

Johnson & Sedlack

A T T O R N E Y S at L A W

Raymond W. Johnson, Esq., AICP, LEED GA
Carl T. Sedlack, Esq., Retired
Abigail A. Smith, Esq.
Kimberly Foy, Esq.
Kendall Holbrook, Esq.

26785 Camino Seco, Temecula, CA 92590

E-mail: Ray@SoCalCEQA.com

Abby@SoCalCEQA.com
Kim@SoCalCEQA.com
Kendall@SoCalCEQA.com
Telephone: (951) 506-9925
Facsimile: (951) 506-9725

VIA U.S. MAIL AND E-MAIL

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Ms. Beth Ehsan
County of San Diego
Planning & Development Services
5510 Overland Avenue, Suite 310
San Diego, CA 92123
Beth.Ehsan@sdcounty.ca.gov

Re: Valiano Specific Plan, SCH NO. 2013061042—Public Comments on Draft Environmental Impact Report

To the County of San Diego:

The following comments are submitted on behalf of the Elfin Forest Harmony Grove Town Council regarding the Draft Environmental Impact Report (DEIR) for the Valiano Specific Plan Project.

The DEIR is inadequate and further analysis and mitigation is required for the reasons discussed below. In addition, we urge the County to deny the proposed General Plan Amendment. Developing the property according to existing General Plan designations would lessen or eliminate many of the adverse environmental impacts and issues associated with this development Project. Alternatively, the adoption of an alternative to the Project involving fewer units and/or a smaller development footprint would help to alleviate the adverse environmental changes posed by the Project as designed.

General Comments – Proposed Project

The Project is described as the development of 326 residential units (277 single family residential and 49 detached condominiums) on a 239-acre site located in a “semi rural” area of Eden Valley/Harmony Grove in unincorporated San Diego County.

Among other discretionary actions, the Project requests a General Plan Amendment to change the site’s land use designations from SR-1 and SR-2 to SR-0.5. Existing General Plan land use designations would allow 118 homes on the site; if approved, the General Plan Amendment will allow the construction of 326 homes. Approximately 54 secondary units would also be permitted in some areas. Thus, **if approved, the General Plan Amendment will allow nearly three times the density currently permitted.** The Project additionally includes a request to rezone the property from A70 (Limited Agriculture) to S88 (Specific Plan).

The Project will be developed pursuant to a Specific Plan and the development divided among five Neighborhoods. According to the DEIR, the Neighborhoods will be constructed in

phases, with Neighborhood 5 being constructed first. Grading will occur over 127 acres or 52% of the site, resulting in 928,000 cubic yards of balanced cut and fill. Grading will result in an elevation change from 1,013 feet to 810 feet in the northwestern area of the Project site. Grading will also occur for off-site improvements, resulting in 6,200 cubic yards of export for the Mt. Whitney Road improvements. Grading will occur over a 2-year period. Blasting and ripping to remove hard rock is expected. The Project requires construction of manufactured slopes, some as high as 57 feet. There will also be “numerous” retaining walls ranging from 2 to 20 feet in height and between 41 to 523 feet in length (DEIR p. 1-21), a sound wall in Neighborhood 5, and extensive fencing. The EIR suggests that the private development will be gated, but it is unclear if that is the case.

According to the DEIR, the Project site is currently used for commercial agriculture with “extensive” areas of active avocado orchards and for beekeeping. Agricultural uses have occurred continuously on the site since the 1960’s and 1970’s. The site’s topography consists of hills and ridgelines, primarily with a north-south trending ridge. A large knoll exists in the southeastern portion of the site. Site elevations range from 1,013 feet above sea level along the ridge at the northwestern site boundary and 614 feet above sea level along the southwestern boundary. Surrounding uses include large lot and open space areas located to the east and west. A large avocado farm exists to the south. The urban development farther to the north and east in the cities of San Marcos and Escondido described in the Project Description is neither visible nor easily accessible from the project site, being located over a mile away.

The Project includes a request for a Major Use Permit for the construction of a new wastewater treatment plant to be operated by the San Diego County Sanitation District. LAFCO action is necessary for the annexation of the site into the County Sanitation District for sewer service. Water service will be provided by the Rincon del Diablo Municipal Water District according to the DEIR. On-site infrastructure will include two additional lift (pump) stations located in the northern and eastern portions of the site in order to pump water to higher elevations. Fire service would be provided by the San Marcos Fire Department and the Harmony Grove Village Fire Station according to the DEIR.

The Project including the wastewater treatment plant is calculated to generate 3,786 average daily vehicle trips (ADT), with a total of 304 trips during the AM peak hour and 376 trips during PM peak hour. Project access is proposed via Eden Valley Lane, Mt. Whitney Road, and two future access driveways south of Mt. Whitney Road, all connecting to Country Club Drive, a two-lane road. Emergency access may also be provided via Hill Valley Drive (currently a dirt road). Road improvements as to all access roads are necessary. Exceptions from County requirements for sight line distance has been requested as to Mt. Whitney Road.

The DEIR states that 66 projects will result in the addition of 15,494 housing units in the vicinity. Among other nearby projects, the Harmony Grove South project (currently under construction) adds 742 single family homes on 468 acres to the south of the Project site.

The Project is subject to the County of San Diego General Plan (adopted 2011) and the San Dieguito Community Plan as well as the Eflin Forest Harmony Grove (EFHG) portion of the Community Plan (adopted 2011 and amended 2014). The southern portion of the site falls within the Harmony Grove portion of the EFHG Community Plan. The northern portions of the site fall within the Elfin Forest portion of the EFHG Community Plan.

The DEIR concludes the Project will have significant and unavoidable impacts as to aesthetics (short-term), air quality (cumulative – construction; direct and cumulative - operational) and traffic.

Inadequate/Incomplete Project Description

The Project Description is inadequate and incomplete under CEQA for at least the following reasons.

The construction of off-site facilities including road improvements is not mentioned in the Project Description. These may impact adjacent residences. Also, the specifics of the off-site construction activities (*e.g.*, location, duration, equipment to be used) are not adequately described in the DEIR.

To the extent that the Project requests or includes exceptions or variances for fire access and grading, these issues should be discussed in the Project Description. For example, is the Project requesting a deviation from San Dieguito Community Plan Soils Policy #8? The Project is requesting and has obtained at least two variances from San Marcos Fire District (SMFD): a reduced road width from Code requirements on Hill Valley Lane, and a reduced Fuel Modification Zone (FMZ) around certain buildings within the Project. The SMFD further accepted the concept of extending the 150' FMZ outside the Project footprint and onto neighboring private properties.

The description of on-site agricultural operations is confusing to the reader. Whereas the Project Description states that the on-site avocado farm was destroyed by fire in 2014, the DEIR indicates elsewhere that the avocado farm is still active, and, as such, the land is suitable for agricultural mitigation purposes.

Further description of the wet weather storage area should be provided. Will this area be enclosed or covered? Does it present safety hazards or air quality/odor issues for future residents?

Project phasing is confusing throughout the document. The Project Description indicates the Project will be built in discreet phases. Yet the traffic analysis states that "Any phased development that may occur across the five neighborhoods and/or three areas is unknown at this time" (p. 2.8-9). Overall, the DEIR contains inconsistent information on phasing of construction.

The "alternative project description scenario" is not discussed in detail and it is not known under what circumstances Hill Valley Drive will be improved. (*See*, traffic section, p. 2.8-20 "*Hill Valley Drive would be expected to carry 1,147 ADT with the access alternative.*" (emphasis added).) These new trips could impact existing residences.

For water supply the DEIR appears to rely upon the construction and operation of Reservoir 7 by the Rincon del Diablo Municipal Water District; however, this facility is determined to be *not* part of the proposed Project. This is inadequate. The Reservoir should be fully disclosed, and made part of "the Project" for purposes of CEQA analysis.

The Project Description does not discuss that the Specific Plan may be modified in significant ways without further review and input by the public and decision-makers, leading to the potential for new and/or different impacts than considered in the DEIR. (*See*, Specific Plan pp. 8.6 – 8.7 [Changes are considered "minor" including changes that (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) change in housing type (*e.g.* duplexes to single family units); (4) increases or decreasing in the total number of units; or (5) changes the sequencing or thresholds for development phasing."].) Items 1 – 5 above are not "minor" changes. For instance, density transfers between planning areas was not considered in the DEIR. Nor are the "density transfers" described anywhere in the DEIR. What percentage of density can be transferred between planning areas? Increasing development in one area may affect the conclusions of, for

instance, the traffic impact analysis in terms of the distribution of vehicle trips and the need for road improvements. Also for instance, eliminating the condominiums in favor single-family homes could change the assumptions of the water study (*see*, Appendix P p. 2). The Specific Plan notes that *land uses* may be changed including “intensity and density.” The potential for sweeping and major changes to the Specific Plan must be disclosed in the Project Description and evaluated in the DEIR. Otherwise the DEIR fails as an informational document.

Additionally as to the Specific Plan, the DEIR relies on providing a range of housing types in order to conclude that the Project supports “Smart Growth” principles. The fact that certain housing types may be eliminated without further discretionary review or public input would undermine the assumptions and conclusions of the DEIR. Finally, the DEIR relies upon assumptions about Project phasing, particularly construction, but the Specific Plan indicates that phasing plans may be modified without notice.

Aesthetics

The Project entails substantial grading of natural landforms and the construction of homes extending up hillsides as well as installation of manufactured slopes, retaining walls, sound walls, and extensive fencing. The Project introduces an area of mass grading and a private higher density residential community where none currently exists in the visual setting. The conversion of vacant land with sensitive biological areas and natural landforms to urban uses will result in irreversible changes to the area. **Aesthetic impacts must be deemed significant in the long-term, not merely the short-term.** Apart from the Harmony Grove Village to the south, the type of development is very different from all adjacent development. Harmony Grove Village cannot be seen from the large-lot residences to the east along or near Country Club Drive. Dominant visual elements of the Project on the eastern side will include extensive manufactured slopes on the Project’s eastern boundary. Slopes for instance in Neighborhood 4 will be a maximum of 60 ft. To the west of the Project site, properties are designated by the City of San Marcos as very-low density residential (A1 Agriculture 1 acre minimum). The hillside lots and homes on the Project’s western side will be much closer together than those in San Marco’s jurisdiction.

The DEIR’s description of the Project’s mass and scale are inadequate. Specific noise walls, retaining walls, and manufactured slopes must be shown with greater clarity and from closer distances. As it stands, vantage points are very far away (Key View 1/Photosimulation A).

Photosimulations A - D contained within Technical Appendix B purport to illustrate post-project conditions; however, as the simulations acknowledge, they are not realistic in that they depict very mature landscaping and homes are almost completely obscured (Photosimulations B and C). Until and unless landscaping matures in this manner, the simulations are not accurate representations of post-project conditions. Further, landscaping should be shown in the short-term to provide a better of understanding of short-term impacts. Simulations should be provided showing varying degrees of landscaping in order to assist the reader to understand the full extent of impacts. Additionally, as a means of short-term aesthetic mitigation, could the Project not install more mature landscaping at the outset?

Photosimulations A and D are apparently meant to assist the reader in understanding the Project’s impacts to ridgelines and hillsides, but there is no “Key View” showing the majority of development. Photosimulation A is stated to illustrate Neighborhood 4 but it looks only upon a small number of homes from a very far distance. Key view/photosimulation locations at or about the terminus of Eden Valley Lane should be included. Also a key view looking from at or about existing homes south of Mt. Whitney Road should be provided, where these properties are located

at or near the Project property line. *See, Exhibit A*, attached hereto. There are numerous residences and properties located between the Project site to the east and Country Club to the west. Viewing Neighborhood 4 from Country Club Drive alone does not provide sufficient information on visual impacts to Project *adjacent* residences. Also there is insufficient visual information as to Neighborhoods 3 and 4. Key View/Photosimulation 4 depicts visual conditions relative to Seeforever Drive in San Marcos, but it is not a complete view of the scope of Project development. Moreover, a Key View should be selected on Coronado Hills Drive in San Marcos. Properties on Coronado Hills Drive are located *at* the Project's property line. *See, Exhibit A*, attached hereto. However, even with the lack of adequate simulations, Photosimulation 4 indicates a significant visual impact in the **long-term**. Homes in San Marcos will directly overlook the entirety of the Project. This represents a significant visual impact in the long-term.

Proposed mitigation measures are inadequate (M-AE-1 and M-AE-2). While landscaping and rock staining on manufactured slopes as well as texturing of retaining walls may be helpful, these seem more like elements of the Project's design rather than mitigation for significant, long-term visual changes to natural areas and viewsheds. Plant landscaping and the treatment of slopes and retaining walls do not mitigate the fact that the Project converts a natural area to urban uses on a permanent basis. The Project also relies on numerous Project Design Considerations for aesthetics (p. 7.19 -20). These must be adopted as CEQA mitigation measures in order to be effective and enforceable. *See, Lotus v. Dep't of Transp.* (2014) 223 Cal. App. 4th 645.

Aesthetic impacts are also significant in the long-term because the Project is not consistent with policies of the County's General Plan including but not limited to Policy COS-12.1. The Project does not *preserve* hillsides and ridgelines: mass grading of natural landforms will occur. Also, the planned residential development with fencing, sidewalks, and street-lights undermines the General Plan's goals and policies of preserving the area's decidedly rural character.

The analysis of aesthetic impacts is also inadequate where there is no photosimulation of the wastewater treatment plant. This facility will be located near homes to the east. Also absent are vantage points from scenic area roadways.

Finally, aesthetic impacts must be considered significant on a cumulative basis. The DEIR insofar as acknowledges a significant cumulative visual impact. Particularly in conjunction with the Harmony Grove South project, the Project contributes to an *overall* change in the views and character of the otherwise rural, open-space, large-lot, and agricultural community.

Agricultural Resources

The Project proposes development of active or suitable agricultural areas and/or in areas with candidate soils. As discussed further below, the DEIR underestimates impacts and further mitigation is required.

The Project site is described as including large blocks of commercial avocado orchards, citrus orchards, and lands with suitable soils for agricultural uses. Agricultural resources encompass 137.2 acres including: 117 acres of avocado orchards, 100.5 acres of Unique Farmland, and 27.3 acres of Farmland of Local Importance (areas overlap). According to the DEIR, "[a]pproximately 100.5 acres of Unique Farmland are present within the Proposed Project site; these areas are concentrated mainly in the western and northern portions of the property and are associated with on-site avocado orchards. Approximately 27.3 acres of Farmland of Local Importance are mapped in the western and northern portions of the Project site, with associated agricultural uses consisting of avocado orchards." (DEIR p. 2.3-11) The Project area also includes high quality soils suitable for agricultural production. According to LAFCO criteria, the Project

site contains 140.2 acres of LAFCO Prime Agricultural Land. Surrounding uses include active and/or designated farmland and agricultural uses. The adjacent sites in San Marcos are zoned A1 Agricultural.

Pursuant to the LARA Model used to evaluate agricultural impacts, the Project site “is an important agricultural resource” (p. 2.3-20). Despite the site containing 100.5 acres of Unique Farmland and 27.3 acres of Farmland of Local Importance, the DEIR determines there are impacts to *only* 13.0 acres of candidate soils per the adopted threshold of significance (AG-1) (p. 2.3-21 [“Project-related impacts to identified on-site agricultural resources that occur within areas of Prime Farmland or Farmland of Statewide Importance candidate soils encompass approximately 13.0 acres. This includes 11.6 acres of historic orchard use in the southeastern portion of the site, 0.2 acre of historic orchard use in in the east-central area, and 1.2 acres of historic row/field crop production in the east-central area; the noted impact locations are shown on Figure 2.3-3”]). However, Table 2-3.1 indicates that the site contains at least 50 acres of Prime or Statewide candidate soils. *See also*, p. 2.3-33 - 34. This apparent discrepancy should be resolved. Additional mitigation may be necessary.

As mitigation for the loss of candidate soils, the Project relies on two Project Design Considerations (PDCs) and one CEQA mitigation measure. The PDC which calls for the dedication of a 36.5-acre agricultural easement does not directly address the loss of the 13 acres of Prime or Statewide soils, where the easement apparently relates to lands distinct from the Prime or Statewide soils. The PDC relies upon the HOA maintaining the avocado orchards to the north but calls for only 10 years of funding for the management. This is not long-term mitigation of significant, direct project impacts. The 36.5-acre conservation easement must be maintained in perpetuity, with adequate funding provided to ensure the appropriate management and oversight of the area. The PDC is also inadequate to the extent that the amount of the “security” may be determined by the “applicant *and/or* the HOA” (p. 2.3-36) (emphasis added). Also, management of agricultural production by a residential HOA is not equal to management by qualified farmers. In addition, the PDC is not proposed for adoption as a CEQA mitigation measure; thus, it is inadequate and not enforceable pursuant to CEQA. *See, Lotus v. Dep't of Transp.* (2014) 223 Cal. App. 4th 645. Finally, to the extent the active avocado farm or a portion thereof was destroyed by wildfire in 2014, the PDC is arguably ineffective, illusory, and/or unenforceable. Mitigation Measure MM-AG-1 is also inadequate. For instance, MM AG-1 subd. (3) would allow the developer to “purchase off-site agricultural lands with easements totaling 13.0 acres that meet the intent of the County Agricultural Guidelines.” This is not an enforceable standard; also, historically, these types of private agricultural easements have been difficult to secure. Moreover, any approval by the Planning Director subsequent to project approval is not subject to public review and scrutiny, contrary to CEQA’s principles of public accountability.

Preservation of on-site Prime or Statewide soils by way of a design consideration mitigation measure has not been shown to be infeasible. The Project should explore ways to preserve the lands with the 13 acres of prime soils including larger lots in these areas. Essentially it is asserted in the DEIR that a loss of lots in the neighborhoods comprising the Prime or Statewide soils would be infeasible from a cost perspective. Under CEQA, any finding of economic infeasibility must be supported by substantial evidence in the record. (CEQA Guidelines section 15091 (a), (b).) Perhaps a loss of lots would result in a reduction in profits for the applicant but this does not necessarily qualify as a finding that a particular mitigation measure is truly *infeasible*. Indeed, the justification that “the Project design does not include lots of two acres or larger in size, with all proposed lots in appropriate areas of agricultural resources and candidate soils less than

one acre in size (and most less than one-half acre)” is a statement, not a finding of infeasibility. The statement that “on-site preservation of approximately 13.0 acres of applicable agricultural areas would create substantial land use effects (and related financial impacts) for the Proposed Project, due to the required loss of several residential lots in Neighborhoods 3 and/or 5, as well as associated potential effects to proposed open space, landscaping, wastewater, stormwater and/or recycled water facilities” is not supported by fact. The County as the lead agency must also consider independently the feasibility of a particular mitigation measure.

Finally, the conclusion of the DEIR of less-than-significant cumulative impacts is not supported. Figure 2.3-6 shows the Project’s context in relation to active agricultural uses and areas of Prime or Statewide candidate soils. The DEIR acknowledges that within the study area combined projects will result in a loss of 340.8 acres of CDC Prime or Statewide soils. Nonetheless, the DEIR asserts the Project’s contribution is less-than-significant because “(1) Project-related impacts would represent only approximately 10 percent of the cumulative total (i.e., 35.1 out of 340.8 acres); (2) under the Proposed Project design, nearly 38 percent of the on-site CDC candidate soils would be preserved (i.e., 21.4 out of 56.5 acres); and (3) impacts to CDC candidate soils from the Proposed Project would be partially offset by the required mitigation for direct on-site impacts, which would total 13.0 acres” (p. 2.3-34). First, the Project’s contribution to the loss of agricultural lands (10% of the total within the study area) must be deemed cumulatively considerable; 10% of the total is not a marginal number. Second, it is not clear how 38% of the on-site CDC candidate soils will be preserved; the DEIR suggests that avoidance of these areas is infeasible. If this statement refers to the lands subject to the conversation easement, as discussed above, this PDC is not effective or enforceable.

Air Quality

The DEIR determines the Project will have significant and unavoidable air quality impacts relative to construction and operation phases. (AQ-1, AQ-2, AQ-3, and AQ-4) Apart from M-AQ-1 (providing a revised housing forecast to SANDAG) the DEIR asserts there are no feasible mitigation measures available to lessen significant impacts.

First, redesigning the Project to construct fewer units has not been shown to be infeasible based on substantial evidence. Applicant concerns about profitability is not by itself evidence of financial infeasibility within the meaning of CEQA.

In reaching conclusions regarding air quality impacts, the DEIR relies upon a number of Project Design Features (PDFs) as well as assumptions about Project operation and construction (e.g., p. 7-21–23). As these PDFs and assumptions are not adopted as CEQA mitigation measures, they cannot be relied upon in the conclusions. Additionally, on pp. 2.2-27-28, the DEIR asserts the applicant will exceed 2008 Title 24 requirements by 15%, *thus claiming environmental benefits over the status quo*. Title 24 has been updated with the latest version (2013) becoming effective on July 1, 2014¹. Not only must any new project adhere to the current code *at the least* but claiming as the DEIR does an environmental benefit for exceeding old standards is misleading to the public. Note that the CEC states, “California’s Building Energy Efficiency Standards are updated on an approximate three-year cycle. The 2013 Standards improve upon the 2008 Standards for new

¹ California Energy Commission, California Building 2013 Building Energy Efficiency Standards (<http://www.energy.ca.gov/title24/2013standards/index.html>). **This hyperlink – and all hyperlinks cited in this letter – are fully incorporated herein by reference.**

construction of, and additions and alterations to, residential and nonresidential buildings. The 2013 Standards went into effect July 1, 2014.” *Id.* Also note that, “The 2013 Standards will *use 25% less energy* for lighting, heating, cooling, ventilation, and water heating than the 2008 Standards.” *Id.* (emphasis added). Accordingly, if the Project exceeds 2008 standards by 15%, this strategy would not achieve even the minimum 2013 standards. Also, the 2013 standards are the *minimum* energy efficiency standards; the Project should strive to exceed *those* standards – only then can the Project claim an improvement over the *status quo*. (See, DEIR p. 7-23) Finally, if Climate Change Impacts are evaluated in reference to or in reliance upon 2008, Title 24 standards, the assumptions and analysis must be revised.

The analysis also fails to provide adequate information with respect to the wastewater treatment plant. The DEIR merely assumes that future design of the facility will ensure that odors are not objectionable. Also, reliance upon future enforcement action by another agency is not adequate CEQA mitigation. In addition, there is no discussion of odors associated with the wet weather pond. The discussion at p. 2.2-24 states that “[a]ll WTWRP facilities *with the exception of* the wet weather pond would be covered to avoid uncontrolled odor release” (emphasis added). Will this facility create objectionable odors to nearby homes?

Construction Air Quality

The analysis assumes that EPA Tier 4 off-road equipment and diesel particulate filters will be utilized (p. 2.2-23). These must be adopted through the mitigation program in order to be enforceable.

Do the construction assumptions include truck trips associated with export of dirt for off-site improvements and rock transport after blasting?

Biology

It is unclear whether biological mitigation areas overlap with agricultural mitigation areas. The preservation of on-site and potentially active agricultural areas such as avocado groves is not necessarily consistent with the goals for preservation of biological open space.

The current design will effect local wildlife movement. The proposed biological open space easement in Neighborhood 4 is only 200 feet wide. The County General Plan and San Dieguito Community Plan require presentation of local wildlife corridors. A redesign of the Project is required to provide for a larger local wildlife corridor. The DEIR acknowledges that the Project site functions as a local wildlife corridor leading to the west.

The Project impacts 53.8 acres of non-native grassland and 20.5 acres of extensive agriculture which are habitats for seven County Group 1 animal species observed on site, including Cooper’s Hawk, red-shouldered hawk, northern barrier, white-tailed kite, turkey vulture, prairie falcon and grasshopper sparrow. However, Mitigation Measure, M-BI-1a and b is uncertain and not shown to be adequate. This measure is discussed further below.

