. We request and require more detail of the standards which will be applied to determine nearby property damage. We reserve the right to modify the standards if not specific to our quality level.
R-BK-17	o No section of the EIR mentions surveys before and after each blast. We request language be added to the EIR of how surveys of our property will be taken before and after each blasting event to determine if there are damages to any portion of our property. Description of how the results of these surveys will be formally shared with us must be specified. It must be indicated that the cost of these before and after surveys will be borne solely by the Valiano developer.

R-BK-11	The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.
R-BK-12	The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.
R-BK-13	The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.
R-BK-14	The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.
R-BK-15	The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.
R-BK-16	The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.
R-BK-17	The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.

## COMMENTS

## RESPONSES

Reference - VALIANO SPECIFIC PLAN: PDS2013-SP-13-0012, PDS2013-GPA-13-001, PDS2013-REZ-13-001, PDS2013-TM-5575, PDS2013-STP-13-003, PDS2014-MUP-14-019, LOG NO. PDS2013-ER-13-08-002

R-BK-18 - No section of the EIR report adequately addresses financial responsibility to repair neighboring property damages due to blasting, excavation or construction. We have a reasonable expectation that the Valiano developer will be accountable and responsible for any damage to our property due to blasting, excavation and/or construction. We request additional detail be added to the report to clearly define accountability and financially responsible by Valiano should there be damage to our property as a result of blasting and/or excavation.

R-BK-19 - No section of the EIR adequately addresses possible unseen damage to our property and must be addressed , i.e. underground infrastructure such as leach lines, irrigation water supply lines, electrical. Any cost associated to repair broken underground infrastructure on our property must be borne solely by the Valiano developer.

R-BK-20 - Section 7.2.5 discusses biological monitoring. The EIR should specify and require biological and air monitors for our property for both inside our residence and outside our residence for the duration of the project. Language should be added to the EIR which specifies how monitoring of results will be collected and reported regularly - especially after each blast. The EIR should address what actions will be taken if biological levels and/or air quality standards fall outside of safe state standards. The EIR should also address what actions Valiano will take to suspend project activity until mitigation procedures are implemented to stop actions causing unsafe conditions. The EIR should describe how Valiano is solely responsible for the cost to install and monitor the results of the biological and air monitors and the cost of any mitigation solutions. Access to install monitoring equipment and permission to collect results from monitoring equipment located on our property must be agreed upon by Valiano and us before installation of equipment. We reserve the right to have all monitoring equipment removed from our property for any reason. The cost to remove monitoring equipment from our property shall be borne solely by Valiano development.

R-BK-21 Finally, should our property be negatively impacted by excess construction/blasting and/or excavation dust, we have a reasonable expectation that Valiano developers will be financially responsible for cleaning/repairing our impacted property.

### Conclusion

R-BK-22 We felt assured and had a reasonable expectation that the property located in our sight line just below our house would remain rural as intended by county planners and the community plans of the area. The Valiano plan to place over 380 dwellings in an area zone for approximately 118 homes is simply not acceptable and is incongruent with our estate community culture. We believe the Valiano plan will have a negative impact on our quality of life. We are opposed to the Valiano plan and we request the county authorities reject the proposal.

Sincerely,

Wayne and Janice Veres  
606 Coronado Hills Dr.  
San Marcos, CA 92078  
Parcel – 222-200-34-00  
wayne.veres@gmail.com

R-BK-18 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.

R-BK-19 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.

R-BK-20 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.

R-BK-21 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.

R-BK-22 Your opposition to the Project is noted.

