

## VALIANO PROJECT

### TOPICAL RESPONSE: GENERAL PLAN AMENDMENT AND SUBAREA BOUNDARY ADJUSTMENT CEQA ANALYSIS

A number of comments were received questioning the Project's consistency with the County of San Diego's 2011 General Plan and the Elfin Forest Harmony Grove Community Plan (EFHGCP), a subarea plan within the San Dieguito Community Plan. This topical response was drafted to address the previously mentioned comments. To provide context, prior disclosure of potential amendments is provided.

The 2015 Draft EIR (DEIR) addressed the Project General Plan Amendment (GPA). One of the six discretionary actions was described as:

- A **General Plan Amendment** (PDS2013-GPA-13-001) to change the land use designation from SR-1 and SR-2 to SR-0.5 to allow for increased residential density.

According to the Recirculated DEIR,

- ...The Proposed Project is located within the San Dieguito [Community Planning Area] (CPA)... Specifically, Neighborhoods 1, 2, 3 and 4 are located within the San Dieguito CPA with no subarea defined and Neighborhood 5 is located with the Elfin Forest-Harmony 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 only within the San Dieguito Community Plan with no subarea. *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.* (emphasis added) 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; however, the current compliance with its underlying standards described below would remain. 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.

#### Evaluation under Existing Planning Documents

Under CEQA requirements, environmental documents must analyze any potential project inconsistencies with the goals and policies of the lead agency's general plan that could result in environmental impacts. A proper analysis of the EIR should compare a proposed project with the existing general plan (CEQA Guidelines § 15125[d]). When a project proposes an amendment to the general plan, the amendment must be compared to the existing physical conditions.

The County's General Plan is a planning document which seeks to implement the County's planning principles and goals across a broad and diverse area. Unincorporated County land encompasses more than 2.3 million acres of diverse environment. This broad area of study cannot encompass each parcel of development and must allow for adjustments to the General Plan to allow properties to conform to the

principles and goals of the General Plan as social, economic, and physical conditions within the County change over time. Realignment of boundaries is one action that can be performed, if justified, to support consistency within and between plans of various types (Govt. Code § 65350 [provision for the amendment of land use plans].) As mandated by State law, the County must address specific actions to the following activities:

- Prepare an annual report on the status of the General Plan and progress of its implementation, as well as its progress in meeting its regional housing needs allocation;
- Prepare an annual capital improvement program for scheduling and financing major public works projects consistent with the General Plan; and
- Prepare an updated zoning code to achieve consistency of the zoning development standards with the updated General Plan's land use designations and policies.

During evaluation of plan consistency, two policies apply.

First, it is noted that the ultimate finding on consistency/inconsistency is an overall assessment of a project. This allows the lead agency to weigh the totality of a project against goals and policies in their ultimate decisions.

The CEQA Guidelines do not contain standards for determining whether a project is inconsistent with an applicable plan. The courts have, however, addressed the issue in the context of a city or county's determination of a project's consistency with its own general plan. Because policies in a general plan reflect a range of competing interests, the governmental agency must be allowed to weigh and balance the plan's policies when applying them and the County has broad discretion to construe its policies in light of the plan's purpose. A project is consistent with the general plan if, considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment. State law does not require perfect conformity between a proposed project and the applicable general plan because it is nearly impossible for a project to be in perfect conformity with each and every policy set forth in the applicable plan.

Similarly, the EFHGCP is designed to provide policy guidance. Land use plans (general plans and community plans) are not static documents; they are subject to revision, and have expressly been described so in the documents. As stated on page 5 of the EFHGCP subarea of the San Dieguito Community Plan, "It shall be the responsibility of the County to implement the Plan, to monitor progress towards its implementation, and to amend the Plan when necessary."

Second, and specific to the EFHGCP, is that that Plan provides guidance for two communities. Often, similar policies or the same policies apply to both. In other instances, the two communities are subject to different guidance within the EFHGCP. As stated on page 3 of the EFHGCP, the plan:

*was developed by citizen groups of Elfin Forest and Harmony Grove, and then consolidated to give each group specific goals and policies while maintaining separate goals and policies as need for each community group.*

This is most apparent in the Land Use discussion, where Elfin Forest proposes Community Character goals (and associated policies) under Goals LU-1.1 through 1.4, and Harmony Grove proposes goals (and

associated policies) under Goals LU-1.5 through 1.12. The Harmony Grove portion of the EFHGCP also provides a clear path to modification of general policies. Regarding density, under Goal LU-1.5, Preservation of the rural small town feeling of Harmony Grove, Policy LU-1.5.1 (County 2011:29) states:

*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.* (Emphasis added)

Moving on from Section 1.1 Community Character to Section 1.4 Areas of Change: Development Infill and Intensification, two specific areas of guidance are again provided, one for Elfin Forest and the other for Harmony Grove. Neighborhood 5 is governed by the Harmony Grove portion of Section 1.4. As stated on page 33 of the EFHGCP, no specific community plan standards are provided; rather the reader is referred to the “General Plan goals and policies” for this issue. Two specific areas within the General Plan appear particularly relevant to Section 1.4; LU 5.4 and COS-14.6.

**LU-5.4 Planning Support** supports “planning efforts that promote infill and redevelopment of uses that accommodate walking and biking within communities.” The Project is compliant with this policy. The current Project would site development onto parcels (already used for agricultural and limited residential uses) adjacent to County semi-rural development and between City of Escondido and City of San Marcos residential uses. Sidewalks and multi-use pathways would be located throughout the Project, and connect to off-site existing or planned community trails. As stated in Section 1.2.1.1, *Land Uses*, of the EIR:

*A 10-foot-wide, 2.65-mile-long public multi-use trail for non-motorized use (including equestrian use, hiking, biking, and jogging) would run along the entire length of the community parkway, in addition to connecting with parks, key open space features and a planned off-site public trail in the Harmony Grove Village Specific Plan Area to the west of the Proposed Project’s Neighborhood 5. Smaller private pedestrian trails within the Project site would connect the public multi-use trail to the residential neighborhoods.*

**COS-14.6 Solar Access for Infill Development** requires “that property setbacks and building massing of new construction located within existing developed areas maintain an envelope that maximizes solar access to the extent feasible.” The Project is compliant with this policy. On-site solar generation is the preferred method of electrical energy generation for the Project. Compliance with other design goals of siting development into existing topography, reduction in grid layout, and retention of as much open space as is feasible results in an inability to site each individual structure for maximum solar access. Regardless, that is not the standard presented in the policy, which asks for maximizing solar access to the extent “feasible,” which is the maximum level following incorporation of other design criteria and regulation compliance. As discussed in the Final EIR in both Chapter 1.0 on Table 1-4, *Project Design Features*, and in Chapter 7.0, *List of Mitigation Measures and Project Design Features*:

*Renewable energy would supply 100 percent of residential electricity needs per planning area (Neighborhoods 1-5), first through rooftop solar to the extent feasible. Where not feasible it would be supplemented with equivalent renewables program(s) or measures such as SDG&E’s EcoChoice program.*

In addition, the broader 10 San Diego County General Plan Guiding Principles are provided here for reference.

**San Diego County General Plan Guiding Principles:** The Guiding Principles constitute a set of rules by which updated General Plan policies were developed. They guide the formulation of growth and development plans, environmental conservation, provision of infrastructure and services, and protection from environmental and man-induced hazards. The General Plan maps, goals and policies, and implementation programs are based on a set of 10 interrelated principles that provide guidance for accommodating future growth while retaining or enhancing the County's rural character, its economy, its environmental resources, and its unique communities. The 10 Guiding Principles are:

1. Support a reasonable share of projected regional population growth.
2. Promote health and sustainability by locating new growth near existing and planned infrastructure, services, and jobs in a compact pattern of development.
3. Reinforce the vitality, local economy, and individual character of existing communities when planning new housing, employment, and recreational opportunities.
4. Promote environmental stewardship that protects the range of natural resources and habitats that uniquely define the County's character and ecological importance.
5. Ensure that development accounts for physical constraints and the natural hazards of the land.
6. Provide and support a multi-modal transportation network that enhances connectivity and supports community development patterns and, when appropriate, plan for development which supports public transportation.
7. Maintain environmentally sustainable communities and reduce greenhouse gas emissions that contribute to climate change.
8. Preserve agriculture as an integral component of the region's economy, character, and open space network.
9. Minimize public costs of infrastructure and services and correlate their timing with new development.
10. Recognize community and stakeholder interests while striving for consensus.

#### **Consistency with the General Plan and EFHGCP**

The proposed GPA is in keeping with the intent of the principles and goals of the County's General Plan by adding regional fair share housing unit additions in close proximity to transportation and employment centers, thereby reducing a portion of the housing shortfall within the unincorporated County areas. The Project's location provides critically needed housing near to major public and private infrastructure and investments, comprehensive transportation options, and major employment centers.