There are potential discrepancies in the description of the amount of acreage to be preserved as open space.

Surveys should be updated to account for current conditions. The DEIR states: “General biological surveys of the Proposed Project site were conducted, according to County Requirements, by HELIX on October 18, 2011, February 17, 2012 and November 21, 2012. The new addition of the Tentative Map was surveyed on February 17, 2012 and the sewer options alternative alignments were surveyed on July 22, 2014.” Despite multiple field reconnaissance surveys, there is no mention or analysis of the impacts from the May 2014 Cocos fire in the

biological technical report. More than 90% of the project footprint burned in this fire, and all of the proposed biological open space areas have burned.

Mitigation for biological open spaces should include a restoration plan should the vegetation community not restore to its previous condition by which it was used for mitigation. The agricultural/non-native grassland interface with areas of native vegetation/sensitive vegetation communities are at a higher risk of becoming invaded by non-natives and invasive species post fire. If this is not possible, then mitigation may need to be applied offsite as well. This applies to the following vegetation communities (from Table 2.4-8): Southern riparian forest (61300), Southern riparian woodland –including disturbed (62000), Southern willow scrub (63320) Mule fat scrub (63310), Freshwater marsh (52400) , Herbaceous wetland (52510) Disturbed wetland (11200), Open water/pond (64140), Coast live oak woodland –including disturbed (71160) Diegan coastal sage scrub –including disturbed (32500), Southern mixed chaparral –including disturbed (37121) Eucalyptus forest (79100) , Eucalyptus woodland (79100), Non-native grassland (42200), Non-native vegetation (11000), Orchard (18100), Intensive agriculture (18200), Extensive agriculture (18300), and Disturbed habitat (11300).

Thus, biological resources should be reviewed post fire (via Vegetation Mapping, biological surveys, etc.), and the reports should be amended as necessary for each area. A Restoration Plan for the biological open spaces should be developed to ensure that on-site mitigation is indeed of like-kind. If on-site mitigation is no longer feasible for these impacts, the DEIR should describe alternate mitigation measures or avoidance measures. Biological open spaces should also be expanded and connected to allow for more species to move inside the local wildlife corridors, which will also protect the seedbanks so post-fire vegetation will recover more successfully.

Surveys should be conducted for additional species. According to the Biological Technical Report (DEIR Appendix D), pp. D-7 - D-9, there are several animal species of special concern and County group 2 species with moderate or low to moderate potential to occur. A proper survey was not conducted for many of these species, which would require special survey. For instance, bat surveys and mammal trapping should have been performed to determine if these special species of concern listed in Appenidx D are present. Bats are in abundance in this valley, particularly because of the fresh water features, the agricultural and non-native grasslands foster a lot of insects for foraging, dark night skies, minimal noise, and the tall trees and woodlands that provide potential roosting and resting elements. There are also a number of rocky outcrops on the western slopes just below Coronado Hills (where the project proposes extensive blasting) and nearby to the east along Country Club Drive that would provide roosting opportunities. Residents have had bats roost in their eaves, and there are reported bat boxes in the Project area. Without a bat survey it would be difficult to determine what species are present, and how to mitigate for a nesting maternal roost site, and impacts to their foraging sites. Residents report a high number of bats in the warmer months, and have enjoyed this natural vector control for years. There are also a high number of rodents in the Project area, particularly because of the agricultural and non-native interface with native vegetation which is commonly used for many species. Because the Northwestern Pocket Mouse is a listed California species of special concern/County Group 2 species- and has a moderate potential to occur - it likely needs trapping surveys to determine its presence.

Thus, the Project should be required to conduct mammal trapping surveys, and provide appropriate mitigation or avoidance measures. Because Bat habitat is an understudied area of expertise, and most species are becoming protected, if roosting sites for bats are located, they should be protected and avoided. Rock outcroppings on the western side of the development for

example, should be avoided. While protocol surveys were conducted for some species with “low potential to occur on site”, surveys for other species surveys were not: Pallid bat (*Antrozous pallidus*) low to moderate potential to occur, Northwestern San Diego pocket mouse (*Chaetodipus fallax fallax*) moderate potential to occur, Western mastiff bat (*Eumops perotis californicus*) Low to moderate potential to occur, Small-footed myotis (*Myotis ciliolabrum*) Low to moderate potential to occur, Long-legged myotis (*Myotis volans*) Moderate potential to occur, Yuma myotis (*Myotis yumanensis*) Moderate potential to occur.

Edge effects and conflicts with biological open space areas are not mitigated to the fullest extent possible. The DEIR states:

“Edge effects can result from increased noise, unauthorized trampling of habitat, introduction of pets and pest plants to open space areas, and effects of irrigation and lighting. Project implementation would potentially cause in direct impacts from construction noise, human access, domestic animals, exotic plant species, and lighting. ...

Permanent fencing would be installed around biological open space, and signs precluding access would be posted to avoid potentially significant impacts from human access....

The Proposed Project is residential in nature, so domestic predators (e.g., dogs and cats) may be introduced to the surrounding habitat. Although such introductions have potential to harm native wildlife species, the site is adjacent to existing rural residential development and is already subject to some level of disturbance and predation by domestic animals. In addition, the aforementioned permanent fencing that would be installed around the biological open space would preclude access by domestic predators to avoid potentially significant impacts.” (DEIR p. 2.4-21)

The proposed fencing around the biological open spaces is intended to keep out humans and predatory domestic pets like cats and dogs. **It is a three-strand wire fence.** While a wall around the biological open space is not advisable (wildlife should be able to fluidly come and go to breed/forage), there should be strict regulations about allowing pets off-leash and residents should be prohibited from letting cats outside. This fence will *not* prevent dogs and cats from entering biological open space areas, animals which are the most common predatory threats to wildlife in an urban/wildland interface. The fence and signage is not satisfactory mitigation measure in itself.

In addition, because the biological open spaces are disconnected from one another, and circumvented by roads and structures, and fuel modification zone (FMX), these **islands of open space** create a very dangerous and unfavorable situation for the wildlife. This should be included in the edge effects discussion. Wildlife will cross the roads and be subject to roadkill. Wildlife will seek other foraging opportunities and likely be killed by cars, or humans that do not welcome creatures like snakes, reptiles, and rodents. Urban minded people do not usually appreciate wildlife on their properties. In addition, the development should limit edge effects by limiting use of pesticides, herbicides, and other potential toxic sources that will have indirect effects to the wildlife and contaminate the natural water courses from which they depend. The Biological Open Spaces should be created in a way that allows for natural wildlife corridors that are already onsite. Preservation of these corridors will allow safer movement between foraging and possible breeding locations on the Project site for wildlife. Many of the natural drainage features already on site would be good avenues for this connectivity and decrease the impacts from the proposed plan, if

they were preserved. The Project should avoid impacts to natural resources by decreasing the number of units that are surrounding these biological open spaces, and by eliminating roads that circumvent them. Currently the Project design by nature does not allow for a less-than-significant impact.

Additional mitigation is required:

M-B1-1a and b. Because wildlife is consistently observed by residents using non-native grassland and extensive agriculture (pasture) for foraging particularly in Neighborhood 5, and seven County Group 1 animal species were observed in these areas, mitigation ratios should be consistent. NNG and Extensive Agriculture (pasture) should both be mitigated for at a ratio of 1:1.

M-B1-3a, 3b, 3c, 3d, 3e. The Project should check for availability to mitigate these impacts with the local agency, The Escondido Creek Conservancy (TECC).

M-B1-3f. Mitigation for impacts to 6.7 acres of Coast live oak woodland should all be mitigated for at a ratio of 3:1.

M-B1-7. In order to ensure compliance with the MBTA, a qualified biological monitor shall be present at all times during construction related activities if they are being conducted during the bird breeding season (February 1-September 1).

Other mitigation recommendations:

During construction, a biological monitor shall be present at all times to determine if there are any sensitive wildlife species that need to be removed/relocated that are in the Project site before grading and earth moving. In addition, a monitor would verify that any animals that could become trapped in ditches/holes/construction features that are created by earth moving activities are removed safely. Given the high likelihood that sensitive species are in the area that can become trapped in man made structures/features (like Coastal Rosy Boa, Red Diamond Rattlesnake, Orange throated whiptail, coast horned lizard, Coastal whiptail, and Coronado skink) this measure would mitigate for impacts to sensitive species that are not capable of dispersing.

GHGs/Climate Change

The DEIR does not discuss the new Governor's Executive Order, B-30-15², issued April 29, 2015. This order requires a 40% reduction of GHGs below 1990 levels by year 2030. As the Project is a new source of GHGs, the EIR must be revised to evaluate whether/ how the Project is consistent with this new reduction target.

Hazards - Wildland Fires

The Project presents the risk to life and safety from wildfires in the area. The conclusion of the DEIR of less-than-significant impacts due to wildland fires is not supported. In particular, traffic and public safety issues to the **community at large** have not been adequately addressed. In the

² (<http://gov.ca.gov/news.php?id=18938>)

Coco's fire in 2014^{3 4}, which burned over 90% of the Project footprint⁵, current residents of Eden Valley and Harmony Grove had difficulties evacuating because of congested road conditions.

³ The Cocos Fire started on or about May 14, 2014 and burned 1,995 acres in San Diego County. (http://cdfdata.fire.ca.gov/incidents/incidents_details_info?incident_id=962)

⁴ The Cocos Fire is described at the following URL, (http://en.wikipedia.org/wiki/May_2014_San_Diego_County_wildfires)

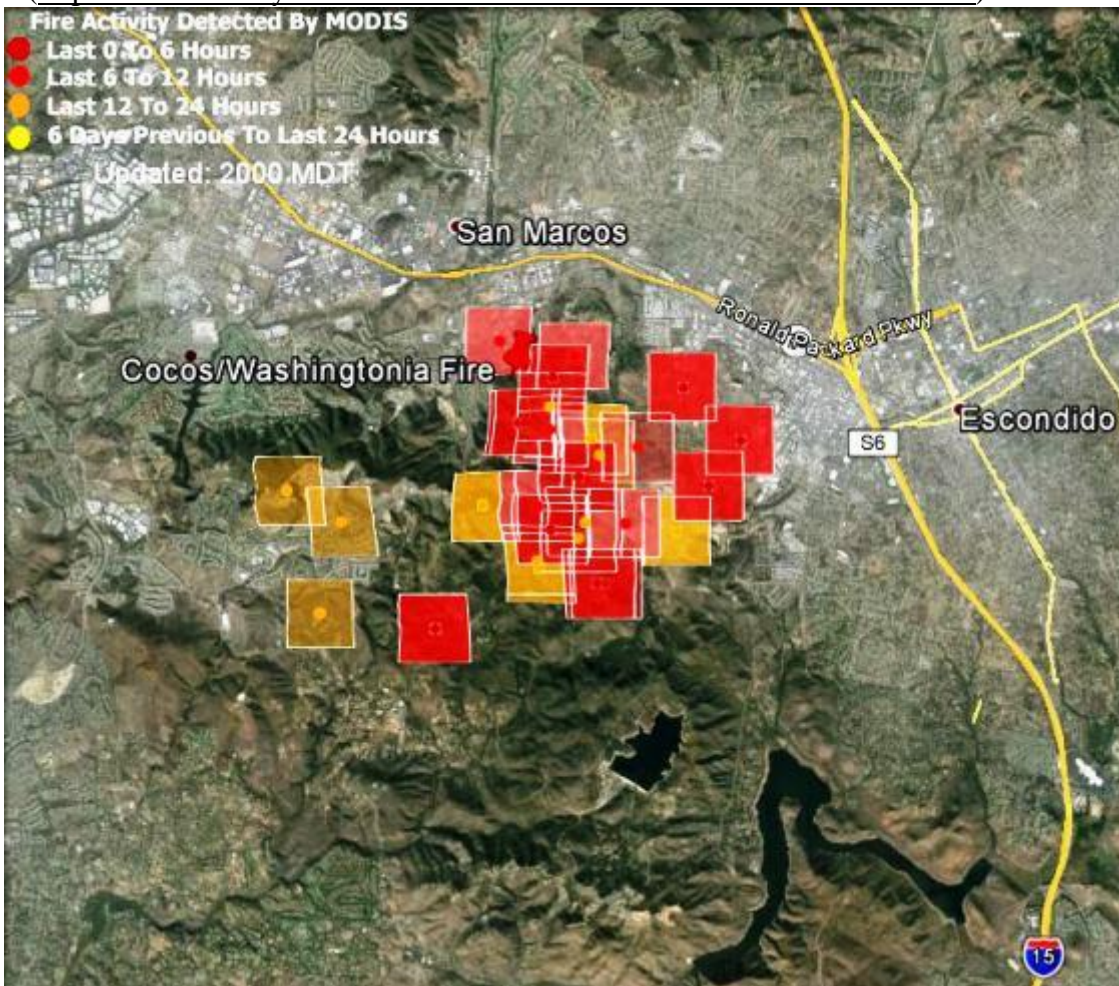
The May 2014 San Diego County wildfires (also known as the "2014 San Diego Firestorm") were a swarm of wildfires that erupted during May 2014, in San Diego County, California, during severe Santa Ana Wind conditions, historic drought conditions, and a heat wave. The main event during mid-May was preceded by a precursor fire that ignited on May 5. The severe weather conditions contributed to the spread of at least 19 more individual wildfires, with ten of them receiving names.



The Cocos Fire burning above CSU San Marcos, on May 14, 2014

The Cocos Fire, previously known as the *Twin Oaks Fire*, was a wildfire that ignited on May 14 in San Marcos, in the hills south of California State University, San Marcos. The Cocos Fire quickly spread into western Escondido. The fire destroyed more than 40 buildings, including a dozen single-family homes. The Harmony Grove Spiritualist Association, a 13-acre spiritualist retreat founded in 1896, was particularly hard hit, most of the buildings and residences on the property were destroyed, and the association's president said, "We're pretty much wiped out." Property damage from the fire is estimated at more than \$5.7 million. Three minor injuries have been reported. The Cocos Fire began at 5:38 PM PDT on May 14, and it had burned 400 acres (160 ha) by the evening of the same day. Flames were reported near homes, and the southeastern part of the city was ordered evacuated. By the morning of May 15 the Cocos Fire was the top priority for county firefighters. It grew overnight to 800 acres (320 ha) and was only 5% contained. Additional evacuations were announced. During the afternoon of May 15, the fire grew to 1,200 acres (490 ha). By the morning of May 16 the fire was still only 5% contained; several hours later, the fire grew to 3,018 acres (1,221 ha) with 15% containment. During the late afternoon of May 16, the Cocos fire was reported as 50% contained. During the morning of May 17, the fire was 70% contained. At 8:20 PM PDT on May 17, the Cocos Fire was 80% contained. On May 20, fire was reduced to 1,995 acres (807 ha) and was 93% contained. At 6:30 PM PDT on May 22, the Cocos Fire was reported to be 100% contained.

⁵ (<http://wildfiretoday.com/2014/05/15/california-cocos-fire-in-san-marcos/>)



There is only one narrow two-lane road (Country Club Drive) to exit the community⁶, and with only the 80 or so residents of Eden Valley and perhaps another hundred from Harmony Grove, the roads were blocked by horse trailers and traffic, making the exit towards Highway 78 very difficult as traffic was backed up on Auto Parkway and on Country Club Drive trying to turn onto Auto Parkway. To the West, evacuating traffic taking Harmony Grove Road to Elfin Forest Road found itself ensnared in a traffic jam at the corner of Elfin Forest Road and Twin Oaks/San Elijo, with delays of over an hour to try to reach Rancho Santa Fe Road. In the reasoned opinion of residents and area stakeholders, **fire evacuation problems can be expected to increase with the Project.**

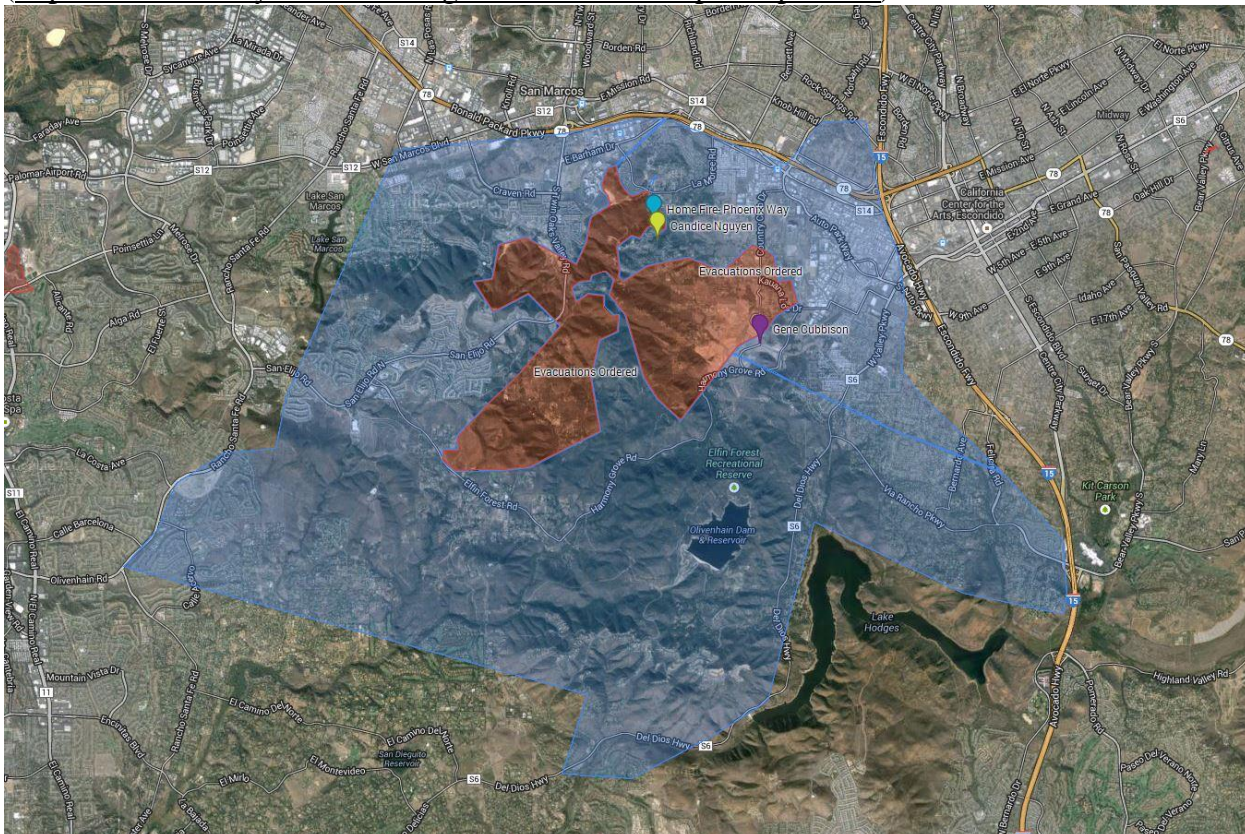
The Fire Protection Plan (FPP) (DEIR Appendix L, dated April 2015) does not analyze or the Coco's fire in its historical analysis. This is a major flaw of the analysis and fails to give decision-makers and the public adequate information. Given the seriousness of the impact of that fire on the proposed project location (90% burned) as well as the surrounding immediate area a full analysis of weather and fire-fighting conditions for that specific fire must be included in order for decision makers to fully appreciate the potential impact of adding density in a valley prone to devastating fires.

Additional flaws of the FPP include:

- The objective of the FPP is described as “identif[y] and prioritize the measures necessary to adequately reduce the fire risk *to the project*” (emphasis added). No mention is made of addressing measures necessary to reduce the fire risk *to the surrounding community* in which it seeks to triple existing density. As such there is

⁶ Map showing the Cocos Fire evacuation areas:

(<http://media.nbcbayarea.com/images/Evacuation+map+605pm.JPG>)



no analysis of how the evacuating project traffic will impact ability to evacuate for current residents, or how the added human activity may increase fire risk to the existing community.

- The second paragraph on page 4 inaccurately situates the Project within Eden Valley, failing to mention that a portion of the Project is located in the community of Harmony Grove.
- On page 4, the statement :” *The San Marcos Fire Department (SMFD) encompasses the entire site within its boundaries,*” is incorrect, as portions of Neighborhood Five (approximately 10 acres) are part of CSA 107, Elfin Forest Harmony Grove Fire Department, distinct from SMFD.
- While SMFD plans to “provide fire service for the project,” given how far the San Marcos stations are, first responders are likely to come from two other jurisdictions: Escondido FD and County Fire at Harmony Grove Village (once constructed). Yet San Marcos is granting variances to reduce width of access roads (185’ on Hill Valley at 16’ instead of the 24’ required by County Code), which could endanger other first responders. **Should Escondido and/or other jurisdictions have joint authority to approve these variances?**
- The Project uses adjacent private properties as part of their Fuel Modification Zone (FMZ), requiring 3 property owners to agree to easements to reduce fuel, while the FMZ extends to many more private properties.
- A field visit conducted in July 2012, but no visit was made after the Coco’s fire to analyze fire impact and test whether assumptions made were correct. For example, the Southwestern wind which is described as *infrequent* was a *key factor* in the Project area burning, but no mention is made at all of this recent event.
- Page 9 mentions that “*Imported water and sewer service would be provided by the Valley Center Municipal Water District*”, which is not factual.
- Page 9 notes that “*If agricultural operations in the watershed ceased, the Valiano property would be significantly more xeric.*” FPP should accurately describe current conditions under “Environmental Setting” to include the fact that the avocado grove was destroyed in the 2014 fires.
- “Fire History” on page 12 makes a brief note of Cocos Fire but does not analyze how it burned close to the entirety of the Project footprint, and what was learned from the fire about fire behavior in the valley. Figures 3 and 4 only mention 2003 and 2007 fires, omitting the most recent onsite event.
- Since previous fire in this area would not historically or now have been responded to by San Marcos Fire due to distance, the relevant historical data should at least include vegetation fires in CSA 107, where part of the project is located, and Escondido FD, which would cover this area due to proximity. “*The San Marcos Fire Department did respond to approximately 142 confirmed vegetation fires in San Marcos from 2000 to 2005. This is an average of 24 wildland fire responses in San Marcos per year.*”
- The DEIR goes on to state, “*There is past history of frequent wildfires in similar vegetation and topography found on- and off-site the proposed Valiano project site.*” Then the online version of the FPP which is different from the bound copy adds the sentence, “*However, FIREWISE 2000, Inc. did not find that any large fires have burned the project area in the last 50 years.*” That sentence, clearly added

after the fact, is misleading since the Cocos fire burned right through the Project site last year.