## COMMENTS

## RESPONSES

Reference - VALIANO SPECIFIC PLAN: PDS2013-SP-13-0012, PDS2013-GPA-13-001, PDS2013-REZ-13-001, PDS2013-TM-5575, PDS2013-STP-13-003, PDS2014-MUP-14-019, LOG NO. PDS2013-ER-13-08-002

Cc: Dave Sibbets: [David.Sibbet@sdcounty.ca.gov](mailto:David.Sibbet@sdcounty.ca.gov)  
Michelle Chan: [michelle.chan@sdcounty.ca.gov](mailto:michelle.chan@sdcounty.ca.gov)  
Mark Wardlaw: [Mark.Wardlaw@sdcounty.ca.gov](mailto:Mark.Wardlaw@sdcounty.ca.gov)  
[Lisa.Fitzpatrick@sdcounty.ca.gov](mailto:Lisa.Fitzpatrick@sdcounty.ca.gov)  
[greg.cox@sdcounty.ca.gov](mailto:greg.cox@sdcounty.ca.gov)  
[dianne.jacob@sdcounty.ca.gov](mailto:dianne.jacob@sdcounty.ca.gov)  
[kristin.gaspar@sdcounty.ca.gov](mailto:kristin.gaspar@sdcounty.ca.gov)  
[ron-roberts@sdcounty.ca.gov](mailto:ron-roberts@sdcounty.ca.gov)  
[bill.horn@sdcounty.ca.gov](mailto:bill.horn@sdcounty.ca.gov)  
Doug Dill: [douglas.dill@att.net](mailto:douglas.dill@att.net)  
Town Council: [efhgtc@gmail.com](mailto:efhgtc@gmail.com)  
JP Theberge: [jp@culturaledge.net](mailto:jp@culturaledge.net)



Our view east from 606 Coronado Hills Dr. San Marcos

R-BK-23 Photo received and included as part of the record.

## COMMENTS

## RESPONSES

From: Billie Jo Jannen, Chairman, Campo Lake Morena Planning Group

To: Mark Wardlaw, Director, Planning and Development Services, County of San Diego

Subject: Developer-requested planning area boundary change (*Valiano project, PDS2013-SP-13-001, PDS2013-GPA-13-001, PDS2013-REZ-13-001, PDS 2013-TM-5575, PDS2014-MUP-14-019, PDS2013-STP-13-003, PDS2013-ER-13-08-002*)

February 3, 2017

Dear Mr. Wardlaw:

The Campo Lake Morena Planning Group has been informed that the above-mentioned project applicant in the San Dieguito Planning Area is proposing to change the approved boundaries of the planning area to accommodate a proposed general plan amendment, an action that has not been attempted, to our knowledge, in past development applications in San Diego County.

Circumventing the established policies of an approved community plan by actually changing the boundaries that define a cohesive and historical community would create a terrible precedent that would encourage applicants all over the unincorporated county to shop for project approvals in more lenient jurisdictions. It should not be considered by Planning and Development Services or the Board of Supervisors as a viable alternative to compliance with community plans and policies.

In addition, changing carefully chosen lower densities outside of a village core into high village densities is a grave disservice to the community that has remained faithful to general plan update policies and densities. If developers are interested in building high-density projects in rural communities, then they should shop for land inside designated villages in the first place, instead of demanding special privileges on designated low-density lands.

Please show that you take your own general plan seriously and firmly reject this attempt to circumvent community planners and the general plan goals and policies.

Sincerely,



Billie Jo Jannen  
(619) 415-6298

cc;  
District 2 Supervisor Dianne Jacob  
Chairman Douglas Dill, San Dieguito Community Planning Group  
San Diego County Planning Commission

R-BL-L-1 Introductory comment noted. Please see Topical Response: General Plan Amendment and Subarea Boundary Line Adjustment CEQA Analysis with respect to community plan boundary changes.

R-BL-L-1 Regarding proposed densities, please see Topical Response: General Plan Amendment and Subarea Boundary Line Adjustment CEQA Analysis.

R-BL-L-1 With respect to the General Plan policies, please see Topical Response: General Plan Amendment, Subarea Boundary Line Adjustment and Community Character CEQA Analysis.