The County's General Plan Guiding Principle 1 addresses each community's share of housing growth. As part of the Guiding Principle 1 text, the General Plan states:

*"As growth continues in the region, the County will accommodate a reasonable share in the unincorporated County in a manner that sustains the natural setting, characteristics, and qualities that distinguish the County, its communities, and rural places as special*

*places to live. The County will implement this guiding principal [sic] by planning and facilitating housing in and adjacent to existing and planned villages.”*

In order to add housing to the Eden Valley-Harmony Grove portion of the County and meet the intent of Guiding Principle 1, the Valiano Project is appropriately applying for a GPA.

The Valiano Project also would apply for a GPA to comply with Guiding Principle 2 of the County’s General Plan which promotes health and sustainability by seeking to locate new growth near existing and planned infrastructure, services, and jobs in a compact pattern of development. Valiano’s location near existing services and infrastructure reduces health hazards by reducing vehicle miles travelled, thereby reducing carbon emissions while also eliminating large travel times emergency vehicles would need to travel to serve the Project area. Locating new development near existing public and private facilities and infrastructure such as major travel corridors is also consistent with General Plan Guiding Principle 9 which seeks to minimize public costs of infrastructure and services through coordination with new development. The public benefits are realized by minimizing the amount of material, manpower and maintenance needed to serve the Project area while also reducing strain on public systems through efficient design and location of new development.

Valiano’s clustered design also reduces the intensity of development, thereby preserving more open space, consistent with Guiding Principle 4. This contrasts with development of the Valiano parcels under current zoning, which would be contrary to the Principles and Goals of the County’s General Plan and would significantly reduce the amount of open space preservation as current zoning would allow development over the entirety of each 2-acre parcel and does not significantly attempt to preserve open space acreage. This is because larger individual lots could be more completely developed with residential uses and non-native landscape, resulting in non-contiguous open space areas than would result from consolidation of development in clustered areas and retention of contiguous and larger blocks of open space required under consolidated subdivisions. Should Valiano be granted a GPA, the public gains valuable open space for leisure activities while also maintaining sensitive habitat areas for preservation.

A GPA would allow for Valiano to contribute to the planned Harmony Grove fire station and would be served by the San Marcos Fire Department. The Project would enhance access for emergency vehicles through infrastructure development. Additionally, the clustered design and sprinklered homes would be constructed to the latest fire codes. When complete, the Valiano development would provide a well-designed fire buffer and increased circulation access points to the neighboring developments. Please refer to the Topical Response: Fire/Evacuations.

The consolidated nature of the Project also allows for accommodation of additional physical constraints consistent with Guiding Principle 5 (e.g., minimization of steep slope encroachment as well as the preserve areas noted above), as well as preservation of agricultural area consistent with Guiding Principle 8; and ultimately also supports General Plan LU-6.3, which promotes clustered projects using specific plans.

Additionally, and specific to the EFHGCP, many comments received on the EIR state that the Project is inconsistent with that portion of the San Dieguito Community Plan, with a specific focus on density and the proposed wastewater treatment water reclamation facility (WTWRF). As described above, the purpose of the boundary adjustment is to delete inconsistency between planning areas falling within a single project.

As noted, density increase was addressed in the DEIR, and the Proposed Project was found consistent with both the over-arching San Dieguito Community Plan, and the EFHGCP.

The goals identified above provide several important guidelines. **Regarding density**, the Proposed Project area is designated as Semi-Rural 2, as depicted on DEIR Figure 3.1.4-2, Existing County General Plan Land Use Designations. First, and consistent with Goal LU-1.5, the basic lot size for Neighborhood 5 allowed under the subarea plan (LU-1.5 as cited above) for the Harmony Grove community area, even absent any “beneficial finding of resource preservation and community character consistency,” would allow for one-acre lots. Second, per the relevant underlined language from EFHGCP subarea plan above (including utilization of a Specific Plan), the lot size *in compliance with the EFHGCP* is allowed to be smaller than one acre.

Specific to the Harmony Grove community language within the EFHGCP, numerous goals were reviewed for individual consistency in order to support an ultimate decision regarding consistency/inconsistency. Land Use goals 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. 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 DEIR, and the Project was found to be consistent with these goals. Some principal elements leading to the assessed consistency are addressed below.