- While the FPP acknowledges the increased danger from increased housing density, it fails to acknowledge and analyze the impact of the increased density of this Project on surrounding existing residents: *“As the density of structures and the number of residents in the interface increases, potential ignition sources will multiply and a large wildfire occurrence increases. Efforts in this FPP will be made to mitigate the increased likelihood of human ignition of a wildfire spreading to the surrounding wildland fuels.”* (Page 13)
- The Fire Behavior analysis is based on a 2006 and 2007 CWPP, which again does not analyze the Cocos Fire. Actual wind speed on the site in 2014 should be discussed, as well as prevailing winds instead of extrapolating from general models.
- Onsite vegetation analysis is inaccurate re: existing conditions: *“Most of the site is planted with avocado (Persea americana) and limited amounts of citrus (Citrus sp.)”* Active agricultural uses were destroyed during the 2014 fire.
- The FPP repeatedly avoids analyzing impacts on current residents outside the proposed project. For example, at page 17: *“These open space corridors will be fire prone areas with wildfire threat. However, the Implementation of prescribed Fuel Management Zones (FMZs) recommended in this FPP would create acceptable wildfire protection for all the structures **within this development.**”* (emphasis added)
- Offsite vegetation analysis is inaccurate re: Northern and Southern “Boundary: the *“irrigated and managed avocado orchard”* is now dead trees, hence the statement that *“The exposure of the southern boundary of the project site is significantly reduced by the agriculture (avocado). An extensive area southwest of the southwest corner of the proposed Valiano project is also avocado orchard. This adds additional fuel modification of native fuels in the area and **significantly reduces the wildfire hazard**”* needs to be revised to reflect **actual conditions** on the ground.
- To properly model the fire behavior, should a scenario be included which evaluates building to General Plan designations (i.e., 118 homes on 2 acres), rather than “no project”? *“For purposes of evaluating worst case scenarios it was assumed that if the disturbance to the site were discontinued the site would revert quickly to some form of a very high load, dry climate brush fuel models”?*
- Which of the 4 scenarios evaluated reflect the Cocos fire conditions, if any? If none, the analysis should be redone.
- Travel times discussed in response time do not take into account traffic conditions on Country Club Drive. Also, in case of emergency, the analysis does not discuss the fact that over 50% of existing residents have horses which in an evacuation means incoming trailers for those without sufficient capacity, and outgoing trailers on two-lane road, along with emergency vehicles.
- The reduced width on Hill Valley (p. 31) increases danger to first responders and current residents trying to evacuate. This is not acceptable.
- The statement *“If access roads are not currently to DPW road standards, they will be improved to the applicable DPW road standards (See APPENDIX ‘G’ - Valiano Neighborhood Exhibit and Road Circulation Plan)”* has not been evaluated in the EIR.

- Also, the impact to residents analyzed in terms of parking availability and access for residents and guests. *“Fire apparatus access roadways will be designated “fire access roadways or fire “fire lanes” and not obstructed in any manner, including the parking of vehicles.”*
- Since the FPP acknowledges increased fire danger from increased density and proposes that *“All buildings shall be fully protected with automatic fire sprinkler systems”*, the applicant should be required to install at their cost fire sprinkler systems in all the older homes impacted by added fire risk because of the development without that protection. This should be adopted as Project mitigation.
- The Cumulative Impact Analysis fails to mention the 2014 fires.
- Under Additional Requirements, one of the measures is outdated since the onsite avocado orchard is no longer productive. *“4.8.6 The on-site actively managed avocado orchard is anticipated to remain a productive orchard into the foreseeable future. However, if the active management is abandoned and the orchard become dead/decadent and a fire hazard, the SMFD will have authority to remove or have removed the abandoned orchard as a community protection measure.”*
- Requiring adjacent private owners to encumber their property with a FMZ for the benefit of another private entity, and then making the SMFD the authority for *“disputes over fuel modification of individual lots”* is an unreasonable burden on the nearby owners.
- The FPP concludes that, *“This FPP evaluated the adverse environmental effects that the proposed Valiano development may have from wildland fire and to properly mitigate those impacts to ensure that this development does not unnecessarily expose people or structures to a significant risk of loss, injury or death involving wildland fires,”* yet never discusses the adequacy of evacuation routes and impact on evacuating residents outside the Project footprint who will see their fire risk increase as stated on page 13 of the FPP.
- Is it reasonable to expect that proper irrigation of fire-resistant plants within FMZ Zone 1 will occur? These plants must be watered for effectiveness.
- Will the HOA or the individual homeowner be responsible for fuel modification maintenance? There are conflicting statements in project documents. (*Compare, DEIR p. 2.9-18 re: continued maintenance and Appendix L Section 4.4.3 on p. 35 [maintenance under control of HOA].*) Responsibility for fuel abatement must, at the least, be the responsibility of the Project’s HOA. Ideally, a qualified agency would also provide oversight.
- The potential for construction fire has not been adequately addressed. The FPP states the developer will remove flammable brush and vegetation prior to construction. But specifics are not given (*e.g., how much will be removed and in what areas?*). As response times are currently inadequate, construction fire is a potential area of concern. Note that the 2014 so-called Bernardo Fire, in or near the 4S Ranch Community, was started at a construction site, according to media reports. (<http://www.nbcsandiego.com/news/local/New-Details-Bernardo-Fire-Cause-MAST-Hillside-Excavating-261758001.html>)
- If construction occurs during fire season, such as late summer or fall when Santa Wind events are present, these issues are even greater.
- Are water reservoirs at sufficient capacity to air-drop water to the site?

- The applicant is receiving a variance for a reduced FMZ from 150 ft. to 100 ft. which could increase fire risks to residents and neighbors in terms of emergency access and evacuation difficulties; the impact of this variance is not evaluated in the DEIR. Nor is the impact associated with reducing the width of Hill Valley Drive. Also, who is responsible for enforcing the requirements imposed by the SMFD for homes with reduced defensible space (here, lots 1, 3, 4, 119-123, 127, 135, 149, 150, 158, 162, 163, 170, 171, 258, 289)?
- Do FMZs overlap with areas required for biological mitigation? *See*, attached **Exhibit B** (August 14, 2014 site drawings)
- Section 4.5.3 of Appendix L states regarding Zone 3 (the off-site perimeter parcels which provide the required 150-foot fuel treatment zone for select Project parcels) that adjacent properties will provide the required modification of hazardous fuels 150 feet from off-site structures. There is no assurance that easements can be obtained.
- Fire water storage is also assumed to be available (*see*, DEIR Appendix P pp. 3-4). Is this accurate?
- *See*, **Exhibit C** attached hereto for additional comments regarding the FPP. These comments are fully incorporated herein by reference.

Mitigation measures are also inadequate. Section 7.2.10 relies upon the implementation of numerous PDFs for fire protection but these are not proposed for adoption through the mitigation program; thus, they are not enforceable or effective under CEQA. Also, the FPP contains extensive requirements for fuel modification as well as requirements for lots with less than 150 feet of defensible space. These must be made CEQA mitigation measures. The “Additional Requirements” identified on Page 44 must also be adopted through the mitigation program. Again, also, the requirement that individual lot owners shall be responsible for maintenance of fuel modification areas in accordance with the extensive requirements of the FPP is not adequate; individual owners and residents cannot be relied upon for proper fuel management practices.

Feasible mitigation has not been adopted and/or has not been shown to be infeasible. The DEIR states, “[p]olice and fire protection service demands would likely increase with implementation of the Proposed Project ... With regard to fire protection, substantial fire protection facilities are available in the Project vicinity with the construction of the proposed Harmony Grove Fire Station. A two-acre lot has been transferred to the County for the new fire station and a [CFD] has been established with a funding mechanism in place. *The Project would contribute its fair share to construction and operation of the station*” (p. 3.1.4-29) (emphasis added). Yet the DEIR at p. 3.1.7-7 states that no mitigation is necessary. These are seemingly inconsistent statements.

The DEIR states nonetheless that, “To be able to avoid potential impacts from exceeding the five-minute travel time in responding to fires and emergencies, the Harmony Grove Fire Station would have to be in operation for the portion of the Project outside of the EFD’s Station #6 coverage. Therefore, prior to occupation of portions of the site outside of the five-minute travel time, the Harmony Grove Fire Station must be in operation.” Thus, the DEIR proposes for adoption M-HZ-3b which states that, “Prior to occupancy of any structure that does not meet the five minute travel time according to Figure 7 of the approved FPP, either the Harmony Grove Fire Station must be in operation and providing service, or alternate mitigation measures must be provided to the satisfaction of the County Fire Authority and the PDS Director.” But this measure

does *not* obligate the applicant to any “fair share” funding as indicated at DEIR, p. 3.1.4-29. The existing San Marcos Fire Department facilities cannot meet the General Plan travel time requirement of 5 minutes. While the Harmony Grove Village project station will be able to meet travel time requirements, this facility is not fully funded with regard to capital costs to build the station or the ongoing costs for operation. *See, Exhibit C* hereto. Even with funding sources, there are “gaps” in the funding. *Id.* Until such time that funding sources exist and the applicant is obligated to pay its fair share for construction and operation, fire impacts must be deemed a significant impact of the Project. Also the fact that “alternative mitigation measures” may be provided is not assurance of effective and enforceable mitigation pursuant to CEQA. The DEIR indicates that *only* if the Harmony Grove Fire Station is operational that impacts will be less than significant for a portion of the Project site.

The Project also relies upon the procurement of certain easements on private properties adjacent to the Project site for fuel modification (150 feet from structures). It is not clear that these easements can or will be secured, though necessary for fire protection mitigation. Thus, impacts have not been reduced to less than significant. Moreover, how will off-site fuel modification zones be monitored and maintained? Will the Project’s HOA be responsible for and permitted to maintain the FMZ on adjacent private properties?

Was the variance to permit less than 150 feet of fuel modification fully evaluated? Where in the DEIR are the justifications in support of this variance?

Land Use

The Project is inconsistent with and impedes the goals and policies of the County of San Diego General Plan (2011)⁷. As a result, there are significant and unmitigated land use impacts contrary to the conclusions of the DEIR.

County of San Diego General Plan

The Project conflicts with numerous County General Plan policies, and these conflicts are not mitigated by the proposed General Plan Amendment. Initially we observe that the Project conflicts with the principles and intent of the new General Plan. The County prominently states on its website that the General Plan,

is the first comprehensive update of the San Diego County General Plan since 1978 and is the result of the collective efforts of elected and appointed officials, community groups, individuals, and agencies who spent countless hours developing a framework for the future growth and development of the unincorporated areas of the County. This document replaces the previous General Plan and is based on a set of guiding principles designed to protect the County’s unique and diverse natural resources and **maintain the character of its rural and semi-rural communities**. It reflects an environmentally sustainable approach to planning that **balances the need for adequate infrastructure, housing, and economic vitality, while maintaining and preserving each unique community within the County, agricultural areas, and extensive open space**.

The General Plan directs future growth in the unincorporated areas of the County

⁷ (<http://www.sandiegocounty.gov/pds/generalplan.html>)

with a projected capacity that will accommodate more than 232,300 existing and future homes. This growth is targeted to occur primarily in the western portions of the unincorporated County where there is the opportunity for additional development. Compared to the previous General Plan, this update reduces housing capacity by 15 percent and shifts 20 percent of future growth from eastern backcountry areas to western communities. This change reflects the County's commitment to a sustainable growth model that facilitates efficient development near infrastructure and services, while respecting sensitive natural resources and protection of existing community character in its extensive rural and semi-rural communities. **The General Plan provides a renewed basis for the County's diverse communities to develop Community Plans that are specific to and reflective of their unique character and environment consistent with the County's vision for its future.** (emphasis added)

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

The Project fundamentally conflicts with the General Plan insofar as it represents a dramatic change in the land use intensities than permitted by the current General Plan. **The Project also does not represent an extension of other higher density areas in a manner anticipated by regional planning documents.** See, General Plan Housing Element Figure H 2 identifying SANDAG "Smart Growth Opportunity Areas" near "Village Centers."

(<http://www.sandiegocounty.gov/content/dam/sdc/pds/gpupdate/docs/GP/HousingElement.pdf>)

The Project also conflicts with specific General Plan Policies related to preservation of rural, natural, and agricultural areas; smart growth; transportation planning; noise abatement; environmental sustainability; and fire protection and services. Conflicts exist as to the following policies, among others:

LU-1.2 Leapfrog Development. Prohibit leapfrog development which is inconsistent with the Community Development Model ... For purposes of this policy, leapfrog development is defined as Village densities located away from established Villages or outside established water and sewer service boundaries.

LU-5.3 Rural Land Preservation. Ensure the preservation of existing open space and rural areas (e.g., forested areas, agricultural lands, wildlife habitat and corridors, wetlands, watersheds, and groundwater recharge areas) when permitting development under the Rural and Semi Rural Land Use Designations.

LU-13.2 Commitment of Water Supply. Require new development to identify adequate water resources, in accordance with State law, to support the development prior to approval.

LU-14.4 Sewer Facilities. Prohibit sewer facilities that would induce unplanned growth.

M-4.3 Rural Roads Compatible with Rural Character. Design and construct public roads to meet travel demands in Semi-Rural and Rural Lands that are consistent with rural character while safely accommodating transit stops when deemed necessary, along with bicyclists, pedestrians, and equestrians. Where feasible, utilize rural road design features (e.g., no curb and gutter improvements) to maintain community character. [See applicable community plan for possible relevant policies.]

M-4.4 Accommodate Emergency Vehicles. Design and construct public and private roads to allow for necessary access for appropriately-sized fire apparatus and emergency vehicles while accommodating outgoing vehicles from evacuating residents.

M-4.5 Context Sensitive Road Design. Design and construct roads that are compatible with the local terrain and the uses, scale and pattern of the surrounding development. Provide wildlife crossings in road design and construction where it would minimize impacts in wildlife corridors.

M-8.1 Maximize Transit Service Opportunities. Coordinate with SANDAG, the CTSA, NCTD, and MTS to provide capital facilities and funding, where appropriate, to: 1. Maximize opportunities for transit services in unincorporated communities.

The Project's distance to the Sprinter station is over one mile at best, and the terrain is largely not walkable (no sidewalks). There are no immediately accessible mass transit opportunities for the Project residents.

M-8.5 Improved Transit Facilities. Require development projects, when appropriate, to improve existing nearby transit and/or park and ride facilities, including the provision of bicycle and pedestrian facilities, provisions for bus transit in coordination with NCTD and MTS as appropriate including, but not limited to, shelters, benches, boarding pads, and/or trash cans, and to provide safe, convenient, and a

COS-11.1 Protection of Scenic Resources. Require the protection of scenic highways, corridors, regionally significant scenic vistas, and natural features, including prominent ridgelines, dominant landforms, reservoirs, and scenic landscapes.

COS-11.3 Development Siting and Design. Require development within visually sensitive areas to minimize visual impacts and to preserve unique or special visual features, particularly in rural areas, through the following:

- Creative site planning
- Integration of natural features into the project
- Appropriate scale, materials, and design to complement the surrounding natural landscape
- Minimal disturbance of topography
- Clustering of development so as to preserve a balance of open space vistas, natural features, and community character.
- Creation of contiguous open space networks

COS-12.1 Hillside and Ridgeline Development Density. Protect undeveloped ridgelines and steep hillsides by maintaining semi-rural or rural designations on these areas.

COS-13.1 Restrict Light and Glare. Restrict outdoor light and glare from development projects in Semi-Rural and Rural Lands and designated rural communities to retain the quality of night skies by minimizing light pollution.

COS-14.1 Land Use Development Form. Require that development be located and designed to reduce vehicular trips (and associated air pollution) by utilizing compact regional and community-level development patterns while maintaining community character.

COS-14.5 Building Siting and Orientation in Subdivisions. Require that buildings be located and oriented in new subdivisions and multi-structure non-residential projects to maximize passive solar heating during cool seasons, minimize heat gains during hot periods, enhance natural ventilation, and promote the effective use of daylight.

COS-15.1 Design and Construction of New Buildings. Require that new buildings be designed and constructed in accordance with “green building” programs that incorporate techniques and materials that maximize energy efficiency, incorporate the use of sustainable resources and recycled materials, and reduce emissions of GHGs and toxic air contaminants.

COS-15.4 Title 24 Energy Standards. Require development to minimize energy impacts from new buildings in accordance with or exceeding Title 24 energy standards.

COS-16.5 Transit-Center Development. Encourage compact development patterns along major transit routes.

S-3.6 Fire Protection Measures. Ensure that development located within fire threat areas implement measures that reduce the risk of structural and human loss due to wildfire.

S-6.3 Funding Fire Protection Services. Require development to contribute its fair share towards funding the provision of appropriate fire and emergency medical services as determined necessary to adequately serve the project.

Here, this Policy could mean mitigation in the form of constructing or funding a new road connection to La Moree Road. Note also that fair share funding has not been required as to the construction of the Harmony Grove Village fire station.

S-6.4 Fire Protection Services for Development. Require that new development demonstrate that fire services can be provided that meets the minimum travel times identified in Table S-1.

Travel Time	Regional Category (and/or Land Use Designation)	Rationale for Travel Time Standards**
5 min	<ul style="list-style-type: none"> • ■ □ □ Village (VR-2 to VR-30) and limited Semi-Rural Residential Areas (SR-0.5 and SR-1) • ■ □ □ Commercial and Industrial Designations in the Village Regional Category • ■ □ □ Development located within a Village Boundary 	

S-6.5 Concurrency of Fire Protection Services. Ensure that fire protection staffing, facilities and equipment required to serve development *are operating prior to, or in conjunction with,* the development. Allow incremental growth to occur until a new facility can be supported by development. (emphasis added)

N-1.3 Sound Walls. *Discourage the use of noise walls.* In areas where the use of noise walls cannot be avoided, evaluate and require where feasible, a combination of walls and earthen berms

and require the use of vegetation or other visual screening methods to soften the visual appearance of the wall. (emphasis added)

N-4.1 Traffic Noise. Require that projects proposing General Plan amendments that increase the average daily traffic beyond what is anticipated in this General Plan do not increase cumulative traffic noise to off-site noise sensitive land uses beyond acceptable levels.

Many of the foregoing policies are not discussed in the DEIR. As to air quality, the DEIR concludes that impacts are less-than-significant with respect to conflicts between the Project and General Plan air quality policies, but this conclusion is not supported where the DEIR finds that air quality impacts are *significant* on an operational and cumulative basis. Additionally, the DEIR asserts, “the Project would be built in accordance with the Building Industry Association’s California Green Building Program to reduce impacts to air quality. The *key* CGB design features would account for 15 percent greater energy efficiency than the current Title 24 2008 energy code.” (emphasis added) As discussed above, Title 24 was updated in 2013.

Finally, as to applicable General Plan mitigation measures, these must be adopted as CEQA mitigation measures, not Project design features, in order to be legally enforceable and effective (p. 3.1.4-9). The Project also fails demonstrate compliance with or include applicable General Plan mitigation measures, including but not limited to: Aes-1.3, Aes-1.7, Aes-1.8, Agr-1.1, Agr-2.1, Haz-4.3, Hyd-1.7, Hyd-2.1, Pub-1.4, Pub-1.5, USS-4.1, USS-4.3.

([http://www.sandiegocounty.gov/content/dam/sdc/pds/gpupdate/docs/BOS_Aug2011/EIR/FEIR_7.00 - Mitigation Measures 2011.pdf](http://www.sandiegocounty.gov/content/dam/sdc/pds/gpupdate/docs/BOS_Aug2011/EIR/FEIR_7.00_-_Mitigation_Measures_2011.pdf))

Elfin Forest Harmony Grove Community Plan

The Project is inconsistent with and impedes the goals and policies of the San Dieguito Community Plan and the Elfin Forest and Harmony Grove portion of the Community Plan⁸.

The DEIR states,

[C]ommunity plans have been adopted as integral parts of the General Plan to provide the framework for addressing the issues and concerns unique to each community that are not reflected in the broader policies of the General Plan. The San Dieguito Community Plan augments the 2011 General Plan and contains goals and policies specific to the San Dieguito CPA. Each community/subregional plan in San Diego County identifies specific community character attributes and outlines goals and policies intended to preserve those attributes. The Proposed Project site is located in the northernmost portion of the San Dieguito community planning area. (DEIR p. 3.1.4-3)

The Elfin Forest and Harmony Grove Portion of the San Dieguito Community Plan the planning areas of Elfin Forest and Harmony Grove, which total approximately 6,793 acres in size and fall within the San Dieguito CPA. The southern portion of

⁸(http://www.sandiegocounty.gov/content/dam/sdc/pds/docs/CP/ELFIN_FOR_HARM_GROVE_CP.pdf)

the Proposed Project site falls within the Harmony Grove community. Land Use goals for the Harmony Grove community include preservation of the rural small town feeling, open access community design that unifies multiple developments into ‘one neighborhood,’ and continued preservation and dedication of natural and cultural resources and open space. The Land Use Element encourages environmentally sensitive, responsible equestrian uses; preservation of a rural visual environment and visually significant resources; continued agricultural uses; and buffers between urban areas and rural residential uses. (DEIR p. 3.1.4-4)

First, the Project conflicts with the existing land uses and character of the area, which is described in the EFHG Community Plan as,

The Harmony Grove community encompasses areas that are primarily single-family rural residential communities on estate lots sprawling over hillsides, along with agricultural uses and residential livestock keeping ... It has no established trails; no commercial development or non-agricultural industry, except for one concrete– pipe plant; no sidewalks; and no extractive land uses ... Urban areas of Escondido and San Marcos immediately adjoin several portions of Harmony Grove. Harmony Grove residents value open space, quiet, dark nighttime skies, and low traffic volume. **There are no street lights, lighted signs, or traffic signals. Some of the key elements of the Harmony Grove character and values include one- and two-story single family homes on large lots; large animal facilities on residential properties; no clustered development; no "cookie-cutter" developments; no walled developments, and no gated communities.** (EFHG Community Plan p. 16) (emphasis added)

The Project does not fulfill the vision for the future Harmony Grove community, described in the EFHG Community Plan as:

The area is rural in nature, extremely quiet, peaceful, and generally remains in its natural state, except for the agricultural uses. The dark night sky is an important aesthetic resource. **The most scenic views in Harmony Grove are of the hills, valleys, riparian habitat, and grazing farm animals;** and these visual qualities must be preserved. **The area remains non-industrial with low-densities,** which preserve the community’s historic rural agricultural character. The residents embrace a green community, where they continue their rural small-town lifestyle, enjoy keeping leisure and market animals, and live in harmony with the land and the wildlife . . . The historic rural habitat is preserved where the Village is surrounded by large-lot rural homes and small, family owned farms and vineyards that preserve the critical relationships necessary for this environmentally sensitive and balanced green community. The all-important rural voice is not overwhelmed by the urban voice. (Community Plan p. 23) (emphasis added)

The Project site is located *outside* the Village boundary particularly outside the Harmony Grove Village (HGV) Boundary. The EFHG Community Plan states explicitly that, “the Harmony Grove Village Boundary, shown on Figure 3 on page 25, is a **growth boundary** that identifies land to

which development should be directed. **Areas outside this limit line are not intended to expand and should retain the original Harmony Grove rural residential and agricultural character**” (p. 27) (emphasis added). Thus the EFHG Community Plan accounts for HGV yet notes that “[**if the pattern shown on the General Plan Land Use Map is strictly followed**], the final number of urban homes should approximately equal the number of rural homes in the neighboring communities and Harmony Grove should be able to keep its rural voice” (p. 21) (emphasis added). The EFHG Community Plan does not envision a continuation of higher density development like that of HGV; rather, it anticipates that HGV with its higher densities will be *balanced* by the continuation of *rural* development consistent with *current* General Plan land use designations.

Likewise, the Project does not satisfy or conform to specific EFHG Community Plan Goals and Policies including but not limited to:

Goal LU-1. Preservation of the rural small town feeling of Harmony Grove and **Policy LU-1.5.1** **Require minimum lot sizes of two acres of land designated as Semi-Rural 4 or lower densities and one acre of lands designated as Semi-Rural 1 and Semi Rural 2 as the standards.**

The Project conflicts with Policy LU-1.5.1 for lot sizes including in Neighborhood 5.

Policy LU-1.6-2. Promote design of development with a rural, country theme.

Policy LU-1.8.1. Require mitigation land for development within the community to be purchased within the community to create open space and trails.

Policy LU-1.9.2. Encourage the keeping of equestrian and market animals.

Policy LU-1.9.7 Strictly enforce manure and odor control.

Policy LU-1.10.1. Reduce front setbacks to allow grazing, but not housing, of leisure and market animals residential fenced front yards.

Goal LU-2.1 Preservation of the rural unincorporated community of Elfin Forest and its cohesiveness with its neighbor, the rural unincorporated community Harmony Grove.