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## INTER-DEPARTMENTAL MEMORANDUM

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**DATE:** JANUARY 31, 2017

**TO:** MICHELLE CHAN

**FROM:** DAVID WILLIAMS, CONSTRUCTION TECHNICIAN, WASTEWATER  
MANAGEMENT

**SUBJECT:** NOTICE OF AVAILABILITY OF THE RECIRCULATION OF THE DRAFT  
ENVIRONMENTAL IMPACT REPORT FOR VALIANO SPECIFIC PLAN

R-BM-L-1 [ San Diego County Sanitation District (SDCSD) staff reviewed the recirculation of the Draft Environmental Impact documents dated December 8, 2016 and has following comments:

R-BM-L-2 [ 1. On page 1-8 under Wastewater Treatment and Water Reclamation Facility it states the WTWRF will be owned and operated by the SDC San District (District). The District recommends adding..."or another service agency provider".

R-BM-L-3 [ 2. Clarify or revise statements under section 1.8 Growth-inducing Impacts element (see section 1.8.4) pertaining to "the Project includes provisions of a system of private sewer mains and a private on-site WTWRF".

R-BM-L-1 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.

R-BM-L-2 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.

R-BM-L-3 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.

## COMMENTS

## RESPONSES

**From:** Leslie Caskey <lrcaskey123@aol.com>  
**Sent:** Monday, January 30, 2017 5:25 PM  
**To:** Sibbet, David; Chan, Michelle; Wardlaw, Mark; Fitzpatrick, Lisa; Cox, Greg; Jacob, Dianne; Ron-Roberts; Horn, Bill; douglas.dill@att.net; Elfin Forest Harmony Grove Town Council  
**Subject:** VALIANO SPECIFIC PLAN: PDS2013-SP-13-0012, PDS2013-GPA-13-001, PDS2013-REZ-13-001, PDS2013-TM-5575, PDS2013-STP-13-003, PDS2014-MUP-14-019, LOG NO. PDS2013-ER-13-08-002

VALIANO SPECIFIC PLAN: PDS2013-SP-13-0012, PDS2013-GPA-13-001, PDS2013-REZ-13-001, PDS2013-TM-5575, PDS2013-STP-13-003, PDS2014-MUP-14-019, LOG NO. PDS2013-ER-13-08-002

To whom it may concern:

R-BN-L-1

I've been a Harmony Grove resident for more than 30 years. I moved here specifically to enjoy the rural atmosphere and keep my horses in a location close enough for me to commute to work within a reasonable time frame. I have watched with disappointment and dismay as developers have moved in and started eroding our wonderful community by building developments with higher density than originally agreed upon and with no regard for the general plan that took us years to develop. I fully support the San Diego Planning Groups comment letter sent on January 12 2017. I have reviewed all of the REIR documents that have been submitted and take great offense to the quote "There is a lack of established neighborhoods, as well as public services. As such, there is no existing community on site to divide." There are established neighborhoods, there are carpools, there are farmsharing co-ops, there are co-operative horse facilities just to name a few 'services' that WE have established to serve US, OUR COMMUNITY. We live here because we all want the rural lifestyle and with that comes livestock, gardens, orchards, openspace etc. This is why we worked tirelessly for YEARS to establish the existence of our COMMUNITY with the county in a LEGAL document. It is infuriating that a developer with NO real knowledge of this area and without bothering to consider the affects these homes will have on us plows through with something that is not wanted or needed in this area. Does SD county need homes? Yes, but not in rural areas that are established and flourishing. This just happens to be the quick easy buck in their eyes.

R-BN-L-2

R-BN-L-3

If anyone wants to assess if there is an established community in an area, they need to speak to the residents. Community is not something you see on paper, it is not defined by the proximity to stores or anything else. It is defined by the love and cooperation of the residents that occupy the area. The attempt of the developer to redraw the boundaries so they can evade following the general plan is an effort to avoid addressing our concerns and maximizing their profits. If they are allowed to do this, my lifestyle and that of my neighbors and friends will be negatively impacted

R-BN-L-4

I hope that we can rely on our elected representatives to stand up for us and not allow the efforts of a corporation who has only profits as a motivating force to destroy our community and lifestyle.

Thank you.

Sincerely,

Leslie J. Caskey  
 2703 El Rocko Rd  
 Escondido, CA 92029

R-BN-L-1 Introductory comments noted. With respect to the San Dieguito Planning Community letter, please refer to Response R-M-1.