Neighborhood 5 specifically promotes the preservation of community character and achieves those goals both within the confines of Neighborhood 5, but also by association with a proposed Specific Plan as allowed in this policy. As noted in Section 1.2, Community Growth Policy, of the EFHGCP, Policy LU-2.2.2 requests that development: “Allow, within the village boundary, as part of a thoughtful comprehensive community plan, the keeping of livestock on a limited basis on residential lots greater than 1/3 acre, which have become necessary in heretofore rural areas to comply with increased population projections.” While acknowledging that Neighborhood 5 is outside the village, the retention of horse lots is considered important. The Project provides for the keeping of market rate animals on all lots, with horse keeping permitted on 36 of the 55 proposed lots, as promoted in Subarea Land Use Policy LU-1.5.3, which encourages lot sizes that will permit residents to keep leisure and market animals on the property.

Further, all homes contemplated in Neighborhood 5 are single-family homes on an average lot size of approximately 17,200 square feet. This larger lot design is intended to complement adjacent properties in order to make an orderly transition from existing to new homes. This general consistency would be additionally buffered by landscape screening and Project uses along Country Club Drive and Mt. Whitney

Road. These include landscape buffers, an improved 2.32-acre public park and a community garden to promote the agricultural heritage of the community. As stated on page 2.1-18 of the EIR:

*As the most visible neighborhood to the greatest number of viewers, the lots in Neighborhood 5 are similar to those abutting Mt. Whitney Road to the north as well as the majority of lots located in the hills to the east of Country Club Drive and north of Kauana Loa Drive. Large stands of mature eucalyptus and oak trees, and riparian areas would be retained, and equestrian uses would continue at the equestrian staging area. A public neighborhood park and equestrian facility also would be sited next to Country Club Drive. Roadside landscaping would additionally shield potential views to residential and WTWRF structures.*

The trail head being proposed also provides access to the community area trail system amenity and encourages the equestrian nature of the community character.

Neighborhood 5 specifically provides for the significant preservation of resources. While the Neighborhood 5 residential lots and park uses would be primarily located in disturbed areas of the property; although, much of the parcel is disturbed, there are areas of coast live oak woodland and wetland resources. The great majority of these resources are preserved and protected under the proposed site plan as open space and are purposely excluded from the lot areas. The proposed Neighborhood 5 retains and protects the (existing) disturbed grove. The herbaceous woodland and pond on site are both in open space and protected from development. As allowed under the EFHGCP the Project proposes to preserve these resources and cluster the home sites.

As for the Project overall, but specifically within Neighborhood 5, the community's presence from existing roadways would be softened by extensive landscape buffers, an improved 2.32-acre public park and a community garden that promotes the continued agricultural heritage of the SDCP and EFHG communities.

Neighborhood 5 also would establish an interconnected trail system that is accessible to the residents and provides for connectivity to a network of multi-use trails, including those trails in the adjacent Harmony Grove Village and the balance of the SDCP area. The design of the Valiano Specific Plan, and Neighborhood 5, achieves the important attributes listed in compliance with the goals and standards set forth in the EFHGCP most of which would not be possible with a standard large lot development pattern.

**Regarding the WTWRF,** ~~the issue of consistency is more nuanced.~~ The EFHGCP provides several guiding principles.

Issue CM-10.2 states that:

- “Septic systems are the sole and preferred sewage management for Elfin Forest, because they ensure that the Elfin Forest-Harmony Grove will remain a rural community.”

Goal CM-10.2 states that:

- “A sewage disposal system that retains the rural character of Elfin Forest – Harmony Grove.”

Policy CM-10.2.1 requires:

- “All proposed new development to use septic systems with one septic system per dwelling unit.”

Additional information regarding evaluation of potential septic options is provided in Topical Response 3 – Septic. Specific to the analysis of land use and planning conformity discussion regarding septic and recommendations in the EFHGCP, however, the above quoted statements are somewhat inconsistent themselves. 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.

Forth and last, as noted in LU-1.5, the increased density and or reduced lot size is allowable under a Specific Plan. Every Specific Plan is a change to a community plan. By definition, they separate geographic areas within community plans and allocate specific uses, designs, set-backs, etc. within that Specific Planning Area. Operating within a focused specific plan is more respectful of the overall community plan than proposing larger global changes to the language within the overall EFHGCP that would then apply the new standards to the entire community plan subarea as opposed to solely the 48 EFHGCP acres included within the Specific Plan. This proposal and use of a Specific Plan respects and leaves intact the integrity of the EFHGCP language for continued application to the remainder of the EFHG planning area.