Policy LU-2.2.1 Ensure that the number of urban residences does not greatly exceed that of the rural residences in the greater unincorporated communities of Harmony Grove and Eden Valley. The clear intent of Policy LU-2.2.1 is to prevent the original Harmony Grove residents, identified in the Community Plan as living in large lot equestrian properties, from becoming outnumbered by residents of clustered, small lot, non-equestrian properties. This skewed ratio would create a majority voice for the suburban resident and encourage migration of the original rural equestrian residents out of the community, further eroding the community character and culture. Development according to the current GP yields an urban/rural balance consistent with Policy LU-2.2.1. Development according to the Valiano SPA, including counting the Project’s horse keeping properties as rural residences, still yields a 3 to 1 urban prevalence, clearly altering the residential balance that Policy LU-2.2.1 was designed to protect. This issue and the possible impacts to community character must be studied in the EIR.

See, **Exhibit E** attached hereto containing further discussion on Project inconsistency with **Policy LU-2.2.1**.

Policy LU-3.1.3. Encourage developers and public agencies in the County to acquire Elfin Forest’s sensitive environmental habitat as mitigation.

Policy CM-5.1.1. Require construction of pedestrian trails linking each and every house as a condition of development for subdivisions with 5 or more homes.

Goal CM-10.2 A sewage disposal system that retains the rural character of Elfin Forest – Harmony Grove and **Policy CM-10.2.1** *Require all proposed new development to use septic systems with one septic system per dwelling unit.*

Goal COS-1.2 Native soil and topography moderately interspersed with low impact residential and agricultural uses and **Policy COS-1.2.1** Require development to minimize impact on soil resources. Topography is maintained wherever possible. **Policy COS-1.2.2.** Prioritize Elfin Forest areas to be purchased as mitigation property.

(EFHG Community Plan pp. 27 – 47)

Zoning Ordinance

The Project may also conflict with or violate provisions of the County Zoning Ordinance including the Subdivision Ordinance. For instance, the Project violates the requirement that secondary units are permitted on lots no less than 20,000 square feet. These conflicts are not necessarily resolved by the proposed rezoning or adoption of a Specific Plan.

Finally, any deviations from any requirements for preservation of natural slopes have not been justified and the deviations create potential land use and visual impacts that have not been discussed or mitigated.

Noise

Operational Traffic Noise

The adopted threshold of significance for exterior noise is whether implementation of the Project would “Expose exterior on- or off-site, existing or reasonably foreseeable future, NSLUs to noise (including road noise) in excess of 60 CNEL for single-family residential uses” (p. 2.6-4). The DEIR states that existing traffic noise levels along Country Club Drive were measured at two locations and the measurements ranged from 52.5 to 56.6 dBA. *See also*, Acoustical Site Assessment Report (“Noise Study”) p. 21. With respect to these locations, the DEIR states that future noise levels could exceed the County’s 60-CNEL threshold for exterior use areas for single-family residential uses.

Impacts are significant in the Existing plus Project (E+P) scenario as to off-site sensitive noise receivers. Table 2.6-3 shows that numerous receiver locations will exceed 60 dB when Existing conditions are combined with Project conditions. Further, several of the receivers such as R07, 09, 10, and 21 currently experience traffic noise levels *below* 60 dB, but these levels will increase *above* 60 dB when Project noise is added to the existing ambient environment. Yet the discussion at p. 2.6-6 does not mention the Existing plus Project scenario, nor the fact that traffic noise levels exceed 60 dB under this scenario (the DEIR states that “[a]s shown in Table 2.6-3, future noise levels would exceed 60 CNEL at both structural facades and exterior use locations for off-site residences in both the *Existing plus Cumulative* condition, and the *Existing plus Project plus Cumulative* condition”). This is a substantial omission in light of Table 2.6-3. Because traffic noise in the Existing plus Project scenario exceeds applicable noise levels *and* the adopted threshold of significance (p. 2.6-4), impacts must be deemed significant as to off-site receptors.

The DEIR asserts at p. 2.6-6 that impacts are less-than-significant in the Existing plus Cumulative and Existing plus Project plus Cumulative conditions because the “change” over existing noise levels with the Project is less than 1 dBA. This 1 dBA standard is not identified as

part of the threshold of significance on p. 2.6-4 (Section 2.6.2.1). Arguably this standard applies to cumulative impacts (*see*, Noise Study pp. 8, 22), but this still does not address the Existing plus Project scenario.

In addition, M-N-2 is not shown to be effective for interior noise levels for on-site residences. Reliance upon a future study is not adequate mitigation under CEQA. Also, the measure merely requires an “analysis”; there is no action required in the event that the analysis reveals interior noise in excess of 45 CNEL.

Mitigation related to the wastewater treatment plant is also uncertain where the program calls for the preparation of a future study to be reviewed by Staff outside the CEQA process. There is no certainty that the 45 dB standard can be achieved with respect to the waste water plant, which will already be constructed and possibly operational at the time of the future analysis.

Construction Noise

The DEIR suggests that construction noise impacts to on-site receptors are less-than-significant during mass grading phases because grading, ripping and blasting would occur *prior* to the development (and presumably occupancy) of on-site residences (p. 2.6-13). However, the DEIR indicates elsewhere that construction *including grading* would occur in *phases* (p. 1-20 “Grading would be done by individual neighborhood, beginning with Neighborhood 5, followed by Neighborhoods 1, 2, 3 and 4”). *See also*, p. 1-21. To the extent that grading will occur when earlier phases of the Project are occupied, on-site residences could be exposed to unacceptable construction noise levels. Analysis of this issue and appropriate mitigation is required. Mitigation could include: (1) installation of temporary noise barriers; (2) use of electrical construction equipment; (3) prohibition of idling of vehicles more than 3 minutes; (4) banning heavy trucks near (within 250 feet) of sensitive uses; and (5) scheduling of construction activities so they do not interfere with noise sensitive operations.

Off-site construction activities are not shown on the basis of substantial evidence to result in less-than-significant noise impacts. According to the Noise Study, these activities include “grading, compacting, paving, and undergrounding of utilities” (p. 30).

As to off-site receptors during construction, the Noise Study at Figure 5 indicates that construction noise impacts are still significant even with the 12-foot noise control barrier. The County’s Noise Ordinances establishes a 75-dBA standard between 7 a.m. and 7 p.m. *at the boundary line of the property where the noise source is being generated* or any occupied property where noise is received during construction. Figure 5 indicates that the 75-dBA threshold is met or potentially exceeded at the Project’s property line. Existing properties are *very close* to the Project boundary. *See*, Figure 2.2-1 (air quality section). In addition, M-N-7 is inadequate where it allows the preparation of future acoustical analysis and, potentially, the creation of new mitigation based on ill-defined standards and outside the CEQA review process.

Installing a 12’ barrier “to block the line of sight” (M-N-7) will not mitigate for excessive noise. Since the mitigation measure does not mitigate for the impact, another measure needs to be devised, such as prohibiting such activity within 180’ of occupied offsite residences.

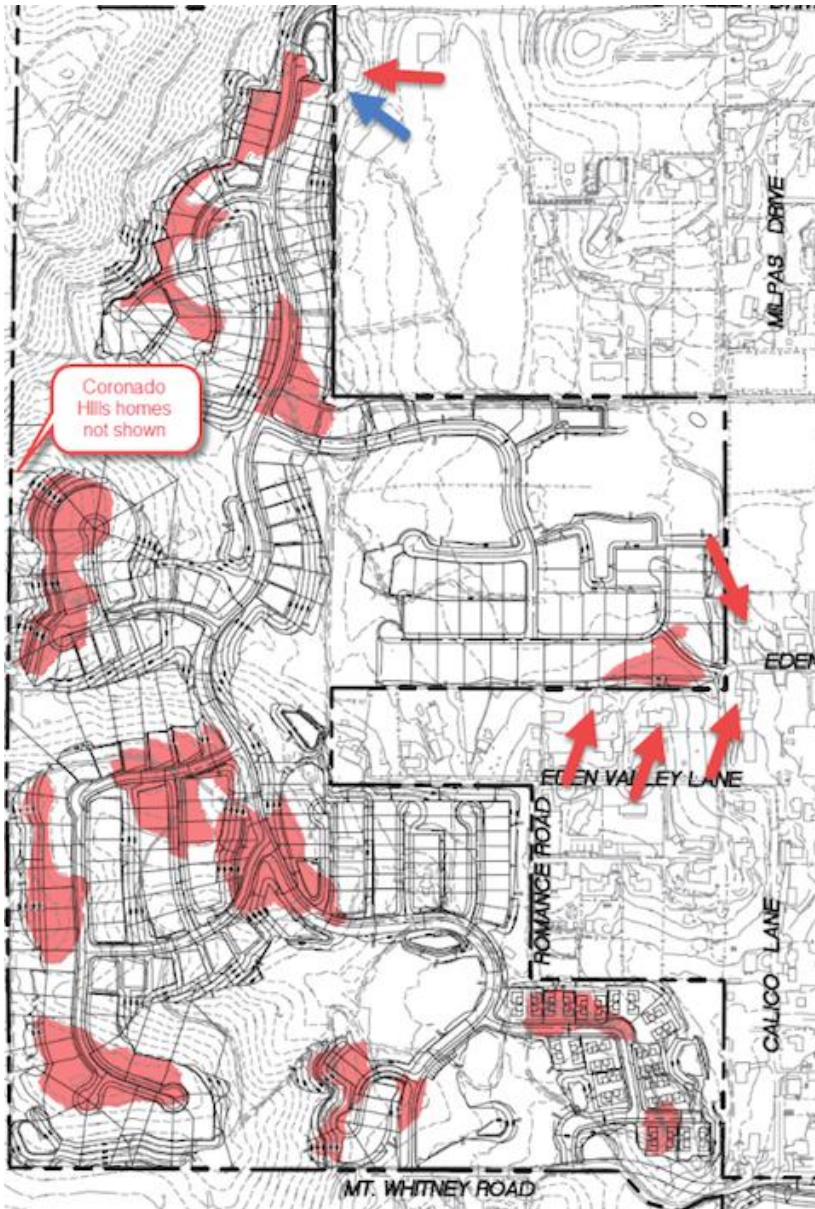
Similarly the risk of using rock breakers near structures that could be permanently damaged from the vibration is not fully analyzed. Proposing simply to *not use* a breaker within 300’ of occupied residences (M-N-8), when an entire Neighborhood 3 adjacent to several existing homes is to be carved out of granite mountain, appears at best difficult to implement, which may result in the breaker being used anyway after Project approval, and asking Staff for variances as has been the case for blasting and grading at the nearby Harmony Grove Village site. Since there are

current residences within the 300' radius of where proposed homes where heavy grading in rock would occur, the proper mitigation would be to require the Project to avoid placing grading sites requiring rock breakers within a 300" radius from existing homes.

Similarly, the issue of potential structural impact to residences from blasting is addressed simply by "using an approved blaster and getting the required permits" (M-N-9). How would that possibly prevent and/or indemnify for vibration impact to existing homes, many of them older?

M-N-9 is not shown to be effective. The future "specific analysis" will be conducted post-project approval, without the benefit of public review and scrutiny. There is no guarantee that M-N-9 can provide any sort of effective mitigation for area residents. M-N-9 is also onerous and unrealistic - physically removing existing livestock for the duration of the blast is absolutely unworkable with large animals. Getting horses in and out of trailers is very difficult in the best of times with their usual handlers that they are accustomed to, and either placing that burden on horse owners for the benefit of the Project, or subjecting the horses to handling by third parties hired by the applicant is not an acceptable way to humanely deal with the Project impact on large animals. The only practical mitigation measure would be to prohibit all blasting, given that the Project is surrounded on all sides, including in San Marcos, by agricultural and/or rural properties, the preponderance of which have large animals on site. It is not reasonable to impose the burden of compromising animal welfare on the surrounding property owners who stand to gain nothing from the project.

Further, the blasting map below completely contradicts the mitigation measures proposed, since they depict plans to blast well within the 180' of existing homes, which will require drilling. In the image below the red areas are expected blast areas (and, as residents learned from HGV there will be many more than this), the red arrows point to existing homes, and the blue arrow points to an existing well. Note that in Neighborhood 3 blasting is proposed right up to the property lines and the same is true in the northern most section, in complete contradiction with the mitigation measures stated. How can the public and the decision makers fairly evaluate impacts which are obfuscated and hidden in appendices and technical reports when the summary is so very misleading?



The diagram included in the DEIR does not show the homes on Coronado Hills in San Marcos - yet by referencing other maps it appears blasting is proposed right below existing homes, conveniently located in another jurisdiction which does not get to decide on the project approval outcome. *See*, Exhibit A for further reference to Coronado Hills homes.

Water Supply

Water supply impacts must be deemed a **significant** impact of the Project.

The DEIR must be revised with respect to water supply in light of the April 29, 2015 water availability letter from the Rincon del Diablo Municipal Water District (RMWD). (DEIR, Appendix O) RMWD writes that they are now under Level 2 drought restrictions⁹. RMWD's previous availability letter of April 15, 2012 regarding the Project stated that RMWD was under

⁹ RMWD must reduce their water by 32% over 2013 usage (<http://www.rinconwater.org/latest-news/147-drought-update>)

Level 1 drought restrictions. That April 15 letter stated unequivocally that “If Rincon is forced to re-enter the Level 2 Drought Alert, the Board of Directors will suspend consideration of new potable water available.” RMWD’s April 29, 2015 availability letter also references Executive Order B-29-15, issued on April 1, 2015, requiring that, due to the severity of California’s drought and likelihood that it will stretch to 2016 and beyond, the Water Board shall impose a statewide 25% urban water reduction in usage. (http://gov.ca.gov/docs/4.1.15_Executive_Order.pdf) In light of this Executive Order and the voluntary Level 2 drought restrictions adopted by the District¹⁰ RMWD wrote on April 29, 2015 that new meters may *not* be permitted and will be dependent on future actions by water suppliers and Rincon’s Board of Directors. Consequently, water supply for the Project has not been shown to be available or adequate in violation of CEQA¹¹. *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* 40 Cal. 4th 412, 432 (informational purposes of CEQA are not satisfied by an EIR that simply ignores or assumes a solution to the problem of supplying water to a proposed land use project).

It is not demonstrated that RMWD will be able to meet the Project’s water demands under Multiple Dry Year scenarios. The DEIR vaguely claims that RMWD has “plans” in place that will meet water demand in multiple dry years but this is not substantial evidence of adequate water supply. “Speculative sources and unrealistic allocations (‘paper water’) are insufficient bases for decisionmaking under CEQA.” *Vineyard Area Citizens, supra*, at p. 432. A water supply assessment may also be required. *See*, Water Code § 10910 (C)(3).

In addition, the April 29, 2015 RWMD availability letter notes that Reservoir 7 must be made a part of the Project, yet the DEIR states that this facility is not part of the proposed Project (p. 2.11-6). This conflict must be resolved. RWMD specifically puts the County on notice that the facility must be included in the project’s planning *and environmental review process*.

Water supply impacts are significant insofar as the Project’s additional housing population is not included among regional land use plans, and therefore the population has not been accounted for in water supply plans. And, it is not shown that adequate supply of imported water exists to service the Project in light of the Project’s increased housing beyond that accounted for in regional plans. The RMWD receives its water from the San Diego County Water Authority (SDCWA), which receives its water primarily from the Metropolitan Water District (MWD). The MWD receives its water from imported sources: the Colorado River and the State Water Project. Thus, currently, SDCWA receives 80% of its water from imported sources, with 50% coming from the Colorado River^{12 13}. The DEIR does not demonstrate that the Project’s reliance upon imported water for water supply is adequate in light of drought conditions and depleting supply at sources.

Traffic

There is no mention or analysis of construction traffic in the traffic analysis; for example, there is no analysis of construction traffic related to the off-site haul trips for the export associated with the improvements to Mt. Whitney Road. Also, how will on-site construction traffic impact residents of earlier phases of the development?

¹⁰ (<http://rinconwater.org/latest-news/147-rincon-customers-continue-conserving>)

¹¹ Given the necessary 32% reduction requirement, arguably RWMD should be under Level 3 mandatory restrictions. *See*, Rincon MWD Ordinance No. 15-120.2, attached hereto as Exhibit F.

¹² (<http://www.sdcoastkeeper.org/blog/san-diego-water-supply/item/135-where-your-water-comes-from.html>)

¹³ (<http://www.sdcwa.org/san-diego-county-water-sources>)

The DEIR states the Project would result in significant direct and cumulative impacts to a number of roadway segments and intersections (both signalized and unsignalized):

- Under Existing Plus Project and Existing Plus Cumulative Plus Project conditions, significant **direct** and cumulative impacts would occur along two analyzed **roadway segments**, including:
 - City of Escondido: **Impact TR-1a** Country Club Drive from Auto Park Way to Hill Valley Drive (LOS F: Direct **and TR-1b** and Cumulative)
 - County of San Diego: **Impact TR-2** Country Club Drive from Hill Valley Drive to Kauana Loa Drive (LOS F: Cumulative Only)
- Under Existing Plus Cumulative Plus Project conditions, significant cumulative impacts would occur at two analyzed signalized intersections, including: City of Escondido:
 - **Impact TR-3** Auto Park Way/Mission Road (LOS D/D during the AM and PM peak periods)
 - **Impact TR-4** Auto Park Way/Country Club Drive (LOS D during the AM peak period)

These impacts remain significant as traffic mitigation for these direct and cumulative impacts is vague, uncertain and unenforceable. Proposed mitigation measure, M-TR-2, states, “In order to mitigate the cumulative impact along Country Club Drive between Hill Valley Drive and Kauana Loa Drive, the Applicant shall pay the appropriate TIF amount towards the County TIF Program.” This alone is inadequate. The Project is a non-conforming GPA project; thus, payment into the current TIF program alone would not fully mitigate cumulative impacts. In order to mitigate impacts, the Project must pay to update the TIF as indicated in the traffic impact study (Appendix H).

Furthermore, updating the TIF alone does not mitigate the impact where “fair share” fees cover only officially scheduled and funded road improvement projects. There is no indication in the DEIR that improvements to Country Club Drive between Hill Valley Drive and Kauana Loa Drive are scheduled and/or funded, and, therefore, are reasonably likely to occur in the foreseeable future. Fair share fees are inadequate where there is no evidence of a program in place for the specific improvements at issue. Thus even if the Project pays a “fair share” to *update* the TIF program (which is not a requirement of the mitigation program) there is still no evidence that the actual improvements necessitated by the Project will be in place at or about the time of need. Also, the DEIR relies on a number of “Project Design Features” to lessen direct and cumulative impacts (including safety/ “Access” impacts). *See*, DEIR p. 2.8-25. These PDFs must be adopted as CEQA mitigation measures. Finally, the DEIR does not appear to incorporate all recommended mitigation from the traffic impact study (DEIR, Appendix H).

M-TR-3 is also inadequate. First, the DEIR and the traffic study (DEIR, Appendix H) refer the reader to Appendix K to the traffic study, but no such appendix appears with the version of the traffic study available online. Even so, the purported fact that an impact to a particular intersection was previously deemed significant and unavoidable by a separate EIR does not automatically translate to finding of significant and unavoidable for the present project, therefore eliminating the need for mitigation. There is no showing that the Project could not construct necessary improvements at the intersection, or no information is provided whether consultation with Escondido was attempted regarding ways in which to mitigate the impact. At the least, available

mitigation includes working with Escondido on identification of potential mitigation strategies. Furthermore, it is not shown that the Escondido General Plan EIR accounted for the proposed Project with its particular densities; thus, it not shown that the present Project can rely on the analysis and conclusions of the Escondido General Plan EIR.

The DEIR relies upon several traffic measures (a stop sign at Mt. Whitney Road/Country Club Drive, construction of Future Street 5A, and northbound left-turn pockets and striping at the four access locations along Country Club Drive, p. 2.8-17) but these are not identified in the mitigation program. At best, they are Project Design Features, which are not enforceable under CEQA. Also, the DEIR suggests that Mt. Whitney Road may not meet County sight line standards and that a “design exception” may be allowed to allow less than the required 400 feet both in the north and south directions. This sight line exception has the potential for traffic and safety impacts. Also, where there is no guarantee of a stop sign at the Mt. Whitney/Country Club intersection, there is more probability of a dangerous condition being created due to the Project.

Other traffic study concerns:

- Traffic counts do not take into account the 54 SDUs (Secondary Dwelling Units): should the impacts not measure worst impact, as if they were all built/occupied? Count would be 380 instead of 334 as analyzed.
- There is no analysis whatsoever to traffic impacts on intersections to the west of the Project, utilizing Harmony Grove/Elfin Forest to access beaches and employment centers to the west. Given how congested Interstate 78 is at rush hour, and the observed current traffic from Escondido on Elfin Forest Road, and the associated back-up at intersection of Elfin Forest Road/Twin Oaks/San Elijo Road, this is a serious omission.
- The Project location is incorrect; there is no access from La Moree Road.
- Only 6% of traffic is planned to use the western route, which given observed traffic from Escondido, seems unrealistic.
- Neighborhood 5 is incorrectly identified as having 65 units and 20 SDUs, whereas the site plan (and the rest of EIR) indicates 55 DUs.
- Country Club Drive analysis does not discuss vehicle back-up at Auto Parkway at rush hour.
- The impact of the Citracado extension not being completed as was forecast in the HGV traffic study should be taken into account to re-distribute the Harmony Grove traffic and recalculate cumulative impact. In the 2007 HGV traffic impact assessment, it was assumed that the Citracado extension would be completed but this has not occurred. As a result, the 742 dwelling units in HGV will not use this egress/ingress (anticipated as the major point of access from HGV), with potential impacts for the current Project.
- The traffic study does not mention the San Marcos Fire Department granting a variance to reduce 185’ width of Hill Valley Drive from 24 ‘down to 16’.
- Of most concern, there no discussion of emergency evacuation given all access is provided on Country Club Drive, a 2 lane road. Over 50% of existing 80 residences along Country Club have horses to evacuate, hence trailers.
- The intersection of Kauna Loa and Harmony Grove road should be studied. This will be a pinch point during an evacuation as these two roads come from either side of Harmony Grove and they meet at that intersection—thus, assuming a fire is present on the west side as has occurred several times, many Harmony Grove residents will be on those roads if they do not take the new road or Country Club. Locals’ observation during the last

evacuation is that most people were headed to the closest freeway, which in their case was Highway 78 and it was the recommended route that by law enforcement, as there was a fear that the fire would follow the creek.

- Mitigation would include a connection to La Moree Road to relieve traffic on Country Club Drive.
- Additional comments on the traffic analysis by traffic consultant Darnell & Associates (June 12, 2015) are attached hereto as **Exhibit G**. These comments are fully incorporated herein by reference.

Growth-Inducement

An EIR must evaluate any significant environmental effects the project might cause by *bringing development and people into the area affected*. (CEQA Guidelines § 15126.2 (subd. (a).) An EIR must specifically discuss “growth inducing impacts.” (Guidelines § 15126.2 (d).) Growth-inducing impacts may occur, for instance, when a project removes an obstacle for growth. “The major expansion of a waste water treatment plan, might, for example, allow for more construction in service areas.” (Guidelines § 15126.2 (d).) Here, **the conclusion of less-than-significant growth-inducing impacts is not supported by substantial evidence**.

The Project will include the construction of a new wastewater treatment; this brings new services to the area and removes obstacles for future growth. To the extent that Reservoir 7 is constructed as a result of the Project, this reservoir could provide water supply for other planned development as acknowledged by the DEIR, thereby removing another obstacle to growth. The Project also proposes the widening and improvements of existing roadways, some of which are currently dirt roads. The Project’s population and housing numbers have not been accounted for in regional projections, and, therefore, the Project’s population and housing are not consistent with the growth projected for the area. Consequently, the Project is not “growth-accomodating” as claimed. The Project also creates the potential for negative “precedent setting” insofar as it proposes an amendment to the General Plan to accommodate the higher densities; future projects may follow suit in seeking similar amendments. Finally, this Project represents a development pressure on surrounding agricultural uses and large lots to convert to high density residential or commercial.