R-BN-L-2 Please see Response R-K-1 regarding the sense of community experienced by those living in the area. The reference to the "neighborhood" in the cited quote, and directly preceding the sentence specifying the Project property, also refers to the on-site characteristics, and not the surrounding area (which served by water and electrical utilities, etc.).

R-BN-L-3 The sense of community felt by the residents in the area is fully understood. There is no assertion in the EIR that the communities of Eden Valley and Harmony Grove are not a community. Please see Response R-K-1.

R-BN-L-4 Your opposition to the Project is noted.

## COMMENTS

## RESPONSES

**From:** mickeykc@juno.com  
**Sent:** Tuesday, January 31, 2017 7:05 AM  
**To:** Sibbet, David; Chan, Michelle; Wardlaw, Mark; Fitzpatrick, Lisa  
**Cc:** Jacob, Dianne; kristen.gaspar@sdcounty.ca.gov; Cox, Greg; Ron-Roberts; Horn, Bill  
**Subject:** Valiano spec plan PDS SP-13-0012, GPA-13-001, REZ-13-001, TM-5575 etc log No PDS 2013-ER-13-08-022

To whom it may concern,

R-BO-L-1 I ask that you could please include my comments on the Valiano project with the rest since of the comments.

R-BO-L-2 I am opposed to the Valiano project because, as a former member of the San Dieguito Planning Group (late 80s and early 90s), I have seen too many projects come through that do not follow the community plans. Why have community plans if they are not to be followed? This project, along with Harmony Grove Village, and the other projects that are proposed for this area, completely change the character of the community. I am also particularly concerned with the traffic. The EIR does not deal with, and in fact, in my opinion, ignores the traffic that will absolutely come down Harmony Grove Road and Elfin Forest Road. When the roads around you are gridlocked, you will choose the road that is least congested. If the future residents from this community attempted to get to I-5, I can guarantee you that they would take Harmony Grove Rd and Elfin Forest Road. They would not drive down I-15 nor would they drive west on 78 to I-5. Harmony Grove Road and Elfin Forest Rd are narrow lights collectors with no room for passing...which is not permitted anyway with the double yellow lines. The road has many blind curves. My husband witnessed a head on car accident by someone trying to pass in this area. Bicycles ride this stretch of road all the time as well. There is no shoulder for them to ride on and there is no sidewalk. There is a steep hill on one side and a creek on the other. The EIR doesn't address this, and these roads will not be safe with the amount of traffic added on from this and future developments.

R-BO-L-4 I request that you deny this project, as proposed, for the safety of the surrounding communities and to enforce the community plan for our area.

Thank you.

Mary Cross  
 7150 Circa de Media  
 Elfin Forest, Ca 92029

760-744-2034

R-BO-L-1 Introductory comment noted. Please see responses to specific comments, below.

R-BO-L-2 Comment noted. Please see Topical Response: General Plan Amendment and Subarea Boundary Line Adjustment CEQA Analysis for discussion of goal compliance and plan updates. As discussed in the Draft EIR, the EFHG Subarea of the SDCP covers the planning areas of Elfin Forest and Harmony Grove, which total approximately 6,793 acres in size located within the larger SDCP. Please note that traffic was not an issue addressed in the Recirculated Draft EIR. Please see Response R-A-1.

Please see Responses R-D-3 and R-K-1 for the need to update applicable land use plans, and the County's authority to do so.

Modification of an additional 48 acres of the area north of Harmony Grove Village would not result in change to the community character of the entire community plan area. Please also see the discussion of community character in EIR Subchapter 2.1, Aesthetics for analysis of community character consistency, as well as the topical response noted above. Please also see Response R-E-20 for a discussion on consistency with community character.

R-BO-L-3 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.

R-BO-L-4 Your opposition to the Project is noted.