As demonstrated above, the Project complies with the overarching guiding principles of the EFHGCP. The proposed boundary adjustment would not result in a divided community, nor is it being used to avoid compliance with the governing planning documents. No increase in traffic or any other impacts would result from the boundary line adjustment. All impacts related to the density, development, sensitive resources, and community character, etc., were studied and addressed in the original DEIR. In this case, the Project has applied the use of a detailed Specific Plan that has also undergone rigorous public review. A subarea plan boundary line adjustment is proposed in order to conform to the newly created Specific Plan boundary proposed by the Project Application. By adjusting the boundary to match that of the Specific Plan boundary, continuity and consistency of applied principles can be achieved.



## **VALIANO PROJECT**

### **TOPICAL RESPONSE: FIRE /EVACUATIONS**

The approximately 239 acres Valiano Project site is located in the northwestern portion of Eden Valley west of the City of Escondido near the Highway 78/Interstate 15 interchange. The property's topography is varied, ranging from essentially level terrain to steeper slopes on the western boundary of the valley. Historically, the property has been largely vacant with a mix of natural vegetation and agricultural uses that border existing residential neighborhoods to the east. The relationship of the site to open space and combustible materials has however, been evolving for many years. The areas to the north of the Project site have been developed into a large mobile home community and adjacent industrial park. The Project's southern border is presently changing from vacant, natural habitat and agricultural uses to a new master planned community, (Harmony Grove Villages) which will substantially buffer the Project site and adjacent community when completed.

Although located in a moderate Fuel Hazard Severity Zone, the area has experienced a dozen fire events since 1980. Most recently in 2014, the area was impacted by the Coco's fire that burned 1,995 acres. It is this experience and the vacant condition of the property with its combustible vegetation that prompt concern and have been an emphasis of considerable comment during the public review period. The Project Applicant has responded to these concerns by coordinating closely with the San Marcos Fire District and County fire professionals to ensure a Project that is planned and constructed to enhance fire safety. By replacing very combustible native vegetation with ignition-resistant building construction features, fire hydrants, access roads, fuel modification zones, and fire-resistant landscaping, the built environment of Valiano will improve protection of residents throughout the community and provide additional time to complete a safe and orderly evacuation of the area in the event of a fire emergency.

The Proposed Project is located near existing community infrastructure such as freeways, the Sprinter rail line, places of business, and large regional medical facilities where existing and planned roadways provide adequate multi-directional emergency access and evacuation routes in close proximity to existing and new emergency services (see FPP Figure 1, Evacuation Routes Map which is contained in Appendix L of the FEIR). A recent southerly improvement to traffic during an emergency evacuation is the opening of Harmony Grove Village Parkway. This road now connects from Country Club Drive in Harmony Grove Village to the southern portion of Citracado Parkway, ultimately connecting drivers to Valley Parkway and I-15. The road has been constructed to accommodate traffic from Country Club Drive to Harmony Grove Road via one travel lane in each direction with a center turn lane, essentially providing a second eastbound lane in case of emergency.

In addition, important roadway improvements to Country Club Drive approaching Auto Parkway will be constructed as part of the Proposed Project not only to benefit daily drivers and enhance pedestrian travel but to provide improved safety in event of an emergency. This segment will be widened to provide one travel lane in each direction with a center turn lane, which can serve as an additional lane to provide for improved evacuation and clear travel for emergency vehicles as needed. To provide additional safety to the existing community and future Valiano residents, the Project also provides paved, gated access on Hill Valley Drive to provide egress during an emergency and greater access for emergency vehicles. As discussed in Section 2.8.2.10 of the EIR, if the right of way or easement for Hill Valley Drive becomes

available for use or purchase; it would then be used as a day-to-day access and not only for emergency purposes.

Once constructed, the Project will provide additional time to complete a safe and orderly evacuation of the area by implementation of the fire protection measures defined by the detailed Fire Protection Plan. These measures would slow down the rate of fire movement or prevent fire movement compared to the existing Project area that contains 100 percent combustible vegetation. These measures include ignition-resistant building construction features (e.g., fire retardant roofs, sprinklered homes and block walls at certain perimeter locations), fire hydrants, access roads for fire safety personnel to combat any fire potential, fuel modification zones, and replacing very combustible native vegetation with ignition-resistant landscaping.

The Project would further allow for efficient evacuation by contributing to the following that would further slow down or prevent the rate of fire movement: the new Harmony Grove Fire Station, which will significantly improve response times to the local area residents; eventual construction of the R7 Reservoir which provides significant storage and improved flows in the event of a fire emergency; and construction of additional internal access streets that would provide more accessible areas for fire trucks and emergency vehicles where no access is currently available. The temporary Harmony Grove Fire Station is currently operational and the permanent station should be operational late 2018.