Alternatives

CEQA requires that an EIR describe and evaluate a reasonable range of alternatives to the proposed project which avoid or minimize the significant impacts associated with the proposed project. State CEQA Guidelines § 15126.6 § (a), (d). Where an alternative is feasible, it must be adopted in lieu of the proposed project. Pub. Res. Code § 21002. Where an alternative is deemed infeasible, the agency must make findings of infeasibility. Pub. Res. Code § 21081 (a)(3). These findings shall be supported by substantial evidence in the record. Pub. Res. Code § 21801.5. A project may not be approved unless said findings are made. Pub. Res. Code § 21081.

The DEIR evaluates six alternatives to the proposed project including a “no-project” alternative. This range of alternatives does not meet CEQA’s mandate where the DEIR omits a reasonable alternative involving 2-acre lots to allow for agricultural mitigation. An alternative should be considered with 2-acre minimum lots on the portions of the site that has prime agricultural soils. In this way, an easement could be dedicated over the portions of the lots suitable for agricultural uses.

The DEIR concludes that among the alternatives the Reduced Grading Alternative is the “environmentally superior alternative.” This conclusion is not supported where the Reduced Grading Alternative would eliminate only a marginal number of lots and some of the internal cul-de-sacs. It is not clear how the elimination of only 6 lots and 7 cul-de-sacs is a superior option to markedly fewer units as under either the General Plan Density Alternative or the Biologically Enhanced Alternative. In fact, it appears that the Reduced Density Alternative was selected as the Environmentally Superior Alternative in order to make the Project appear *as favorable as any alternative*.

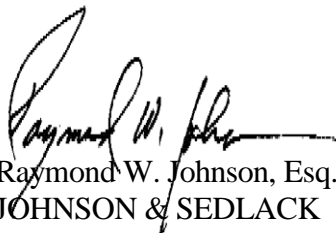
The General Plan Density Alternative is more appropriately considered “the environmentally superior alternative” among the alternatives evaluated. This alternative would develop only 118 homes according to existing land use designations. As a result, **the GP Density alternative would result in lesser significant aesthetic impacts including in the short-term, and lesser significant air quality impacts in the long-term.** In particular, and not discussed in the analysis (p. 4-9), is the fact that the General Plan Alternative would result in development of the number of housing units included in the most recent (2009) version of the RAQS. The General Plan Alternative not only reduces significant project impacts but also meets most of the basic project objectives. Finally, contrary to the statements in the DEIR, the General Plan Alternative would not involve the “same” water, wastewater and other services as the proposed project. This oversimplification of the General Plan Density Alternative is not realistic.

CONCLUSION

For these reasons, the DEIR must be revised and recirculated. The Project must be redesigned in a manner that respects existing land use designations and the important natural and biological resources of the property.

Thank you for your consideration of the above comments as you prepare the Final EIR and review the scope and direction of the proposed Project.

Sincerely,



Raymond W. Johnson, Esq., AICP, LEED GA
JOHNSON & SEDLACK

Enclosures

EXHIBIT A

Valiano Site



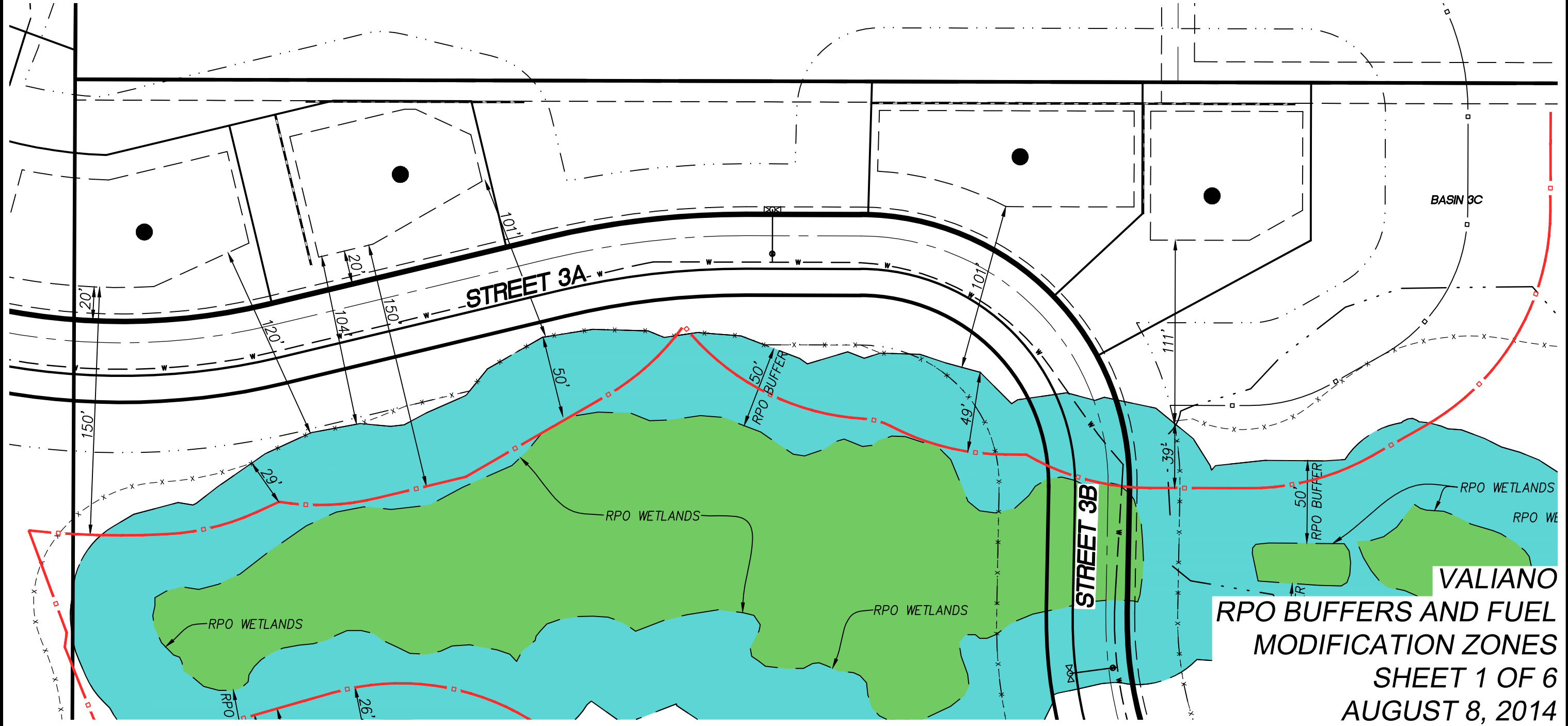
EXHIBIT B

LEGEND

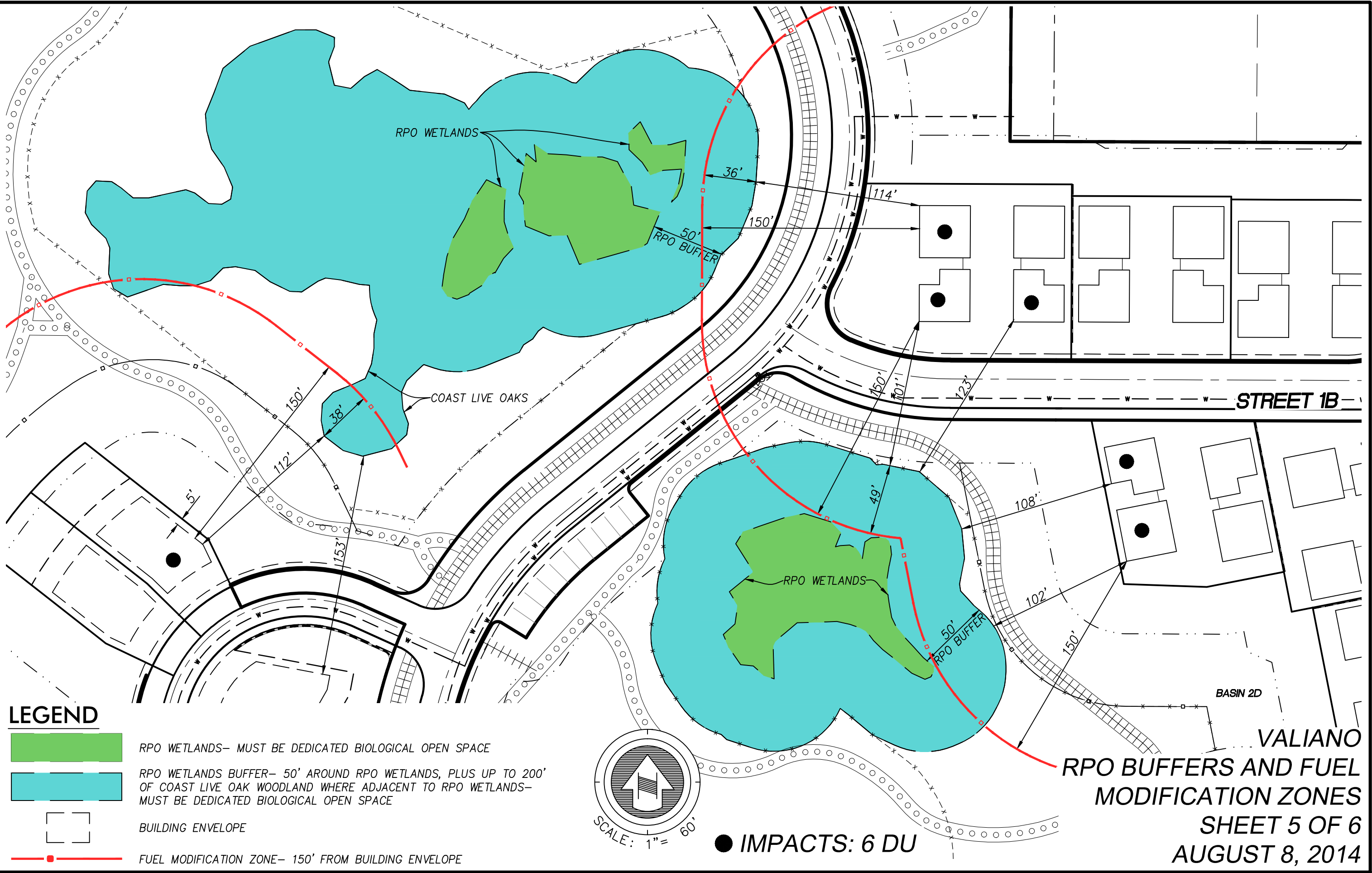
- RPO WETLANDS— MUST BE DEDICATED BIOLOGICAL OPEN SPACE
- RPO WETLANDS BUFFER— 50' AROUND RPO WETLANDS, PLUS UP TO 200' OF COAST LIVE OAK WOODLAND WHERE ADJACENT TO RPO WETLANDS— MUST BE DEDICATED BIOLOGICAL OPEN SPACE
- BUILDING ENVELOPE
- FUEL MODIFICATION ZONE— 150' FROM BUILDING ENVELOPE



● IMPACTS: 4 DU



VALIANO
RPO BUFFERS AND FUEL
MODIFICATION ZONES
SHEET 1 OF 6
AUGUST 8, 2014



LEGEND



RPO WETLANDS— MUST BE DEDICATED BIOLOGICAL OPEN SPACE



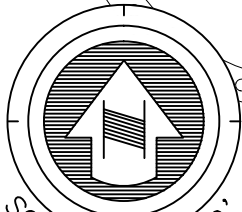
RPO WETLANDS BUFFER— 50' AROUND RPO WETLANDS, PLUS UP TO 200' OF COAST LIVE OAK WOODLAND WHERE ADJACENT TO RPO WETLANDS— MUST BE DEDICATED BIOLOGICAL OPEN SPACE



BUILDING ENVELOPE



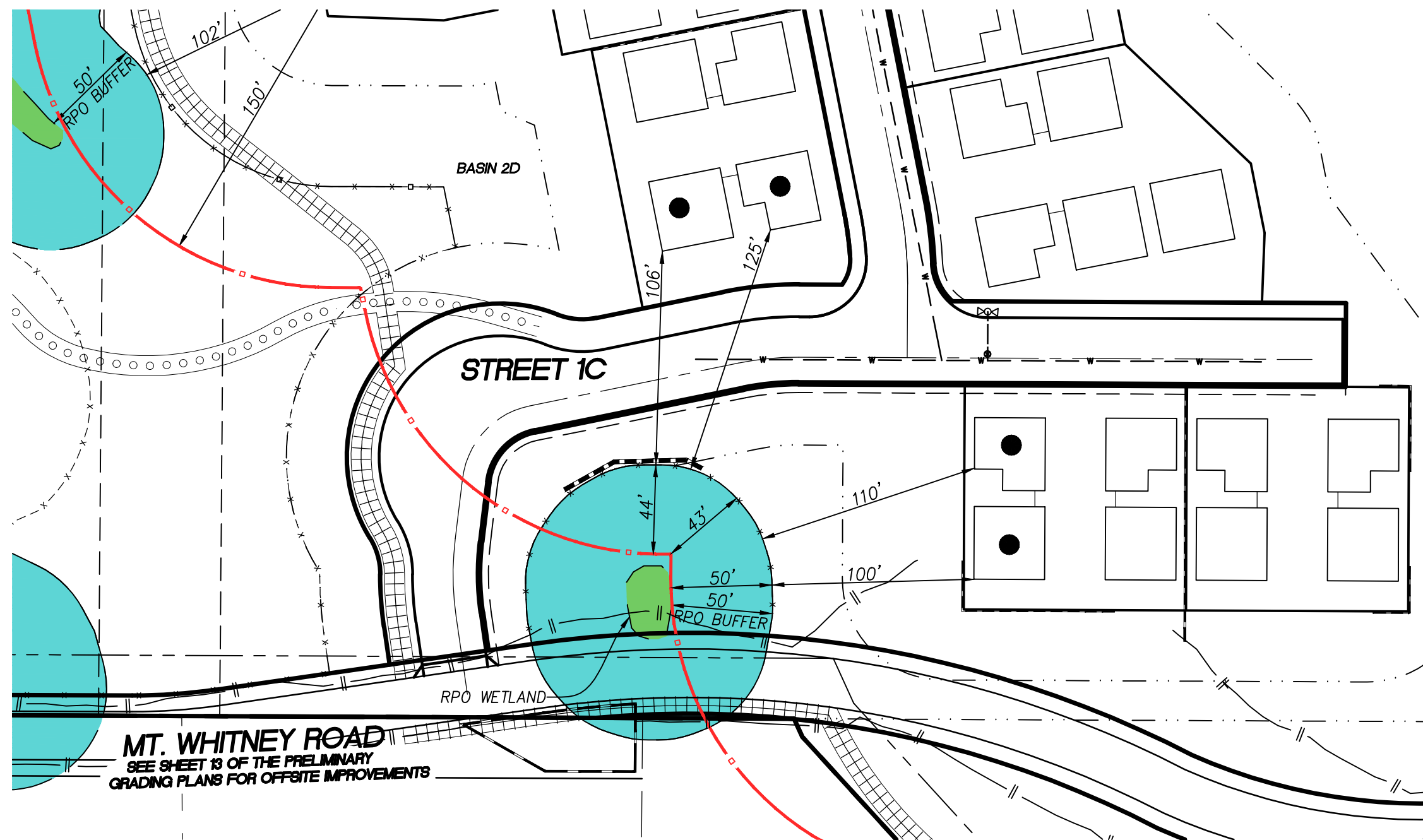
FUEL MODIFICATION ZONE— 150' FROM BUILDING ENVELOPE



SCALE: 1" = 60'

● IMPACTS: 6 DU

VALIANO
RPO BUFFERS AND FUEL
MODIFICATION ZONES
SHEET 5 OF 6
AUGUST 8, 2014



LEGEND



RPO WETLANDS— MUST BE DEDICATED BIOLOGICAL OPEN SPACE



RPO WETLANDS BUFFER— 50' AROUND RPO WETLANDS, PLUS UP TO 200' OF COAST LIVE OAK WOODLAND WHERE ADJACENT TO RPO WETLANDS— MUST BE DEDICATED BIOLOGICAL OPEN SPACE



BUILDING ENVELOPE

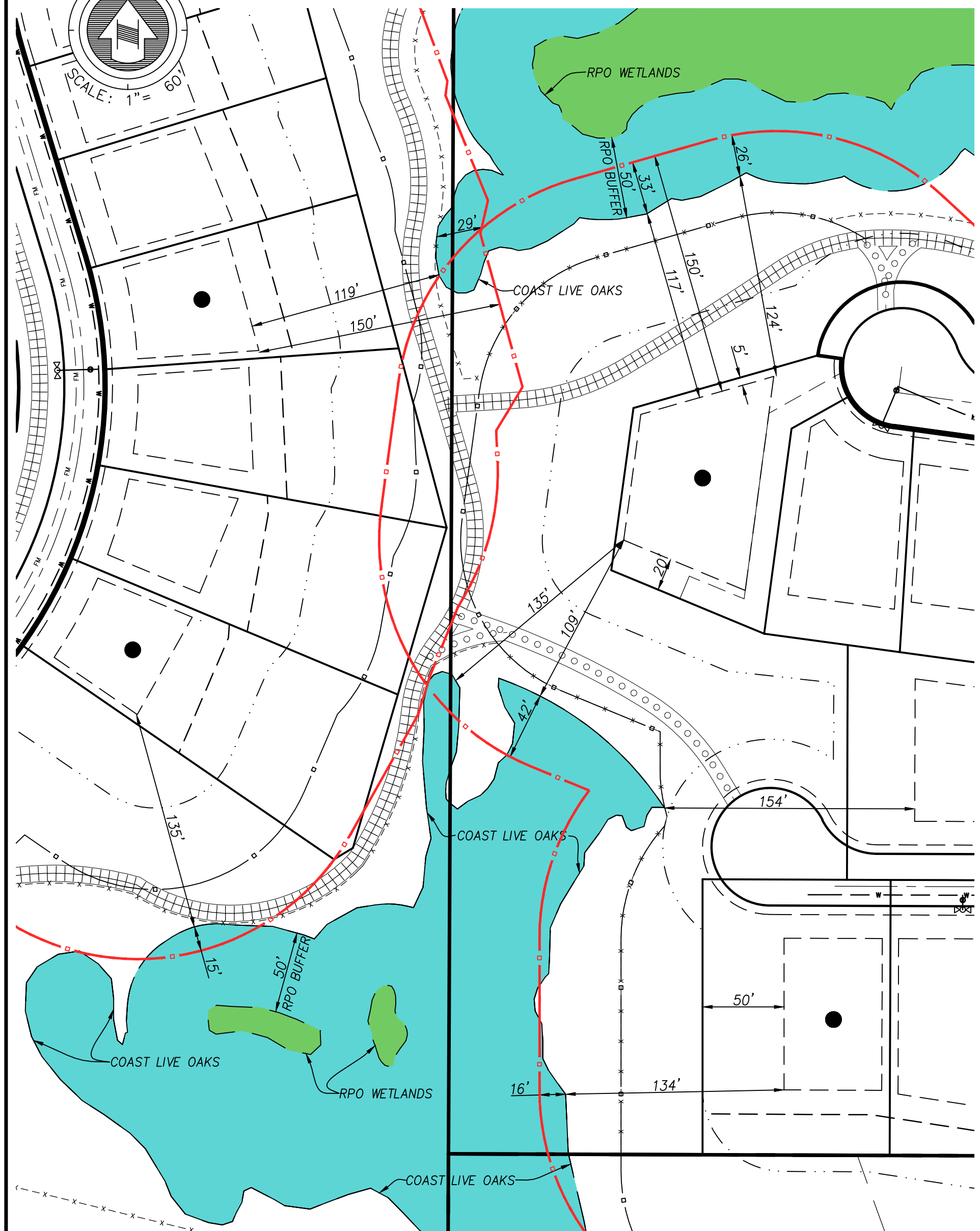
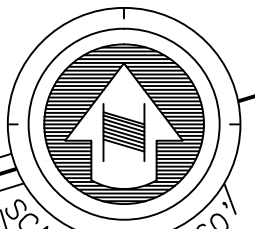


FUEL MODIFICATION ZONE— 150' FROM BUILDING ENVELOPE





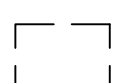

● IMPACTS: 4 DU

VALIANO
RPO BUFFERS AND FUEL
MODIFICATION ZONES
SHEET 6 OF 6
AUGUST 8, 2014

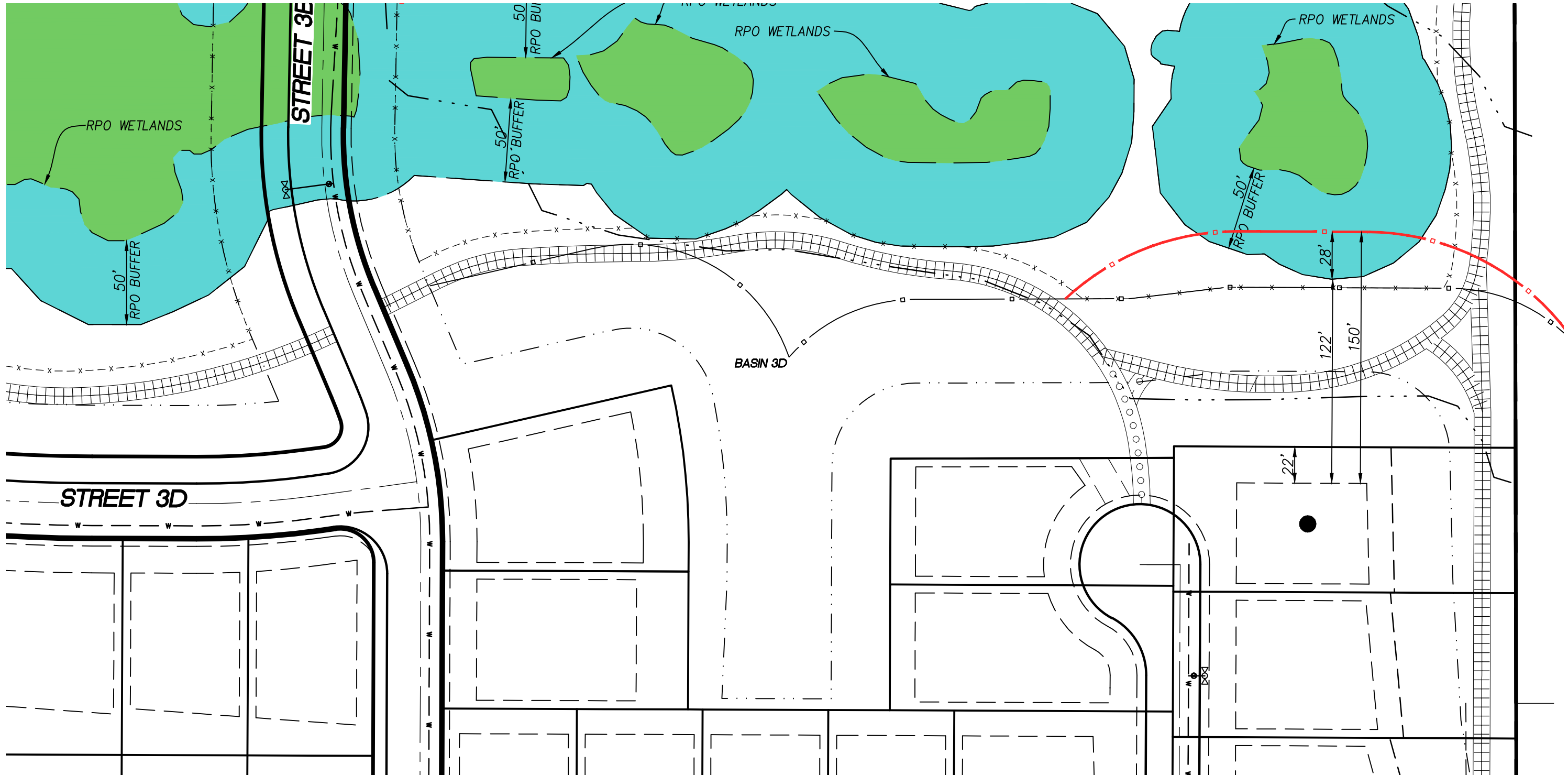


● IMPACTS: 4 DU





LEGEND

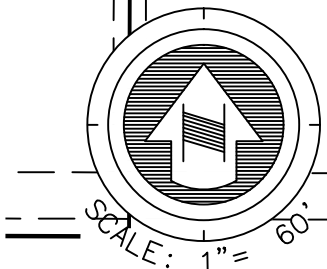
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-  RPO WETLANDS BUFFER— 50' AROUND RPO WETLANDS, PLUS UP TO 200' OF COAST LIVE OAK WOODLAND WHERE ADJACENT TO RPO WETLANDS— MUST BE DEDICATED BIOLOGICAL OPEN SPACE
-  BUILDING ENVELOPE
-  FUEL MODIFICATION ZONE— 150' FROM BUILDING ENVELOPE

