

COMMENTS

RESPONSES

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VIA E-MAIL AND U.S. MAIL

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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

R-G-1

R-G-2

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R-G-2 cont. *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)

R-G-3 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.

R-G-4 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.

R-G-6

R-G-7 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.

R-G-8 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.

R-G-8
cont.

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.

R-G-9

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.

R-G-10

R-G-11

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-12

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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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.

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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 needs¹. 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 program² 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.³ 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-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.

¹ More specifically, the “Energy” calculation of 336 CO2e 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 CO2e for residential energy use. The 336 CO2e from Table 3.1.1-3 is attributable to only natural gas consumption/use (see, Appendix J – Appendix E, Table E-3).

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

³ <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 CO₂e/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.4th 204⁴ (“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 CO₂e/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

⁴ <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

R-G-20 cont. 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 CO₂ (MTCO₂) per service population as its efficiency threshold for this Project, even though the Scoping Plan states that reducing annual GHG emissions from 14 MTCO₂ to 10 MTCO₂ 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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R-G-21
cont.

Project. Note that RDEIR pp. 3.1.1-17 – 18 do not discuss this standard⁵. (Nor does the RDEIR even discuss the County’s Climate Action Plan in the section entitled “Local Policies and Plans: County of San Diego.”).

R-G-22

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 CO₂e/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

R-G-23

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.

R-G-24

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

⁵ 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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R-G-24 cont. new CAP and Guidelines for Determining Significance. **The County has not yet approved a revised CAP.**

R-G-25 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 CO2e 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.

R-G-26 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.

R-G-27 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.

R-G-28 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 polices 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 CO2e emissions per year; but this is the mitigated scenario. Appendix J indicates that “unmitigated” impacts associated with residential energy emissions are actually 844.6 CO2e. 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 cont. 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.

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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Public Comments – RDEIR Valiano Specific Plan

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.

R-G-32

R-G-33

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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 adopted⁶. 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”)⁷. 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

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

⁷ 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

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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-37

R-G-38

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-39

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.

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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.

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R-G-41

Finally, with respect to the San Dieguito Community Plan (“SDCP”)⁸, 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.

R-G-42

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).

R-G-43

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.

R-G-44

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.

⁸http://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.

COMMENTS

RESPONSES

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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.

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>
Date: Fri, Jan 13, 2017 at 12:38 PM
Subject: RE: GHG reports
To: J Arsivaud <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.

Exhibit 2

R-G-49

Horses	102	18.00	2.34	20.34	2075	43568	0.002
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							
***Big white manure management emission factor of 1.0 for solid based systems @ 18C per 2006 IPCC Guidelines, Volume 4, Table 10.14 ref. Latin America. North America value is 15.0 for liquid based system.							
References							
2006 IPCC Guidelines for National Greenhouse Gas Inventories, Chapter 10: Emissions from Livestock and Manure Management http://www.ipcc-nggip.iges.or.jp/public/2006gl/pdf/4_Volume4/V4_10_Ch10_Livestock.pdf							
Valiano Specific Plan & Revised GHG Recirculated EIR Documents http://www.sandiegocounty.gov/content/sac/pds/Current_Projects/valiano.html							
SD County Animal Regulations (Includes Animal Schedule) http://www.sandiegocounty.gov/pds/zoning/z-3000.pdf							
						Valiano Revised GHG Emissions/SP/Yr	4.6
						Valiano Revised GHG Emissions/SP/Yr including animal methane	4.7

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

Exhibit 3

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10 Attorneys for Petitioners and Plaintiffs
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 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,

Petitioners and Plaintiffs,

v.

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

Respondents and Defendants.

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

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

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

12 **SIERRA CLUB,**

**SECOND SUPPLEMENTAL PETITION
FOR WRIT OF MANDATE**

13 **Petitioner,**

IMAGED FILE

14 **v.**

**(CALIFORNIA ENVIRONMENTAL
QUALITY ACT)**

15 **COUNTY OF SAN DIEGO,**

Judge: Hon. Timothy B. Taylor

16 **Respondent.**

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

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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, 1095, 1094.5;
Pub. Res. Code §§ 21168, 21168.5]

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

R-G-52

LATHAM & WATKINS
ATTORNEYS AT LAW
SAN DIEGO

VERIFIED PETITION AND COMPLAINT FOR
INJUNCTIVE AND DECLARATORY RELIEF

Exhibit 6

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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'S MEMORANDUM OF
POINTS AND AUTHORITIES IN
OPPOSITION TO RESPONDENT'S
DEMUERER**

IMAGED FILE

Petitioner,

(California Environmental Quality Act,
Planning and Zoning Law)

v.

COUNTY OF SAN DIEGO,

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.

Respondent

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