All routes identified for evacuation and alternate traffic control are subject to actual live conditions during a wildfire in the area and are subject to override based on-the-ground assessments of the conditions and safety measures at the time of an emergency. Delays are inherent in the state of emergency and the safety personnel have taken such delays into account when the evacuation notices are delivered to specific areas and residents within each area.

The Sheriff's Department is responsible for evacuation and part of Incident Command when a fire incident in the area occurs. In recent years, especially after the 2003 and 2007 fires, emergency communication and implementation of evacuations has greatly improved and become more efficient in providing evacuation information and notifications for evacuations (e.g., the reverse 911 system and the information and assistance provided by the AlertSanDiego and ReadySanDiego programs). The home owners within the Valiano Project will be signed up to participate in the County's Emergency Response website where people can download applications directly to their cell phones for reverse 911 calls to allow for earlier, safer and more orderly evacuation of the area. Earlier notification of fire dangers will be critical in creating a safer, more orderly evacuation situation in the area.

It is also important for residents and guests within the boundaries of the community to adhere to the principals and practices of the READY! SET! GO! Program. The focus of the program is on awareness and preparedness. As part of this program, it is imperative that each resident develop a plan that is clearly understood by all family members and attends the educational and training programs available through the local fire agencies. The resident is responsible for keeping informed when a hazardous fire danger exists and when red-flag days are predicted.

The specific needs of animals during evacuation events are understood by emergency responders as a result of experience obtained from prior fire events. This experience has increased the region's ability to mobilize and provide resources needed to evacuate large animals such as horses. In the event of a

wildfire, the residents are key for providing evacuation means for their animals, but would be assisted with emergency resources normally available to large animal owners in times of emergency (such as local equestrian groups, Humane Society animal evacuation shelters, and the County Office of Emergency Services [OES] which staffs the Unified Disaster Council [UDC], a joint powers agreement between all 18 incorporated cities and the County of San Diego; the UDC provides coordination of plans and programs countywide to ensure protection of life and property).

In summary, implementation of the Proposed Project would improve upon the existing wildlands fire conditions and provide the additional buffers, fire access, fire-resistant building design, water availability and extended evacuation time for existing and new residents. In written communication the Fire Marshal for San Marcos opines that “Once built, the Project will create an enhanced fire buffer to existing residents.” The proposed Valiano development is designed for the safety of its future residents and will improve the fire safety and access to emergency services for the existing community.

## **VALIANO PROJECT TOPICAL RESPONSE: SEPTIC**

A number of comments were received on the use of septic on the Project site based on some of the policies contained in the Elfin Forest Harmony Grove Community Plan (EFHGCP). Other comments questioned the density included in the Septic Alternative contained in Subchapter 4.7 of the DEIR. In addition, another comment suggested that an alternative be added to include On-site Wastewater Treatment Systems (OWTS).

Policy CM-10.2.1 of the EFHGCP states that septic systems are the sole and preferred sewage management for Elfin Forest, rather than Harmony Grove. This is consistent with the fact that there is a policy in the Land Use section, policy LU-1.1.3, requiring all development in Elfin Forest to be served only by septic systems for sewage management, but no Land Use policy dealing with sewage disposal in Harmony Grove. Therefore, the most logical reading is that septic systems are mandated for Elfin Forest only, not for Harmony Grove. Finally, both the issue and goal statements aim to preserve rural character, which can be achieved through project design even in a sewered project. By clustering homes in compact neighborhoods such as Neighborhood 5, the Project incorporates elements of rural character including areas of natural vegetation, an agricultural open space area, soft-surface multi-use trails and pathways, and equestrian amenities and a public equestrian staging area with trailer parking and a warm-up ring. Thus the Project maintains the rural character of the community while allowing development that would be infeasible on septic systems.

The Septic Option Alternative analyzed in Subchapter 4.7 of the DEIR was developed based on the County's design criteria at the time of the issuance of the Notice of Preparation (NOP). The findings of that analysis were included as part of the DEIR and were based on conservative assumptions (more bedrooms than normal) for number of bedrooms for single family homes. Per the County of San Diego septic design guidelines, the minimum lot size is based on the expected percolation rates. Based on the mapped soil types and soil conditions onsite, percolation rates are expected to be in the range of 90 to 120 minutes per inch, which is the slowest range of percolation rates where septic systems are allowed. Additionally, portions of the site exhibit shallow bedrock and steep grades, which preclude the installation of septic in some areas. The result was a 5-acre minimum for each lot for a total of 35 dwelling units for the conventional septic alternative.