VALIANO
RPO BUFFERS AND FUEL
MODIFICATION ZONES
SHEET 2 OF 6
AUGUST 8, 2014



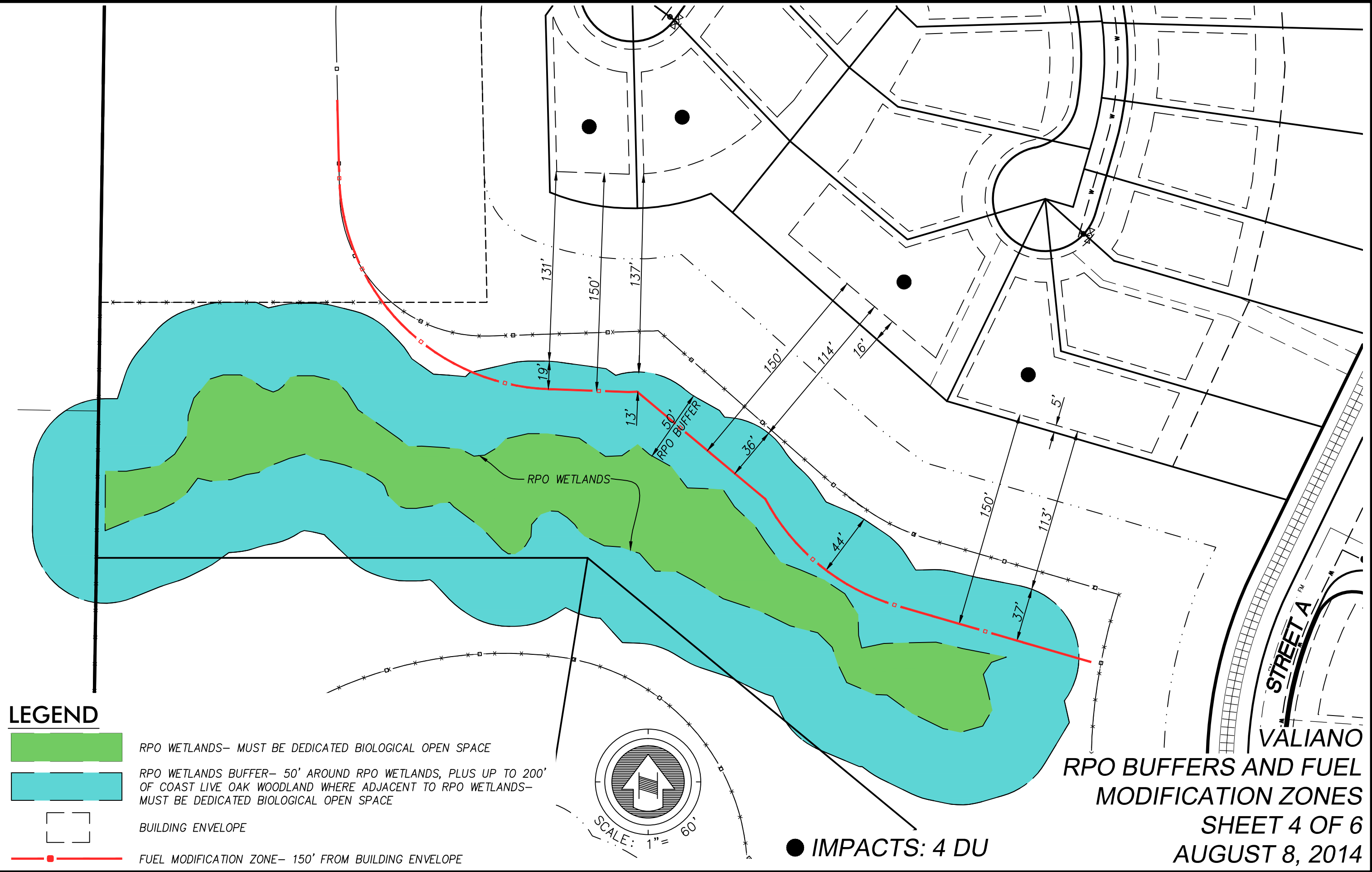
LEGEND

-  RPO WETLANDS— MUST BE DEDICATED BIOLOGICAL OPEN SPACE
-  RPO WETLANDS BUFFER— 50' AROUND RPO WETLANDS, PLUS UP TO 200' OF COAST LIVE OAK WOODLAND WHERE ADJACENT TO RPO WETLANDS— MUST BE DEDICATED BIOLOGICAL OPEN SPACE
-  BUILDING ENVELOPE
-  FUEL MODIFICATION ZONE— 150' FROM BUILDING ENVELOPE



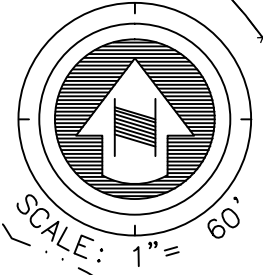
● IMPACTS: 1 DU

VALIANO
RPO BUFFERS AND FUEL
MODIFICATION ZONES
SHEET 3 OF 6
AUGUST 8, 2014



LEGEND

- RPO WETLANDS— MUST BE DEDICATED BIOLOGICAL OPEN SPACE
- RPO WETLANDS BUFFER— 50' AROUND RPO WETLANDS, PLUS UP TO 200' OF COAST LIVE OAK WOODLAND WHERE ADJACENT TO RPO WETLANDS— MUST BE DEDICATED BIOLOGICAL OPEN SPACE
- BUILDING ENVELOPE
- FUEL MODIFICATION ZONE— 150' FROM BUILDING ENVELOPE



● IMPACTS: 4 DU

**RPO BUFFERS AND FUEL
MODIFICATION ZONES**
SHEET 4 OF 6
AUGUST 8, 2014

EXHIBIT C

Exhibit C to Elfin Forest Harmony Grove Town Council Comment Letter regarding Draft EIR/Fire Protection Plan (March 12, 2015) for Valiano Specific Plan Project

The Fire Protection Plan (12 March 2015) (FPP) applied models of fire behavior (BehavePlus 5.0.5) to develop standards for the construction, setbacks, and treatment of fuels for the proposed Valiano development. It developed a “potential menu of requirements” and some recommended standards based on local fire codes and worst-case regional weather conditions, consistent with FPP content requirements and County guidelines. It complies with the requirement of local and state government with regard to a permit application for development to minimize structural ignitions within the new development, and for providing access by emergency responders to suppress a structural or vegetation fire within the development itself. It provides for 150-foot fuel treatment zones, based on estimated flame lengths from expected tall shrub fires.

However, it does not address the increased fire danger posed for the entire community outside the development. The FPP recognizes that the Valiano project will result in increased risk of fire (FPP p. 13), but only the protection of new Valiano homes is addressed. “As the density of structures and the number of residents in the [wildland-urban] interface increases, potential ignition sources will multiply and [potential for] a large wildfire occurrences increases.” The Elfin Forest/Harmony Grove area is hazardous as a trap for fire, for smoke, and for impeded evacuation.

The Valiano proposed development is located in a Very High Fire Hazard Severity zone (see map; areas mapped as moderate hazard were probably assumed to be irrigated). The area has significant fire history. See the attached map of fires of at least 5 acres in size; this map does not include the approximately 24 vegetation fires per year extinguished by the San Marcos Fire Department (FPP page 13) and which were not large enough to become part of the CalFire database (see map). The fact that, before the Cocos fire, no “large fire” (FPP page 13) had been recorded in the vicinity in the past 50 years, is only evidence that the local vicinity is next in line to burn (see work of R. Minnich correlating fire hazard with vegetation stand age). Furthermore, the FPP mentions existing and past agricultural activity (irrigated groves) as the reason for the lack of recent fire history, but these groves are now dead and a fire hazard. This statement about lack of fire history does not acknowledge adjacent native vegetation in a mature condition, which indeed was set aflame in the Cocos fire. Please refer to the attached maps of the Cocos fire and fire history. All areas with native or unirrigated vegetation are expected to burn in the coming decades (See FPP map page 14).

The models applied in the FPP are for a uniform fire approaching a structure, and what can be done to mitigate possible fire damage by applying fire safe construction, buffered fuels, and firefighter access by optimizing response times and access for fire apparatus. The FPP applied regional worst-case fire scenarios in compliance with County guidelines in order to estimate the benefit of buffer distances, fuel treatment, and firesafe construction in the development. The scenarios included a typical summer day, a Santa Ana condition, and a peak-gust Santa Ana condition. All assumed fuels composed of tall shrubs (the sh7 fuel model cited). The fire behavior calculations in the FPP added assumptions for more extreme fire conditions

than those required by county FPP report content, and more extreme than those used by the San Marcos Fire Department in their Community Wildfire Protection Plan. While these are regionally important and facilitate a demonstration of the benefit of fuel treatment in protection of the new homes, the approach is not designed to evaluate the fire safety of the community at large. Moreover, the road width considerations are designed to provide access to firefighting equipment to fires within the development, but not to address the loss of firefighting capability during a regional fire siege as has occurred three times since 2003, nor address people needing shelter or to leave the area during dangerous fire conditions when suppression resources are unable to keep pace with eminent danger.

Problem fire scenarios described in the FPP were regional in nature and not local to the Valiano development. For example, two of the scenarios considered, Santa Ana and Santa Anas with extreme gusts, are with winds coming from the north and northeast. Santa Ana winds generally overtop the valley, and fire danger occurs with the collapse of the Santa Anas and upcanyon or southwest winds replace the northeast winds, such as when winds lay down and shift direction overnight. Since there is little fuel connectivity to the north and east of the valley; the FPP properly recognized that the primary problem posed by the Santa Anas would be embers flying into the valley from distant fires (up to two miles or more away). However, the fire planners did not consider the reality of the Santa Ana condition in the evening when winds shift to come from the south and west up canyon. This scenario can use the canyon systems and slopes as fuses to carry the fire back to towards the Elfin Forest/Harmony Grove area; moreover, this is where the most hazardous fuel condition exists. The models should represent where the fuels are located adjacent to the development, even under moderate conditions.

Here are some of the real problem scenarios for Elfin Forest/Harmony Grove: Another fire storm like in 2003, 2007, 2014, with suppression units deployed all over the county. People must evacuate or take shelter by themselves with suppression resources challenged and triaged across the region. Suppression resources are coming from national sources. Embers are entering the community from fires elsewhere burning to the north and northeast. Embers are landing on the planned open space and corridors of the development, or any burnable structure or dry landscape. In the evening when Santa Ana winds die down and become up-canyon winds, the community is threatened by fire from the south and southwest due to extremely dry vegetation and stretched suppression resources, with blocked exits.

The FPP recognized that the most hazardous vegetation loading on the west and southwest exposure of the development. The Cocos fire was fueled by this vegetation. While the Cocos fire is mentioned (it occurred about two years after the initial site visit by fire planners), it is not considered or modeled except for fuel treatment for new homes where the heavy fuels occurred. It was not an extreme Santa Ana fire. Cocos traveled from West to East. Winds were not extreme based on the closest RAWS (fire weather station) for which we could find a record (Valley Center RAWS 15 mph – this should be compared to records of the local fire department) (please refer to map). Relative humidity was extremely dry (4%). The Burn Index was high (131). The Energy Release Component (ERC) was a moderately high 75 (proportion live/dead fuel moisture by size class of fuel and a measure of the expected heat of flaming fire front). This

ERC probably reflected the late spring time of year. Unseasonal dryness and drought condition of vegetation plus low humidities resulted in hazardous fire conditions more than winds. The first evacuations were ordered a little over an hour into the fire, with continued expansion of evacuation orders for the next 24 hours or so. A little over 4 hours into the fire it was demonstrating, according to the After Action Report, “extreme fire behavior, spotting, and critical rate of spread.” It was 500 acres at that time, and spreading by spotting and its own fire-generated weather system. Consequences: Burned 1,995 acres; 36 homes lost; \$10MM in damages; **51,000 were called to evacuate**; 164 fire engines; 27 hand crews; 11 dozers; 15 aircraft; 1,300 personnel.

While the FPP mentions the critical fire scenario of embers spotting from fires distant from the proposed development; it does not carry this forward except to require ember-resistant construction features in the new homes, sprinklers on homes, and the removal of unirrigated vegetation. Embers are likely from chaparral, coastal sage, eucalyptus, and riparian vegetation two miles or more from development, or within the development and a fire start from an ember can be from anywhere in the valley.

Fire planners should:

- Consider whole valley community fire scenarios.
- An area/community fire plan should be completed with boundaries defined that are more logical for fire management than an individual cluster of homes.
- A community safety zone should be planned to take people and horses to as evacuation routes may be clogged.
- Model other problem fire scenarios including fine fuels (the areas mapped as non-native grass) for rate of spread in relation to people and evacuation. These were left out of the modeling because they do not relate to structural fire protection, for which the extreme heat and flame lengths of a shrub fire were used. Fine fuels (less than ¼ inch as in grassy vegetation) directly relate to the speed of a wildfire. Such fires spread faster than shrub fires, and are more likely to result in entrapment of firefighters or residents. Such fire scenarios should be used for evacuation and suppression planning.
- Represent the likelihood of embers from distant fires landing on dry vegetation and igniting fire from anywhere within the community.
- Analyze moderate to high hazard fires from the southwest (Escondido Creek) and west (dead avocado grove and adjacent chaparral – Cocos fire). The moderate condition fires are instructive due to connectivity of fuels in that direction, and there is a higher chance that preemptive fuel treatment and suppression planning could prevent a moderate fire from becoming catastrophic, and perhaps minimize the need to evacuate.
- Remove the consideration of irrigated agricultural groves from fuel model assumptions.
- Consider recommending community restrictions on days when Burn Indices or ERC’s in a condition where almost anything will start a fire due to extreme dryness of fuels and low relative humidities, gusts (e.g. red flag days). No construction activity, no generator use in vegetation, no spark-producing equipment use in vegetation, no smoking, etc.

There is a lost opportunity to predict problem fire scenarios based on RAWs indices, and reduce risk of ignitions by restricting use of outdoor ignitions.

- Provide for small/large animal evacuation.
- Analyze evacuation choke points mentioned by other reviewers.
- Consider the cumulative effects of increased fire ignition risk and on evacuation of this development, plus the 742 units at HG Village, plus other future development.

Other comments:

- Sprinklered homes only address spots that can be wetted. They do not address key fire issues for the community, only the house with the sprinklers. They do not address evacuation and burning vegetation, or smoke concentration in the valley.
- The 150 ft of fuel modification should not be waived. An assumption of irrigated crops or landscapes should not be accepted when on adjacent and contiguous lands not controlled by the development. The Valiano project proposes encroachment into neighboring lands for fuel modification.
- The staffing of fire department, such as teaming with Rancho Santa Fe and mutual aid from Escondido fire departments, is again designed for structural fire protection such as for individual homes, and is not a community- or whole valley-level fire strategy for fires at the scale of the Cocos fire.
- The need for fire-barrier walls, impacts to vegetation and wildlife, wide roads are all out of character for current local residents of a rural community.
- No assumption of irrigation should play into the fire behavior models or in any of the fire planning.
- No California sagebrush, buckwheat, or black sage is permitted in fuel treatment zones. These are species the federally threatened California gnatcatcher depends on, so may need to consultation may be needed with USFWS on habitat loss. Fuel treatment should be limited to fall/winter due to breeding season restriction under the Migratory Bird Treaty Act.
- Distances to fire station not realistic as to drive time.
- Steep slopes will carry a fire rapidly uphill if started in EF/HG. This is liability to neighboring communities of a fire start within this development.

Summary:

- The fire mitigation proposed is completely about protection of structures of the new development, and of improving structural response time to five minutes by using a fire station in the HG Village for the new development. The FPP is a very site-specific plan. It does not address the increased danger to the surrounding community of fire ignitions due to the new numbers and density of people, only to the development itself. An area fire plan and community safety zone should be planned.
- Since the project would increase the risk of fire for the whole Elfin Forest/Harmony Grove community, as well set up a fire and smoke trap for residents due to impossible evacuation conditions, the project proponent should be required to employ more useful

models for planning the fire protection of the whole valley rather than the new development alone. Such community protection is more strategic, and more likely to protect lives, animals, and property. It might use moderate -- high scenarios based on the where unirrigated vegetation currently exists (including the now-dry groves).

- The very real repeat of a fire like the 2014 Cocos fire should be analyzed for evacuation of people and animals.
- Part of the value to the rural community is the adjacency of native vegetation and wildlife; the need for fuel treatment and evacuation/shelter planning should be at a more consequential scale: that of the entire valley, rather than individual homes of the new development.
- Should add community-level fire predictive service for hazardous fire conditions such as Red Flag days when almost any ignition will start a spreading fire, and restrict certain activities during this time.
- Fire planners should be required to address problem fire scenarios for Elfin Forest/Harmony Grove as a whole, because the Valiano project in and of itself increases the risk of harm from fire for the entire valley.
- There is inadequate traffic planning, especially considering the scale of evacuation and sheltering required, as demonstrated by recent experience in the Cocos fire, during which **51,000 were called to evacuate** within about 24 hours of the fire start. The first evacuations were called for in about an hour from fire start. The cumulative impacts on fire safety and evacuation should be analyzed of the HGV development, the possible Citracado extension, with the most likely fire scenario coming from the south and west (if from the north/northeast, would most likely be embers with random start points). Consideration should be given that evacuation would be forced to Highway 78 via Country Club Road.
- There is inadequate consideration of the need to get large animals evacuated. Over 50% of existing 80 residences have horses and large animals which require tow vehicle/trailer combinations that can quickly clog escape routes and create dangerous congestion and route blockage.

EXHIBIT D

From: [Schreiner, Greg](#)
To: [Chris Fisher](#)
Cc: [Pine, James](#); [James Edison](#); [Mike Medve](#); [Quasarano, Susan](#); [Reddick, Herman P.](#); [Ehsan, Beth](#)
Subject: RE: Fair Share Calculation
Date: Tuesday, October 28, 2014 7:59:57 AM
Attachments: [image001.jpg](#)

Chris,

What can I do to assist you so that I can get a Task Order for this work? The applicant is inquiring with PDS staff as to when there will be a response to their proposal. I would be happy to meet with you to provide any information that may be helpful in determining the scope of the work etc...so that we can develop a response for them.

Let me know what I can do to assist you...

Gregory Schreiner
Fire Marshal, Fire Services Coordinator
San Diego County Fire Authority
5510 Overland Ave, Suite 250
San Diego, CA 92123
(858) 495-5425 Office
(619) 717-1562 Cell

From: Chris Fisher [mailto:cfisher@willdan.com]
Sent: Friday, October 10, 2014 4:51 PM
To: Schreiner, Greg
Cc: Pine, James; James Edison; Mike Medve
Subject: RE: Fair Share Calculation

Thanks for the background Greg. Let me circulate this to two of my colleagues for their consideration, then we'll discuss here internally. Following that I agree a meeting or conference call with you would probably make a lot of sense. I have some recollection of the complication of the CSA/CFD/property tax funding combination from my prior discussions with the County, but it would be good to have a more complete understanding.

Chris

From: Schreiner, Greg [mailto:Greg.Schreiner@sdcounty.ca.gov]
Sent: Friday, October 10, 2014 10:22 AM
To: Chris Fisher
Cc: Pine, James
Subject: RE: Fair Share Calculation

Chris,

The Valiano project (330 units) is located in the unincorporated area of San Marcos. As such, San Marcos Fire Protection District would be the fire service provider for the project. The existing San Marcos Fire facilities cannot meet the General Plan travel time requirement of 5 minutes to the Valiano project. We have determined that the proposed HGV FS that is scheduled to be built as a result of the Harmony Grove Village project (700 + units) will be able meet the General Plan travel time requirement for the Valiano subdivision. The proposed HGV FS is located in County Service Area 107 (CSA 107), not within the San Marcos fire district. Additionally, this proposed facility is not fully funded with regard to capital costs to build the station and particularly the ongoing costs for operation of the facility. We are planning on an adjustment to the AV tax in CSA 107 coupled with funding generated by the HGV CFD but we still have funding gaps during the build out of the HGV project. We are projecting that the capital costs for the station construction will be about \$2.7 million plus approximately \$500K for the apparatus and the operational costs are estimated to be \$1.6 million per year.

Our (very) preliminary discussion with the Valiano folks was that their project represents approximately one third of the rooftops that will be served by the new station and that they should expect to pay that proportional amount to for both the capital and ongoing costs for the facility. They have proposed a methodology that factors in existing rooftops in determining their fair share contribution (see enclosed attachment).

This is a fairly complicated area with regard to service delivery and we are thinking a little “out of the box” on this so it might be worthwhile to have a quick meeting with you to explain some of the other details that may help you understand the scenario a little better; ultimately, we need to identify the most appropriate methodology for determining what the fair share contribution for both capital and ongoing operation costs might be for the Valiano project.

Well, that’s clear as mud! Let me know what I else I can provide for you....

Gregory Schreiner
Fire Marshal, Fire Services Coordinator
San Diego County Fire Authority
5510 Overland Ave, Suite 250
San Diego, CA 92123
(858) 495-5425

From: Chris Fisher [<mailto:cfisher@willdan.com>]
Sent: Wednesday, October 08, 2014 1:09 PM
To: Schreiner, Greg
Cc: Pine, James
Subject: RE: Fair Share Calculation

Hi Greg,

My apologies for the delay in responding. We have done analysis very similar to this for fair share of public safety services and dispatch services for cities, so we can certainly help with this. Do you have any preliminary analysis that was done to determine that the fire station would be able to serve the Valiano subdivision? Anticipated call volume or incident projections? Also, we don't have any detail on the costs associated with the station, so we would need that as well.

I'll have to give some thought to the amount of effort that will be necessary so that I can provide you a cost estimate for the task order.

Regards,



Chris Fisher

Vice President, Group Manager
Financial Consulting Services
cfisher@willdan.com

Willdan Financial Services

27368 Via Industria, Suite 110
Temecula, California 92590
T: 951.587.3528 800.755.6864
F: 951.587.3510 888.326.6864
C: 951.217.5949
www.willdan.com

From: Schreiner, Greg [<mailto:Greg.Schreiner@sdcounty.ca.gov>]
Sent: Thursday, October 02, 2014 10:05 AM
To: Chris Fisher
Cc: Pine, James
Subject: Fair Share Calculation

Chris,

Good morning, my staff and I are working on the Valiano major subdivision (330 units) in the unincorporated San Marcos area of San Diego and we need to establish a "fair share" contribution to the operational and capital costs for a new fire station in this area related to this project. Specifically, you may recall that there is a fire station planned for the Harmony Grove Village subdivision and the Valiano subdivision will need to rely on this station to meet general plan compliance with regard to travel time. Therefore, we would like to develop a method for them to contribute to the capital and M & O cost for the station.

I would like to open a task order to begin this work, is there anything I can provide to you to help you provide an estimate so that I can initiate the task order? The best way to contact me is by cell phone or email (both listed below).