## COMMENTS

## RESPONSES

**From:** Sibbet, David [David.Sibbet@sdcounty.ca.gov]  
**Sent:** Tuesday, February 14, 2017 7:43 AM  
**To:** Chan, Michelle  
**Subject:** Fwd: Public Opposition Comment - Valiano Specific Plan E.I.R. - PDS 2013-SP-0012, PDS 2014 MUP, 14-019

Sent from my iPhone

Begin forwarded message:

From: Patricia Borchmann <patriciaborchmann@gmail.com<mailto:patriciaborchmann@gmail.com>>  
 Date: February 14, 2017 at 4:00:18 AM PST  
 To: <Mark.Wardlaw@sdcounty.ca.gov<mailto:Mark.Wardlaw@sdcounty.ca.gov>>, <david.sibbet@sdcounty.ca.gov<mailto:david.sibbet@sdcounty.ca.gov>>, <lisa.fitzpatrick@sdcounty.ca.gov<mailto:lisa.fitzpatrick@sdcounty.ca.gov>>  
 Cc: <douglas.dill@sandieguitoplanninggroup.gov<mailto:douglas.dill@sandieguitoplanninggroup.gov>>, "christinenava@hotmail.com<mailto:christinenava@hotmail.com>" <christinenava@hotmail.com<mailto:christinenava@hotmail.com>>, <bluevalleyskies@yahoo.com<mailto:bluevalleyskies@yahoo.com>>  
 Subject: Public Opposition Comment - Valiano Specific Plan E.I.R. - PDS 2013-SP-0012, PDS 2014 MUP, 14-019

As a long-time resident of Escondido, it is important that County of San Diego (Lead Agency) accepts public comments and credible concerns from residents and other stakeholders living outside boundaries of Elfin Forest, Eden Valley, Harmony Grove, who also oppose the proposed Valiano Specific Plan, based on comments, criticisms and evidence already identified by Elfin Forest Council, San Dieguito Community Planning Group, Harmony Grove Community Planning Group and others. Opponents to the proposed Valiano Specific Plan strongly value and support the rural community identity, local community values, development standards and restrictions identified in the adopted Community Plans which apply to these areas, and were defined to protect rights of citizens in these communities to assert their authority.

Besides a relatively small number of residents and property owners in these rural neighborhoods, there are many additional residents and neighbors living in Escondido, San Marcos, and other adjacent County neighborhoods who also strongly value uniqueness, historic significance, and natural vitality these rural pockets contribute to San Diego's north county 'quality of life', real estate value, privacy, and we specifically value how the existing low density profile creates a community identity as an invaluable contrast, and forms an asset that distinguishes itself from neighboring

'planned communities' that are much more dense, congested and urbanized. CEQA and existing land use regulations require County of San Diego carefully weigh and balance all public comments and land use concerns expressed by all SD stakeholders who still deserve to see those community values, restrictions and property rights under existing County General Plan designations applied and retained. Most existing homeowners in San Diego county already applied the preferred land use choice during 2016 general election, when Measure B (Lilac Hills Ranch) was resoundingly rejected by SD voters, so this majority constituency is not one to be ignored, or marginalized.

R-BP-L-1 Introductory comments noted. Please see specific responses below. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.



## COMMENTS

## RESPONSES

R-BP-L-2

I agree with many comments by others, who are critics who legitimately oppose Integral's proposed Specific Plan, which proposed exclusion of approximately 50 acres (Neighborhood 5) from EFHG Planning Subarea, both because of impact on local community, and precedent setting nature of a development-initiated change in community boundary definition. Many critics see this proposed exclusion from Elfin Forest HG as an obvious evasion method to bypass more stringent existing restrictions contained in Elfin Forest's HG plan, and instead apply less restrictive standards found in San Dieguito Planning Group's Community Plan. Many expect this proposed departure from current land use authority could become a developer's favorite tool to bypass existing General Plan limits on land use, density, and development patterns, and may become the 'new normal' for land use permit processing in San Diego, favoring streamlined regulations proposed by Building Industry Association (BIA). This premise statement by Building Industry Association (BIA) has already been disproved by legal challenge on San Diego's "Affordable Housing" provisions, and applicable Housing Element sections. Therefore, the draft EIR requires substantial revision to remove biased, and unproven justification statements. Instead, revised EIR should reflect BIA's ongoing failure to prove it's case that deregulating land use is a necessity to meet state mandates for affordable housing.