Pursuant to the *Final County Local Agency Management Program (LAMP) for Onsite Wastewater Treatment Systems* (County 2015b), this assumption has been changed in the FEIR to allow minimum two-acre lots (with the number of potential bedrooms per house to remain unchanged). Specifically, the referenced LAMP, which post-dates the Proposed Project NOP, identifies an allowable density of two acres per single-family dwelling in areas with an average annual precipitation level of between 15 and 20 inches. Accordingly, the revised Septic Alternative included in Subchapter 4.7 of the FEIR is based on two-acre minimum lots and up to five bedrooms per unit, with a total of 58 lots (compared to the 35 lots in the DEIR).

Based on the previously described *LAMP*, related amendments to the San Diego County Code of Regulatory Ordinances (Division 8 of Title 6) and comments received during the EIR public review process, the Septic Option Alternative has also been expanded to include consideration of an alternative

OWTS design. A conventional OWTS design includes a septic tank and a subsurface disposal system for dispersal of the septic tank effluent, and while some treatment occurs in the septic tank, the majority of the treatment occurs in the unsaturated soil below the disposal field (with associated requirements related to soil/groundwater depths, percolation rates, etc.). An alternative OWTS includes advanced (in addition to primary) treatment in the septic tank, and is typically used to overcome site-specific constraints related to high groundwater or shallow soils (with the additional septic tank treatment largely replacing treatment in the soil provided under conventional systems as noted).

The potential use of either a conventional or alternative OWTS design was evaluated for the Project site in Subchapter 4.7 of the FEIR, based on factors including geologic and soil conditions, slopes, and percolation/absorption values. This analysis notes that on-site lots "...are expected to be underlain by shallow granitic bedrock with extremely low permeability or compacted rock/soil fill derived from onsite sources..." and identifies "...a higher anticipation of system failure without remedy or alternative solution..." due to "...the lack of absorption qualities of the underlying soil." Based on the described conditions and observations, the study concludes that the Project site could accommodate a maximum of approximately 66 residential units under either OWTS design (Geocon 2015). As previously noted, the Septic Option Alternative includes 58 single-family lots with a minimum area of two acres (and up to five bedrooms per unit), based on the noted Geocon study and site-specific conditions including biological and steep slope constraints. Pursuant to the above discussion, this alternative design would be applicable to the use of either a conventional or alternative OWTS.

Furthermore, Rincon MWD has written a letter opposing any type of increased septic use in this groundwater basin, including use of alternative septic systems for the Project.

## **VALIANO PROJECT**

### **TOPICAL RESPONSE: GREENHOUSE GASES ANALYSIS**

The Recirculated Draft EIR's GHG analysis complies with both CEQA and the County General Plan for the reasons provided below and elsewhere in the administrative record.

Many of the comments on the Recirculated DEIR incorrectly assume that the only reasonable interpretation of the General Plan or the Court order decision in *Sierra Club v. County of San Diego* (2014) is that a Climate Action Plan (CAP) is required prior to the commencement of any new development within the County of San Diego (or at least new development large enough to trigger a General Plan Amendment). There are General Plan policies and mitigation measures requiring the County to prepare a CAP and to monitor the implementation of the plan once it is prepared. There is also a General Plan mitigation measure requiring the County to revise the County Guidelines for Determining the Significance based on the CAP once it is prepared; however, nothing in these policies or mitigation measures prohibits the County from approving development projects using project-specific thresholds pending completion of the CAP. (See General Plan policies and mitigation measures COS-20.1, COS-20.2, CC-1.2, and CC-1.8.) Petitioners in the above referenced case filed a request to enjoin the County from processing or approving new development and to enjoin the County from using project-specific thresholds, but the court denied those requests. There is also no binding requirement for the County to complete the CAP within six months of the adoption of the General Plan, and instead the County is processing its CAP under the active supervision of the court in *Sierra Club v. County of San Diego*. There is also no court order prohibiting the County from approving development projects prior to completion of the CAP or a CAP-based significance threshold. Petitioners in the above-referenced case filed a request to enjoin the County from processing or approving new development and to enjoin the County from using project-specific thresholds, but the court denied those requests. Therefore, without a court order or a specific provision in the General Plan stating that no new projects can be approved before the CAP is completed, it is reasonable for the County to move forward with processing and approving individual development projects at the same time the CAP is being developed. It is important to note that the County is actively developing its CAP consistent with CEQA Guidelines 15183.5.