Thanks,

Gregory Schreiner
Fire Marshal, Fire Services Coordinator
San Diego County Fire Authority
5510 Overland Ave, Suite 250
San Diego, CA 92123
(858) 495-5425 Office
(619) 717-1562 Cell
Greg.schreiner@sdcounty.ca.gov

Exhibit E

Exhibit D to Elfin Forest Harmony Grove Town Council Comment Letter regarding Draft EIR for Valiano Specific Plan Project

The Valiano project is inconsistent with the Harmony Grove Community Plan **Policy LU-2.2.1**. Because the associated **Issue LU-2.2.1** specifically calls out an “*urban, clustered, or suburban design*” as the types of residence this policy is directed toward, and further specifies that this clustered design “*threatens the continued existence of the rural residential and equestrian character of Elfin Forest / Harmony Grove,*” the Project’s contributions to the urban /rural balance must be calculated and any impacts identified and mitigated.

The EFHG Community Plan supplements countywide policies and “further directs the land uses and development desired to achieve the community’s vision.” (from “*How to Use the Community Plan*”, EFHG CP p. 5). The vision of the future ideal state of the Harmony Grove community is described in the CP: “The historic rural habitat is preserved where **the Village is surrounded by large-lot rural homes and small, family owned farms and vineyards** that preserve the critical relationships necessary for this environmentally sensitive and balanced green community. *The all-important rural voice is not overwhelmed by the urban voice*” (p. 23) (emphasis added). The Harmony Grove CP also clearly defines the Existing Community Character: “Some of the key elements of the Harmony Grove character and values include one- and two-story single family homes on large lots; large animal facilities on residential properties; *no clustered development*; no “cookie-cutter” developments; no walled developments, and no gated communities” (p. 16) (emphasis added).

Thus the clear intent of Policy LU-2.2.1 is to prevent the original Harmony Grove residents, identified in the CP as living in large lot equestrian properties, from becoming outnumbered by residents of clustered, small lot, non-equestrian properties. This skewed ratio would create a majority voice for the suburban resident and encourage migration of the original rural equestrian residents out of the community, further eroding the community character and culture. **Development according to the current GP yields an urban/rural balance consistent with Policy LU-2.2.1** (see calculations below). Development according to the Valiano Specific Plan Amendment, including counting the Project’s horse keeping properties as rural residences, still yields a 3-to-1 urban prevalence, clearly altering the residential balance that Policy LU-2.2.1 was designed to protect. **This issue and the possible impacts to community character must be studied in the EIR. At the least, this shows there is a significant and unmitigated land use impact due to the Project.**

Calculations:

Per GP - there are various factors to consider, and various ways to calculate:

- Assuming we consider existing residences only or entitlements per current GP:
 - Harmony Grove has 125 existing residences according to the Fire department, Eden Valley has 80, so about 205 existing residences,
 - If we add GP current entitlements for large parcels, Valiano adds 118, so about 320, and Kovach still as SR regional category after the upzone received during the GP Update, so we can count it as “rural” at 210 on 110 acres, for a

total of **533 rural residences.**

- What is the deciding factor to classify a given property as "rural" vs. "urban"?
 - The County goes with the SR category as the definition of "rural" even if clustered on tiny lot. By that count Harmony Grove Village has 742 homes within the Village Limit Line zoned as VR.
 - Arguably the size of lot and/or whether it is zoned equestrian is a better measure of a truly "rural" versus "urban" property. Thus arguably we count the 55 Harmony Grove Village lots at the Village periphery are zoned equestrian with lot sizes up to several acres, as being "rural" in nature.
- So, at a minimum, there are 533 existing rural lots in Harmony Grove/Eden Valley and 742 urban, or **58% urban, 50% rural**, or 588 rural if we incorporate the 55 equestrian lots versus 687 urban or **54% urban, 46% rural**. *Urban residences do not greatly exceed rural residences - a carefully crafted compromise.*

However, with the Valiano Specific Plan Project:

Adding 318 urban residences and subtracting 118 from rural= **1,005 urban and 400 rural or 72% urban versus 28% rural**. *Urban residences outnumber rural residences two to one.*

Exhibit F

Ordinance No. 15-120.2

An Ordinance of the Rincon del Diablo Municipal Water District Finding the Necessity For and Adopting a Drought Response Ordinance

BE IT ORDAINED by the Rincon del Diablo Municipal Water District Board of Directors as follows:

Section I. Purpose and Applicability.

- A. The purpose of this ordinance is to provide a drought response strategy for the Rincon del Diablo Municipal Water District service area as authorized by the California Water Code, under sections 350 et seq., 375 et seq., 1058 et seq., and 71640 et seq. Changes to this Ordinance may also be facilitated by the State Water Resources Control Board (State Control Board) as authorized by the California Water Code, under sections 102,104, 105, 275, 375, 1058.5, and 10617.
- B. Because of varying conditions related to water resource supplies and distribution system capabilities, it is necessary to establish and enforce methods and procedures to ensure that, in time of shortages due to drought, the water resources available to Rincon del Diablo Municipal Water District and its constituents are put to the maximum beneficial use, that unreasonable use, or unreasonable method of use is prevented, and that conservation of water is accomplished in the interest of the public health, safety, and welfare.
- C. This ordinance establishes four levels of drought response actions to be implemented during times of declared water shortages. These levels reflect increasing efficiencies for water use in response to worsening drought conditions, emergency conditions, and/or decreasing water supply availability.
- D. The provisions of this ordinance apply to any person using potable water provided by the Rincon del Diablo Municipal Water District. This ordinance does not apply to the use of water from private wells, recycled water, or water that is subject to a special supply program, such as the San Diego County Water Authority (SDCWA) Transitional Special Agricultural Water Rate Program (TSAWR).
- E. This ordinance may be implemented independently or in conjunction with those provisions specified in Administrative Code Section 4100, Emergency Water Plan, or passed by separate board resolution or action.

Section II. Definitions.

- A. "District" means the Rincon del Diablo Municipal Water District.
- B. "Board of Directors" means the Board of Directors of the Rincon del Diablo Municipal Water District.

- C. "General Manager" means General Manager of the Rincon del Diablo Municipal Water District.
- D. "Notification to the public" means notification through local media, including interviews, issuance of news releases, direct mailing, bill inserts, telephone calls, and/or web postings, etc.
- E. "Person" means any natural person, corporation, public or private entity, public or private association, public or private agency, government agency or institution, school district, college, university, or any other user of water provided by the District.
- F. "Water" means potable water from all sources.
- G. "Target" means the calculated determination of an allocation.
- H. "Model Drought Response Ordinance" means the model ordinance provided by the SDCWA to be used as a tool to foster consistency throughout San Diego County on the response levels and water-use restrictions in place in the event of a drought or other regional supply shortages.

Section III. Conservation Ethic.

As responsible stewards of a natural resource, the District's Board of Directors acknowledges that its service area is located within an inland region that is subject to wide variations in annual precipitation and desert-like climatic conditions. Dependent largely on water imported from Northern California and the Colorado River, the District endorses a "No Water Wasting" ethic on a daily basis, regardless of drought conditions. The District discourages the use of commercial single-pass laundry systems, single-pass decorative fountains, or any other device or action that wastes water or uses water unreasonably.

- A. To prevent the waste and unreasonable use of water and to promote water conservation, each of the following actions IS PROHIBITED, except where necessary to address an immediate health and safety need or to comply with a term or condition in a permit issued by a state or federal agency:
 - 1. The application of potable water to outdoor landscapes in a manner that causes runoff such that water flows onto an adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or other structures.
 - 2. The use of a hose that dispenses potable water to wash a motor vehicle, except where the hose is fitted with a shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use.

3. The application of potable water to driveways and sidewalks.
4. The use of potable water in a fountain or other decorative water feature except where the water is part of a recirculating system.
5. The application of potable water to outdoor landscapes during and within 48 hours of measurable rainfall.
6. The serving of drinking water other than upon request in eating or drinking establishments, including but not limited to restaurants, hotels, cafes, cafeterias, bars, or other public places where food or drink are served and/or purchased.
7. The irrigation with potable water of ornamental turf on public street medians.
8. The irrigation with potable water of landscapes outside newly constructed homes and buildings in a manner inconsistent with regulations or other requirements established by the California Building Standards and the Department of Housing and Community development.
9. To promote water conservation, operators of hotels and motels shall provide guests with the option of choosing not to have towels and linens laundered daily. The hotel or motel shall prominently display notice of this option in each guestroom using clear and easily understood language.

B. The following practices shall also be observed on a daily basis:

1. No washing down of non-permeable surfaces, including but not limited to sidewalks, driveways, parking lots, tennis courts, or patios, except when it is necessary to alleviate safety or sanitation hazards.
2. Irrigate residential and commercial landscapes after 8:00 pm and before 9:00 am only.
3. Use a hand-held hose equipped with a positive shut-off nozzle or bucket to water landscaped areas, including trees and shrubs located on residential and commercial properties that are not irrigated by an automated landscape irrigation system.
4. Irrigate nursery and commercial grower's products before 10:00 am and after 6:00 pm only. Watering is permitted at any time with a hand-held hose equipped with a positive shut-off nozzle, a bucket, or when a drip/micro-irrigation system or equipment is used. Irrigation of nursery

propagation beds is permitted at any time, as is the watering of livestock.

- C. Do not wash vehicles during hot conditions when additional water is required due to evaporation.
- D. Repair all water leaks within five (5) days of notification by the District unless other arrangements are made with the General Manager or an established Drought Response Level (1-4) mandates a shorter period.
- E. Use recycled or non-potable water for construction purposes when available.

Section IV. Drought Levels – Required Measures.

In an effort to provide consistency in communications with its customers, the District has established four levels of drought response. Movement from one level to another in this Drought Response Ordinance may be influenced by a State-issued proclamation of a current or ongoing state of emergency and/or necessitated by the District's water wholesaler(s), or by the District's Board of Directors.

Following the declaration of a drought level, no person may make, cause, use, or permit the use of water for residential, commercial, industrial, governmental, or any other purpose in a manner contrary to any provision of this ordinance, or in an amount in excess of that permitted by the corresponding drought level, or other legally mandated quantity or percent.

Water use restrictions in each level are cumulative unless the higher stage has a more stringent requirement on the same subject. If the severity of the drought lessens, the drought level may be downgraded to a lower stage, at the discretion of the Board of Directors. Drought levels are neither necessarily consecutive nor subject to a specific predetermined length of time.

In the event that required water use reductions goals are met, not being met, or a specific situation changes, the General Manager, at his/her discretion, may hold any or all constituent water use restrictions in abeyance or increase water use restrictions to meet specified water reduction goals.

Section V. Variances.

The Board of Directors is authorized to review hardship and special cases within which strict application of this ordinance would result in serious hardship. A variance may be *considered* only for reasons involving health, safety, or economic hardship. A request for variance from this ordinance must be made in writing and directed to the Board of Directors.

Section VI. Declaration of a Drought Stage.

Components defining each drought stage are listed in Table 1.

TABLE 1				
Response Level*	Constituent's Share of Water <small>Showed in Percentage of Constituent Target</small>	Applicability		
		Status	Responders	
			District	Constituents
Level 1 Drought Watch	90% (10% reduction)	Voluntary	X	X
Level 2 Drought Alert	80% (20% reduction)	Mandatory	X	X
Level 3 Drought Critical	70% (30% reduction)	Mandatory	X	X
Level 4 Drought Emergency	69% or less (≥31% reduction)	Mandatory	X	X

*The response level is prescribed by the San Diego County Water Authority

A. Level 1 – “Drought Watch”

This level is a voluntary effort to achieve an immediate, overall target reduction of up to 10% and may be implemented upon notification from the SDCWA. The Board of Directors or the General Manager shall declare the existence of a Response Level 1 and direct the following measures.

1. District Accountability

- a. The District will provide increased conservation outreach and educational activities for its constituents to emphasize increased public awareness of the need to implement all water conservation activities described in Section III – Conservation Ethic.
- b. Water conservation incentives, such as rebates for items such as high efficiency washing machines, smart irrigation timers, etc., will be vigorously promoted.
- c. Participation in programs such as landscape workshops and residential surveys/water audits will be encouraged.
- d. Response to water leaks within the District’s delivery system will be conducted within forty-eight (48) hours of notification. Repairs will be made upon detection and will not be allowed to remain seeping, regardless of flow rates.

2. Constituent Accountability

- a. Increased conservation is volunteer-based. Constituents should seek technical assistance from the District if difficulties prevent them from achieving water use reductions of 10%.
- b. Adhere to conservation measures and practices as defined in Section III – Conservation Ethic.
- c. Leaks found on the constituent’s side of the meter must be repaired within ninety-six (96) hours after notification from a District or other representative.

B. Level 2- “Drought Alert”

This level is a mandatory effort to achieve an immediate, overall target reduction up to 20% and may be implemented upon notification from the SDCWA. The Board of Directors shall declare the existence of a Response Level 2. The actual target reduction may be adjusted based on conditions, State directed mandates or per decision of the Board of Directors. In addition to the measures prescribed in Level 1, the following apply:

1. District Responsibility

- a. The District will mandate the activities described in Section III – Conservation Ethic and shall initiate heightened conservation outreach and educational activities. Notification of water waste and ordinance violations will be delivered to constituents as required.
- b. The Board of Directors will consider additional conservation incentive(s) for constituents.
- c. Response to water leaks within the District’s delivery system will be conducted within twenty-four (24) hours of notification. Repairs will be made upon detection and will not be allowed to remain seeping, regardless of flow rates.
- d. The Board of Directors may suspend consideration of water availability certifications, stipulate actions, and may suspend outstanding certifications for all commercial projects and residential projects of more than one home, unless the project is necessary to protect the public’s health, safety, and welfare and/or the applicant provides substantial evidence of an enforceable commitment that water demands for the project will be offset prior to the provision of a new water meter(s) to the satisfaction of the District.
- e. Projects demanding more water from the District’s system than originally proposed will require additional approval from the Board of Directors.

- f. Flow rate testing of fire meters will be suspended, unless required by regulatory or health and safety reasons.
- g. District system maintenance and repair programs requiring large volumes of water may be suspended unless water quality is likely to be compromised, interferes with regulatory requirements, or significant property damage is eminent.
- h. The District's conservation staff will target 25% of commercial constituents for water audits.
- i. The Board of Directors may implement temporary rates and fees, as outlined in Section VIII – Rates and Fees of this ordinance.
- j. The District will promptly notify customers whenever the District obtains information that indicates a leak may exist within the end-users' exclusive control.
- k. Increased monitoring may be initiated by the General Manager in order to insure compliance of mandatory water use restriction targets enacted by this Ordinance.
- l. The General Manager is authorized to set specific allocations on monthly allowable usage and/or specific percentage reductions for all District customers to help attain the conservation goals set by the District or mandated conservation standards set by State authorities.

2. Constituent Responsibility

- a. The constituent may be issued a water-use target that reflects a mandated reduction in water consumption.
- b. Constituents will implement a landscape irrigation schedule limited to two (2) or less days per week regardless of the season.
- c. Irrigation run times per station are limited to ten (10) minutes per station unless a station is fitted entirely with drip emitters, micro-spray emitters, or stream rotor sprinklers or the system is operated by a weather-based irrigation controller.
- d. Constituents must stop the use of ornamental fountains unless non-potable water is used.
- e. Leaks found on the constituent's side of the meter must be repaired within seventy-two (72) hours after notification from a District or other representative.

- f. Customers residing in high or very high urban-wildland fire interfaces will prune back and clear dead and dying trees and vegetation.

C. Level 3 – Drought Critical

This level is a mandatory effort to achieve an immediate, overall target reduction up to 30% and will be implemented upon notification from the SDCWA. The Board of Directors shall declare the existence of a Response Level 3. The actual target reduction may be adjusted based on conditions, State directed mandates or per decision of the Board of Directors. The Board of Directors may also declare a drought emergency in the manner and on the grounds provided in the California Water Code Section 350. In addition to measures prescribed in Levels 1 and 2, the following will apply:

1. District Responsibility

- a. District personnel will proactively monitor all leaks and water waste. This may include patrolling to specifically identify water loss from District and constituent facilities. All violations will be reported and the District will take appropriate action.
- b. The General Manager may request a review of the fiscal budget and reassess capital improvement and operation and maintenance priorities.
- c. The District's conservation staff will target 100% of the mobile home parks and large landscape sites, 50% of the commercial constituents and multi-family complexes, and 25% of the residential constituents for water audits.
- d. Operations staff will offer leak detection services for meters serving eight or more commercial or residential units.
- e. The Board of Directors will suspend outstanding water availability certifications for all commercial projects and residential projects including single unit residential projects.
- f. Water service will be discontinued for construction purposes unless recycled or other non-potable water is used.
- g. Improvements identified by a water flow review will be implemented in order to provide better control of water and/or system integrity to minimize use.
- h. The District will require mandatory offsets for new and existing projects as identified in Section VI – Provisions for Demand Offset.

2. Constituent Responsibility

- a. The constituent will be issued an adjusted water use target that reflects the mandatory reduction.
- b. Constituents will implement an irrigation schedule with two (2) or less days per week regardless of the season. During the months of November through May, landscape irrigation may be limited to no more than one (1) day per week. This does not apply to commercial growers or nurseries.
- c. Leaks found on the constituent's side of the meter must be repaired, at the constituent's expense, within forty-eight (48) hours of notification by the District.
- d. Constituents must stop washing vehicles except at a commercial carwash that recirculates water.
- e. Constituents must stop filling or refilling ornamental lakes or ponds except to the extent needed to sustain aquatic life, provided that such animals are of significant value and have been actively managed within the water feature prior to declaration of a drought response level under this ordinance.
- f. The filling or refilling of pools or spas may be prohibited.
- g. Power-washing of exterior surfaces, such as siding, is prohibited.

D. Level 4 – Drought Emergency.

This level is a mandatory effort to achieve an immediate, overall target reduction of 40% or more and may be implemented upon notification from the SDCWA. The Board of Directors shall declare the existence of a Response Level 4. The actual target reduction may be adjusted based on conditions, State directed mandates or per decision of the Board of Directors. The Board of Directors shall also declare a drought emergency in the manner and on the grounds provided in California Water Code Section 350. In addition to measures prescribed in Levels 1, 2, and 3, the following will apply:

1. District Responsibility

- a. The District's conservation staff will target 100% of the commercial constituents for water audits.
- b. The Board of Directors will not consider the installation of new meters nor authorize any additional water use demands on its system.
- c. Citations will be issued for water use that does not conform to the measures in this ordinance.

- d. Meters delivering water solely for landscape irrigation purposes may be subject to shut-off as determined necessary by the General Manager.
2. Constituent Responsibility
- a. Constituents will be issued an adjusted water use target that reflects the mandatory reduction.
 - b. Constituents must stop all landscape irrigation, except crops and landscape products of commercial growers and nurseries. This restriction shall not apply to the following categories of use unless the District has determined that recycled water is available and may be lawfully applied to the use.
 - i. Maintenance of trees and shrubs that are watered by using a bucket, hand-held hose with a positive shut-off nozzle, or low volume non-spray irrigation;
 - ii. Maintenance of existing landscape necessary for fire protection as specified by the Fire Marshal of the City of Escondido or other agency having jurisdiction over the property to be irrigated;
 - iii. Maintenance of existing landscape for erosion control;
 - iv. Maintenance of plant material identified to be rare or essential to the well-being of rare animals;
 - v. Maintenance of landscaping within active public parks and playing fields, day care centers, school grounds, cemeteries, and golf course greens, provided that such irrigation does not exceed two (2) days per week, ten minutes per station;
 - vi. Watering of livestock; and,
 - vii. Public works projects and actively irrigated environmental mitigation projects.
 - c. Water service will be shut-off if noticeable leaks are observed on the constituent's side of the meter. Once repair is affected, water service will be restored at the constituent's expense.

Section VI. Provisions for "Demand Offset".

The District is establishing a Voluntary Demand Offset Fee Program that is designed to offset new potable water demands under various conditions, during severe droughts

and water shortage conditions. It is anticipated that there will be several categories, to include: Firm Demand Offset; Conservation Offset; and New Water Offset.

The typical mechanism used to place restrictions on new meters, and therefore require new potable water demand be offset, is for an agency to declare a water shortage emergency per California Water Code Section 350. The intent of the Voluntary Demand Offset Fee Program is that during a drought or other water supply shortage, new development could apply a fee that would be used to convert sites currently using potable water to recycled water, or convert other potable water use with quantifiable offsets (low flow toilets, water saving appurtenances, etc.), thereby permanently offsetting a developer's project of potable water demands, which would keep the District potable water-neutral. This would not preclude a developer or other water subscriber from initiating a conservation offset as an act of good faith.

Section VII. Technical Assistance.

Technical assistance may be offered by the District upon the completion of a "Cooperator's Agreement" by the constituent.

Section VIII. Enforcement of Violations.

- A. In the event of any violation of this Ordinance, the District shall post on the property where the violation occurred, written notice, and will mail a duplicate notice to the registered owner of the property, and/or to any person known to the District who is responsible for the violation or its correction. Such notice shall describe the violation and order that it be corrected, ceased, or abated immediately or within such specified time as the District determines is reasonable under the circumstances, and shall further contain a description of the fees and penalties associated with such violation. If the cited person fails to comply with such order, the District may disconnect the service where the violation occurred. The property owner will be responsible for any reconnection charges in addition to other fees or charges imposed by the District.
- B. In addition to being grounds for discontinuation of service, and in addition to any other applicable civil or criminal penalties, violation of any of the provisions of this ordinance is a misdemeanor. Upon conviction thereof, such persons shall be punished (i) by imprisonment in the county jail for not more than thirty (30) days, (ii) by a fine of up to five hundred dollars (\$500) for each day in which the violation occurs during Drought Level 2, a fine of up to seven hundred and fifty dollars (\$750) for each day in which the violation occurs during Drought Level 3, or a fine of up to one thousand dollars (\$1,000) for each day in which the violation occurs during Drought Level 4, or (iii) by both.
- C. Each act of violation and every day upon which such violation occurs shall constitute a separate violation. The General Manager may also seek injunctive relief as necessary to enforce the provisions herein.

Section VIII. Rates and Fees.

The Board of Directors may implement a temporary drought rate structure in order to offset lost revenues and to fund the provisions of this ordinance.

Penalties levied by the District's wholesalers or the State Water Resources Control Board will be passed through to those constituents that caused the assessment of penalties.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the Board of Directors of the Rincon del Diablo Municipal Water District held on May 27, 2015 by the following roll call vote:

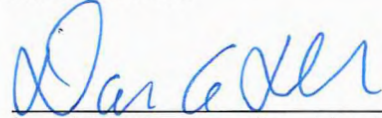
AYES: Drake, Towne, Murtland and Quist

NOES: Lump

ABSTAIN: None.

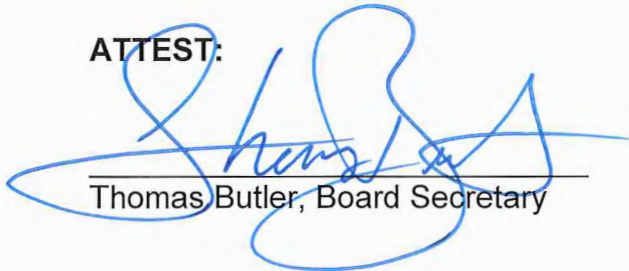
ABSENT: None.

APPROVED



David A. Drake, President

ATTEST:



Thomas Butler, Board Secretary

Exhibit G

Darnell & Associates, Inc.

- TRANSPORTATION PLANNING & TRAFFIC ENGINEERING

June 12, 2015

Jacqueline Arsivaud
Chair Person,
Elfin Forest Harmony Grove Town Council
20223 Elfin Forrest Road
Elfin Forrest, California 92029

D&A Ref. No: 150505

Subject: Review of the Traffic Impact Analysis for the Draft Environmental Impact Report for the Valiano Project dated April 2015, County of San Diego Reference Numbers: PDS2013-SP-001, PDS2013-GPA-13-001, PDS2013-TM-5575, PDS2013-REZ-13-001, PDS2013-ER-12-08-002.