R-BP-L-3

I agree with comments by others, and critics who assert the draft EIR for Valiano Specific Plan will require substantial revision, recirculation, and future release for separate public review and comment. The current Valiano Specific Plan is an insult to the public, and proposes multiple unacceptable departures from existing General Plan standards that are not supported by evidence in public record, or supported in justification by more than 'mere assurances' by applicant.

Thank you for thoughtful consideration.

1141 Carrotwood Glen  
Escondido, CA 92026

760 580 7046<tel:(760)%20580-7046>

I

R-BP-L-2 Please refer to Topical Response: General Plan Amendment and Subarea Boundary Line Adjustment CEQA Analysis regarding removal of Neighborhood 5 from the EFHG Subarea Plan.

R-BP-L-3 The comment expresses the opinions of the commenter, but is not at variance with the environmental document.

## Valley Center Community Planning Group

PO Box 127 Valley Center CA 92082



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Chair

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[\(One Opening\)](#)

January 30, 2017

To: Michelle Chan  
Land Use Planner  
San Diego County Planning and Development Services  
5510 Overland Avenue #110 & 310  
San Diego, CA 92123

SUBJECT: Private GPA Proposal for Changing CSG/CPG Boundaries

Dear Michelle,

The Valley Center Community Planning Group would like to voice a serious concern that we feel impacts all San Diego County Planning and Sponsor Groups. Specifically, the issue is proposing to revise community planning area boundaries based on other than the well-established public processes for updating community plans.

This issue is currently occurring with a specific project using the General Plan Amendment process within the San Dieguito Community Planning Group area. The precedent being set threatens the viability of all Planning and Sponsor Groups to define and implement the community plan developed for the unincorporated areas they represent.

Change to a Planning or Sponsor Group's internal or external boundaries not originated by the affected Planning or Sponsor Group, or by the County itself as part of a general realignment, is an end around on the normal community plan development and amendment process. The Valley Center Community Planning Group strongly believes that revisions of approved Community Plans should require community process and public vote.

We are opposed to circumventing the public process and participation by use of a privately-initiated General Plan Amendment to change an existing, approved Community Plan. Community process and public vote must determine the boundaries of Community Plans.

Regards,

Oliver Smith  
Chair, Valley Center Community Planning Group

cc:

Mark Wardlaw, Director, PDS

[Mark.Wardlaw@sdcounty.ca.gov](mailto:Mark.Wardlaw@sdcounty.ca.gov)

Dave Sibbets, Planning Manager, PDS

[David.Sibbet@sdcounty.ca.gov](mailto:David.Sibbet@sdcounty.ca.gov)

Supervisor Dianne Jacob, Chair, San Diego County Board of Supervisors

Supervisor Kristin Gaspar, Vice Chair, San Diego County Board of Supervisors

Supervisor Greg Cox, San Diego County Board of Supervisors

Supervisor Ron Roberts, San Diego County Board of Supervisors

Supervisor Bill Horn, San Diego County Board of Supervisors

R-BQ-L-1 Comment noted. Consistent with the comment, Planning and Sponsor groups have been given an opportunity to evaluate and comment on the proposed change exactly the same as the General Plan amendment addressed under the 2015 circulated Draft EIR. Also, similarly, the San Dieguito Planning Group will continue to provide input on the Project as desired. All of this information is part of the record considered by County staff during their recommendations to the Planning Commission and Board of Supervisors, and considered by the Planning Commission and Board of Supervisors during their consideration of the Project. Please also see Topical Response: General Plan Amendment and Subarea Boundary Line Adjustment CEQA Analysis regarding the routine nature of boundary adjustments and Response R-H-5 relating to the lack of need for a public vote. Please see Response R-G-36 for a discussion on the ability of a private applicant to initiate and land use plan change.