Moreover, 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.

Putting the CAP in context, the preparation of a CAP was one mitigation measure set forth in the PEIR to address GHG emissions from buildout under the General Plan. There were seventeen (17) other mitigation measures specifically dealing with climate change. The Board of Supervisors' unchallenged findings indicated that the various measures in combination would mitigate the impact below a level of significance. Statements that the County cannot meet its General Plan goal of GHG emissions reduction without a CAP are incorrect. All project-level mitigation measures that could be included in a CAP can be implemented at a project level without a CAP. A 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. Moreover, Policy COS 20.1 does not require a project to include a CAP.

Approval of a development project would not obstruct this policy. Therefore, such a project would not be inconsistent with a General Plan.

Individual projects may be approved using thresholds developed on a project-by-project basis. While lead agencies can adopt a significance threshold for general use pursuant to CEQA Guidelines § 15064.7, they can alternately determine a threshold on a project-by-project basis, which is specifically allowed pursuant to CEQA Guidelines § 15064.4(a), case law and several other expert sources. OPR's Technical Advisory titled *CEQA and Climate Change: Addressing Climate Change through California Environmental Quality Act (CEQA) Review*, states "in the absence of regulatory standards for GHG emissions or other scientific data to clearly define what constitutes a 'significant impact,' individual lead agencies may undertake a project-by-project analysis, consistent with available guidance and current CEQA practice" (OPR 2008). Under the CEQA Guidelines, lead agencies also have the discretion to determine the appropriate method for evaluating GHG emissions, based to the extent possible on scientific and factual data. Therefore, consistent with CEQA Guidelines § 15064.4, the GHG analysis for the Valiano Project appropriately relies upon a threshold based on the exercise of careful judgement and believed to be appropriate in the context of this particular project, which is now net zero GHG emissions.

In particular, the context for this Project is that being proposed at a unique time when the GHG legal and regulatory environment and best practices on CEQA analyses of GHGs is in constant flux and there is no GHG threshold of general applicability for development projects within the County that has been approved through a public hearing process. The County has determined for this Project that the most appropriate way to achieve less than significant impacts in accordance with Appendix G is to achieve net zero GHG. The Applicant is committing to achieve carbon neutrality through all feasible on-site design measures and off-site mitigation, such as through purchase of carbon credits, as described below. Therefore, pursuant to CEQA Guidelines § 15064.4, the County is exercising its careful judgement and believes the appropriate GHG threshold in the context of this particular project is net-zero GHG.

When discussing project-level GHG emissions reduction actions and thresholds, the 2017 Climate Change Scoping Plan Update states that "achieving no net increase in GHG emissions is the correct overall objective, but it may not be appropriate or feasible for every development project. An inability to mitigate a project's GHG emissions to zero does not necessarily imply a substantial contribution to the cumulatively significant environmental impact of climate change under CEQA." While the Scoping Plan makes it clear that a lead agency is not required to set net zero as the GHG threshold, certainly when that threshold is selected, the project cannot have a cumulatively considerable impact because the project yields no net incremental increase in the level of existing GHG emissions in the existing environment. CEQA Guidelines Section 15355 provides that "the cumulative impact from several projects is the change in the environment which results from the *incremental* impact of the project when added to other closely related past, present and reasonable foreseeable probable future projects" (emphasis added.) CEQA Guidelines Section 15130(a)(1) states, "[a]s defined in Section 15355, a cumulative impact consists of an impact which is created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts. *An EIR should not discuss impacts which do not result in part from the project evaluated in the EIR*" (emphasis added.)

Finally, CEQA Guidelines Section 15064(h)(4) clarifies that "the mere existence of significant cumulative impacts caused by other projects alone shall not constitute substantial

evidence that the proposed project's incremental effects are cumulatively considerable." For purposes of this environmental analysis, CEQA Guidelines Section 15126.4(c)(3) states that "measures to mitigate the significant effects of GHG emissions may include, among others: Offsite measures including offsets that are not otherwise required, to mitigate a project's emissions." Since public circulation, the County and Applicant have jointly determined that additional off-site mitigation measures can further reduce GHG emissions to a net-zero level through the purchase of carbon offset credits. Therefore, in the context of this particular Project, the most appropriate way to achieve less than significant impacts in accordance with Appendix G is to achieve net-zero GHG. The Project is assured to achieve net-zero GHG through enforceable permit conditions.