Dear Mrs. Arsivaud:

I have reviewed the subject Traffic Impact Analysis prepared by Linscott, Law and Greenspan, Engineers Dated April 2015. The project proposes the development of 334 Single Family Dwelling Units and 55 Second Dwelling Units on 339 acres. To develop the project the Applicant proposes a General Plan Amendment and Specific Plan to establish, etc. to allow the proposed minimum 6,000 square feet (S.F.) lots in place of the minimum 1 acre lot size.

Based on my preliminary review of the subject traffic analysis I have the following comments:

- 1) The Executive Summary identifies the project located at 1091 La Moree Road. A review of the document does not identify the 1091 Moree Road property access and none of the exhibits and analysis identifies the La Moree Road. This need to be corrected.
- 2) The Conceptual Site Plan Figure 2-1 shows a secondary access to Hills Valley Road. However the traffic analysis does not address the impacts of the project on the roadway and at the Hills Valley Road/County Club Drive intersection.
- 3) A review of the traffic analysis identifies that the existing traffic volume data was collected in August and October of 2012 and one Count at Eden Valley Lane/Country Club Drive intersection was collected on April 9, 2014. Further review of the count data in Appendix C does not include count data for the SR-78 on/off ramp intersections at Nordahl Road. Based on the County Traffic Guidelines the count data exceeds the 18 month age of the counts. Therefore the validity of the counts needs to be updated to conform to County requirements.

Also the Executive Summary addresses the need to update the County's Traffic Impact Fee (TIF) Program to include potential changes resulting in the proposed project changes in Land Use. Since the project proposes the General Plan Amendment the impacts both direct and cumulative should be the responsibility of the Applicant and the necessary studies should be prepared in conjunction with the processing of the project to address any additional environmental impacts of the project on County and the adjacent agencies roadways, and intersections. Deferring the update of the TIF to after the project is approved leaves unanswered CEQA questions.

- 4) A review of Figure 3-1, Existing Condition Diagram and Figure 3-2 Existing Traffic Volumes does not show existing traffic volumes on:
 - Country Club Drive between Harmony Grove Village Parkway and Harmony Grove Road;
 - Harmony Grove Village Parkway between Country Club Drive and Citracado Parkway including the intersections along this route; and
 - Harmony Grove Road west of Country Club Drive.

These routes provide access to the project site and need to be included in the traffic impact of the project. As stated on Page 15 of the traffic analysis the opening of Harmony Grove Village Parkway to Citracado Parkway will result in the rerouting of existing traffic from Kauana Loa Drive to the New Harmony Grove Village Road. The impact of the opening of Harmony Grove Village Road needs to be addressed and appropriate updates to the Traffic Analysis prepared.

- 5) Impact Analysis of Existing Conditions, Existing Plus Project, Existing Plus Cumulative (2020) Projects and Existing Plus Cumulative Projects Plus Project and the Year 2035 analysis needs to be updated to account for the comments in Comment 4 and the additional Comments 6 thru 15.
- 6) Project Trip Distribution on Page 30 of the traffic analysis identifies using Select Zone Assign (SZA), based on the SANDAG Traffic Model to establish project trip distribution. A copy of the Select Zone (SZA) including the Land Use TAZ information needs to be provided to confirm the project trip distribution shown on Figures 7-1a and 7-1b and 7-2. A copy of the Select Zone and Land Use data needs to be added to the Appendicies of the Traffic Analysis Report.
- 7) Section 8.0 Existing Plus Cumulative Conditions: This section of the traffic analysis identifies 41 projects in the County of San Diego, City of Escondido and the City of San Marcos including the adjacent Harmony Grove Village to be analyzed under cumulative conditions.

On Page 42 of the Traffic Analysis the forecast of traffic volumes for the cumulative conditions utilized the SANDAG North County Traffic Model. Figure 8-1 presents the Existing Plus Cumulative Project (Year 2020) Traffic Volumes. A copy of the SANDAG Model Traffic Forecasts Plots and Land Use inputs are needed to confirm the adequacy of the traffic impact analysis and needs to be included in the Technical Appendicies of the Traffic Analysis Report.

A quick review of the Year 2020 daily traffic volumes on Country Club Drive between Hill Valley Drive and Eden Valley Lane shows 7,983 daily trips. The addition of existing traffic volumes (Figure 3-2) Harmony Grove Village traffic (Figures 10-4 in Appendix B) and project traffic (Figure 7-2) results in:

Existing Daily Traffic Volumes	4,930 vehicles
Harmony Grove Village Traffic	2,320 vehicles
Valiano Project Traffic	<u>2,711 vehicles</u>
Totals: 10,061 vehicles	

This discrepancy and others within the 2020 Forecasts needs to be corrected.

- 8) The Year 2035 Analysis presented in the Traffic Analysis is based on Year 2035 conditions with adopted General Plan Land Uses and the SANDAG North County Model, SANDAG Series 12 Model, The County of San Diego General Plan. A copy of the SANDAG 2035 Traffic Model Traffic Forecasts and Land Uses needs be provided to confirm the adequacy of the analysis of the future traffic conditions with and without the project.
- 9) Section 11.0 Access and Other Issues:

This section of the traffic analysis addresses the use of Eden Valley Lane and Mount Whitney Road, which are private roads connecting the project site to Country Club Drive. As stated "Eden Valley Lane is constructed to provide 24 feet of pavement within 28 feet of graded width, there is no documentation provided on the easement right-of-way. Mount Whitney Road is constructed to provide 20 feet of pavement for its entire length and does not satisfy the County's Private Road

Standards. To satisfy the County's Private Road Standards would require the roadway to be widened to 24 feet within a graded area. The addition of project traffic to these private easements will have an impact on existing residents along each roadway. The adequacy of existing roadway pavement, drainage, etc. needs to be addressed from the standpoint of costs sharing for future maintenance.

10) Section 11.3 Sight Distance:

This section identifies that Corner Sight Distance at all project access locations was conducted and Certification Letters submitted under separate cover. A copy of the Certification Letters needs to be provided for review.

11) Figures 11-1, 11-2 and 11-3 show intersection channelization at Eden Valley Lane, Mount Whitney Road and Future Street 5A (North). The channelization concepts reduce the three (3) lane width to 12 feet without shoulders creating a future hazardous condition. Any improvements to provide the recommended turn lanes needs to include shoulder area.

12) Intersection Analysis work sheets presented in the Appendices of the Traffic Analysis were reviewed for adequacy. The conditions reviewed are:

- Existing;
- Existing Plus Project;
- Existing Plus Cumulative Projects; and
- Existing Pls Cumulative Projects Plus Project.

The AM/PM intersection analysis was reviewed to determine conditions that resulted in critical movements and/or approach movements resulted in LOS "E" or LOS "F".

Table A presents the Existing Conditions results for twelve (12) intersections. The review found five (5) intersections with movements operating at LOS "E" or LOS "F" and only two (2) of the intersections were reported to operate at LOS "E" or "F" in the Traffic Analysis.

Table B presents Existing Plus Project Conditions intersection analysis for twelve (12) intersections in the Traffic Analysis. Again we found five (5) intersections with movements operating at LOS "E" or LOS "F" and only two (2) of the intersections were reported to operate at LOS "E" or "F" in the Traffic Analysis.

Table C summarizes the Existing Plus Cumulative Projects intersection analysis for thirteen (13) of the study area intersections analyzed. Review of Table C shows twelve (12) out of the thirteen (13) intersections have movements operating at LOS "E" or "F". Ten (10) of the thirteen (13) intersections are shown to operate at LOS "E" or "F" in the Traffic Analysis.

Table D presents the Existing Plus Cumulative Projects Plus Project intersection analysis for thirteen (13) of the study area intersections analyzed. Review of Table D shows all thirteen (13) intersections have movements operating at LOS "E" or "F". Ten (10) of the thirteen (13) intersections are shown to operate at LOS "E" or "F" in the Traffic Analysis.

Table E presents the traffic signal cycle lengths used in the analysis for each intersection. Caltrans, City of San Marcos and the City of Escondido need to be contacted to confirm the adequacy of the signal timing used for the traffic analysis. A change in cycle length and signal timing will change

Jacqueline Arsivaud
Chair Person,
Elfin Forest Harmony Grove Town Council
June 12, 2015
Page 4

the level of services (LOS) reported. Copies of the intersection capacity worksheets identifying the LOS "E" and "F" conditions will be forwarded to you by separate cover.

13) Further review of the project finds the report does not address construction impacts. The short-term impacts of constructing the project on the existing private roadway easements roadways and residents on the private easements need to be addressed.

14) Fire Evacuation Routes:

During Construction of the project and after completion of the project the adequacy of the existing roads to accommodate the evacuation of the area needs to be addressed. The recent fire in 2014 in the area identified numerous problems evacuating the area. A plan needs to be prepared and approved prior to the approval of the project.

15) Sprinter Impacts:

The Sprinter Operations at the Country Club Drive /Auto Park Way and Nordahl Road intersection presently causes impacts and back-ups in traffic that is not presented in any of the traffic analysis. With anticipated increased Sprinter traffic flow back-ups and delays will increase. This condition needs to be analyzed in greater detail.

In summary these are my preliminary comments on the Traffic Analysis for the Valiano Project. When the report is made available, I reserve the right to make additional comments as needed.

Please feel free to contact our office should you have any questions or comments.

Sincerely,

DARNELL & ASSOCIATES, INC.

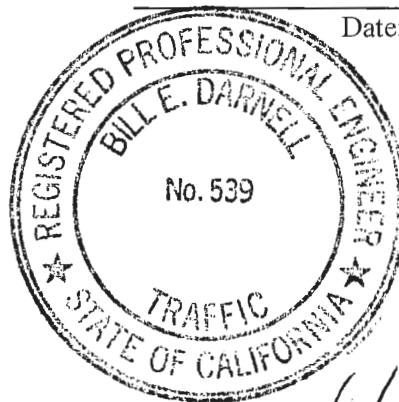


Bill E. Darnell, P.E. RCE: 22338



Date:

6/12/15



Date

6/12/15

Attachments

Table A - SUMMARY OF APPENDIX F: EXISTING INTERSECTIONS ANALYZED					
Intersection	EXISTING				Actuated Cycle Length(s)
	Movement	PEAK HOUR	LOS	APPROACH LOS	
1 - S. TWIN OAKS VALLEY RD. & DISCOVERY ST. @ E. BARHAM DR.	EBL	PM	F	-	103.2
	WBL	PM	E	F	
	WBR	PM	F	-	
	NBL	PM	F	-	
	SBL	AM	E	-	74.7
		PM	F	-	103.2
2 - BARHAM DR.@ WOODLAND PKWY.	ALL MOVEMENTS PASS	AM	-	-	55.6
		PM	-	-	64.0
3 - MISSION RD. @ DRIVEWAY	ALL MOVEMENTS PASS	AM	-	-	77.3
		PM	-	-	75.6
4 - SR-78 WB ON RAMP @ NORDAHL RD.	ALL MOVEMENTS PASS	AM	-	-	100.0
		PM	-	-	
5 - SR-78 EB OFF RAMP @ NORDAHL RD.	ALL MOVEMENTS PASS	AM	-	-	100.0
		PM	-	-	
6 - MISSION @ NORDAHL RD.	WBL	AM	E	-	100.0
	NBL	AM	E	-	
7 - COUNTRY CLUB DR. @ AUTO PARK WAY	SBL	AM	F	-	58.1
8 - W. 9TH AVE. @ VALLEY PKWY.	EBL	AM	F	F	78.1
		PM	F	F	79.0
	WBL	AM	E	-	78.1
		PM	F	E	79.0
	NBL	AM	F	-	78.1
		PM	F	-	79.0
	SBL	AM	F	-	78.1
		PM	F	-	79.0
9 - VALLEY PKWY. @ AUTO PARK WAY	NBL	AM	E	-	100.0
		PM	E	-	
10 - VALLEY PKWY. @ I-15 SB RAMPS	EBL	AM	E	-	120.0
		PM	E	-	
	WBL	PM	E	-	
11 - VALLEY PKWY. @ I-15 NB RAMPS	ALL MOVEMENTS PASS	AM	-	-	105.0
		PM	-	-	
17 - HARMONY GROVE RD. @ COUNTRY CLUB DR.	ALL MOVEMENTS PASS	AM	-	-	66.3
		PM	-	-	32.2

Table B - SUMMARY OF APPENDIX G: EXISTING PLUS PROJECT INTERSECTIONS ANALYZED

Intersection	EXISTING + PROJECT				Actuated Cycle Length(s)
	Movement	PEAK HOUR	LOS	APPROACH LOS	
1 - S. TWIN OAKS VALLEY RD. & DISCOVERY ST. @ E. BARHAM DR.	EBL	PM	F	E	103.2
	WBL	PM	E	F	
	WBR	PM	F	F	
	NBL	PM	F	-	74.8
	SBL	AM	E	-	
		PM	F	-	103.2
2 - BARHAM DR.@ WOODLAND PKWY.	ALL MOVEMENTS PASS	AM	-	-	55.6
		PM	-	-	64.2
3 - MISSION RD. @ DRIVEWAY	ALL MOVEMENTS PASS	AM	-	-	77.4
		PM	-	-	75.6
4 - SR-78 WB ON RAMP @ NORDAHL RD.	ALL MOVEMENTS PASS	AM	-	-	100.0
		PM	-	-	100.0
5 - SR-78 EB OFF RAMP @ NORDAHL RD.	ALL MOVEMENTS PASS	AM	-	-	100.0
		PM	-	-	100.0
6 - MISSION @ NORDAHL RD.	WBL	AM	E	-	100.0
	NBL	AM	E	-	100.0
7 - COUNTRY CLUB DR. @ AUTO PARK WAY	ALL MOVEMENTS PASS	AM	-	-	60.5
		PM	-	-	58.5
8 - W. 9TH AVE. @ VALLEY PKWY.	EBL	AM	F	F	77.3
		PM	F	F	79.2
	WBL	AM	E	-	77.3
		PM	F	-	79.2
	NBL	AM	F	-	77.3
		PM	F	-	79.2
SBL	AM	F	-	77.3	
	PM	F	-	79.2	
9 - VALLEY PKWY. @ AUTO PARK WAY	NBL	AM	E	-	100.0
		PM	E	-	80.0
10 - VALLEY PKWY. @ I-15 SB RAMPS	EBL	AM	E	-	120.0
		PM	E	-	
	WBL	PM	E	-	
11 - VALLEY PKWY. @ I-15 NB RAMPS	ALL MOVEMENTS PASS	AM	-	-	105.0
		PM	-	-	
17 - HARMONY GROVE RD. @ COUNTRY CLUB DR.	ALL MOVEMENTS PASS	AM	-	-	66.6
		PM	-	-	32.6

Table C - SUMMARY OF APPENDIX H: EXISTING PLUS CUMULATIVE PROJECTS INTERSECTIONS ANALYZED

Intersection	EXISTING + CUMULATIVE PROJECTS				
	Movement	PEAK HOUR	LOS	APPROACH LOS	Actuated Cycle Length(s)
1 - S. TWIN OAKS VALLEY RD. & DISCOVERY ST. @ E. BARHAM DR.	EBL	AM	F	F	140.0
		PM	F	F	150.0
	WBL	AM	F	F	140.0
		PM	F	F	150.0
	WBT	AM	F	F	140.0
		PM	F	F	150.0
	WBR	PM	F	F	150.0
	NBL	AM	F	F	140.0
		PM	F	F	150.0
	NBT	AM	F	F	140.0
		PM	F	F	150.0
	SBL	AM	F	F	140.0
PM		F	F	150.0	
SBR	AM	E	F	140.0	
HCM LOS	AM	F	-	140.0	
	PM	F	-	150.0	
2 - BARHAM DR. @ WOODLAND PKWY.	EBL	AM	F	E	130.0
		PM	F	F	150.0
	EBT	AM	-	E	130.0
		PM	F	F	150.0
	WBT	AM	F	F	130.0
		PM	F	F	150.0
	SBL	AM	F	E	130.0
		PM	F	E	150.0
	HCM LOS	AM	E	-	130.0
		PM	F	-	150.0
3 - MISSION RD. @ DRIVEWAY	EBL	AM	F	-	93.3
		PM	F	-	102.8
4 - SR-78 WB ON RAMP @ NORDAHL RD.	NBL	AM	-	-	100.0
		PM	E	-	120.0
5 - SR-78 EB OFF RAMP @ NORDAHL RD.	ALL MOVEMENTS PASS	AM	-	-	100.0
		PM	-	-	120.0
6 - MISSION @ NORDAHL RD.	EBL	AM	E	-	100.0
		PM	E	E	120.0
	WBL	AM	E	E	120.0
		PM	E	E	120.0
	NBL	AM	F	E	100.0
		PM	F	-	120.0
SBL	AM	F	-	100.0	
7 - COUNTRY CLUB DR. @ AUTO PARK WAY	EBL	AM	F	E	89.2
		PM	E	-	79.1
8 - W. 9TH AVE. @ VALLEY PKWY.	EBL	AM	F	E	93.1
		PM	F	E	91.3
	WBL	AM	E	-	91.3
		PM	E	-	91.3
	NBL	AM	F	-	93.1
		PM	F	-	91.3
SBL	AM	F	-	93.1	
9 - VALLEY PKWY. @ AUTO PARK WAY	NBL	PM	E	-	80.0
		SBL	PM	E	
SBT	PM	F	F		
10 - VALLEY PKWY. @ I-15 SB RAMPS	EBL	AM	E	-	120.0
		PM	E	F	
	EBT	PM	F	F	
	WBL	PM	E	-	
	NBT	PM	-	E	
	HCM LOS	PM	E	-	
11 - VALLEY PKWY. @ I-15 NB RAMPS	ALL MOVEMENTS PASS	AM	-	-	105.0
	EBL	PM	E	-	
	WBT	PM	E	E	
17 - HARMONY GROVE RD. @ COUNTRY CLUB DR.	WBL	AM	E	-	91.2
	ALL MOVEMENTS PASS	PM	-	-	68.2
18 - HARMONY GROVE RD. @ KAUNA LOA DR. (Stop Control)	WBT	AM	F	F	AVG DELAY 34.0
		PM	F	F	AVG DELAY 84.6

Table D - SUMMARY OF APPENDIX I: EXISTING PLUS CUMULATIVE PROJECTS PLUS PROJECT INTERSECTIONS ANALYZED

Intersection	EXISTING+ CUMULATIVE PROJECTS + PROJECT				Actuated Cycle Length(s)
	Movement	PEAK HOUR	LOS	APPROACH LOS	
1 - S. TWIN OAKS VALLEY RD. & DISCOVERY ST. @ E. BARHAM DR.	EBL	AM	F	F	140.0
		PM	F	F	150.0
	WBL	AM	E	F	140.0
		PM	F	F	150.0
	WBT	AM	F	F	140.0
		PM	F	F	150.0
	WBR	PM	F	F	150.0
	NBL	AM	F	F	140.0
		PM	F	F	150.0
	NBT	AM	F	F	140.0
		PM	F	F	150.0
	SBL	AM	F	F	140.0
PM		F	F	150.0	
SBR	AM	F	F	140.0	
HCM LOS	AM	F	-	140.0	
	PM	F	-	150.0	
2 - BARHAM DR.@ WOODLAND PKWY.	EBL	AM	F	E	130.0
		PM	F	F	150.0
	EBT	AM	-	E	130.0
		PM	F	F	150.0
	WBT	AM	F	F	130.0
		PM	F	F	150.0
	SBL	AM	F	E	130.0
		PM	F	E	150.0
	HCM LOS	AM	E	-	130.0
		PM	F	-	150.0
3 - MISSION RD. @ DRIVEWAY	EBL	AM	F	-	93.4
PM		F	-	102.8	
4 - SR-78 WB ON RAMP @ NORDAHL RD.	ALL MOVEMENTS PASS	AM	-	-	100.0
	NBL	PM	E	-	120.0
5 - SR-78 EB OFF RAMP @ NORDAHL RD.	ALL MOVEMENTS PASS	AM	-	-	100.0
6 - MISSION @ NORDAHL RD.	EBL	AM	E	-	100.0
		PM	E	E	120.0
	WBL	AM	E	-	100.0
		PM	E	E	120.0
	NBL	AM	F	E	100.0
		PM	F	E	120.0
SBL	AM	F	-	100.0	
7 - COUNTRY CLUB DR. @ AUTO PARK WAY	EBL	AM	F	F	89.3
	EBL	PM	F	F	79.0
	SBL	PM	E	-	79.0
8 - W. 9TH AVE. @ VALLEY PKWY.	EBL	AM	F	E	93.4
		PM	F	E	91.6
	WBL	AM	E	-	93.4
		PM	E	-	91.6
	NBL	AM	F	-	93.4
		PM	F	-	91.6
	SBL	AM	F	-	93.4
		PM	F	E	91.6
9 - VALLEY PKWY. @ AUTO PARK WAY	NBL	PM	E	-	80.0
	SBL	PM	E	F	
	SBT	PM	F	F	
10 - VALLEY PKWY. @ I-15 SB RAMPS	EBL	AM	F	-	120.0
		PM	E	F	
	EBT	PM	F	F	
	WBL	PM	E	-	
	NBT	PM	-	E	
NBR	PM	E	-		
11 - VALLEY PKWY. @ I-15 NB RAMPS	ALL MOVEMENTS PASS	AM	-	-	105.0
	EBL	PM	E	-	
	WBT	PM	E	E	
17 - HARMONY GROVE RD. @ COUNTRY CLUB DR.	WBL	AM	E	-	91.3
	ALL MOVEMENTS PASS	PM	-	-	68.6
18 - HARMONY GROVE RD. @ KAUNA LOA DR. (Stop Control)	WBT	AM	F	F	AVG DELAY 44.1
		PM	F	F	AVG DELAY 99.6

Table E - SUMMARY OF AM AND PM ACTUATED CYCLE LENGTH(S) FOR THE INTERSECTIONS ANALYZED

Intersection	EXISTING		EXISTING + PROJECT		EXISTING + CUMULATIVE PROJECTS		EXISTING+ CUMULATIVE PROJECTS + PROJECT	
	PEAK HOUR	Actuated Cycle Length(s)	PEAK HOUR	Actuated Cycle Length(s)	PEAK HOUR	Actuated Cycle Length(s)	PEAK HOUR	Actuated Cycle Length(s)
	1 - S. TWIN OAKS VALLEY RD. & DISCOVERY ST. @ E. BARHAM DR.	AM	74.7	AM	74.8	AM	140.0	AM
	PM	103.2	PM	103.2	PM	150.0	PM	150.0
2 - BARHAM DR.@ WOODLAND PKWY.	PM	55.6	AM	55.6	AM	130.0	AM	130.0
	AM	64.0	PM	64.2	PM	150.0	PM	150.0
3 - MISSION RD. @ DRIVEWAY	AM	77.3	AM	77.4	AM	93.4	AM	93.4
	PM	75.6	PM	75.6	PM	102.8	PM	102.8
4 - SR-78 WB ON RAMP @ NORDAHL RD.	AM	100.0	AM	100.0	AM	100.0	AM	100.0
	PM	100.0	PM	100.0	PM	120.0	PM	120.0
5 - SR-78 EB OFF RAMP @ NORDAHL RD.	AM	100.0	AM	100.0	AM	100.0	AM	100.0
	PM	100.0	PM	100.0	PM	120.0	PM	120.0
6 - MISSION @ NORDAHL RD.	AM	100.0	AM	100.0	AM	100.0	AM	100.0
	PM	100.0	PM	100.0	PM	120.0	PM	120.0
7 - COUNTRY CLUB DR. @ AUTO PARK WAY	AM	58.1	AM	60.5	AM	89.2	AM	89.3
	PM	57.3	PM	58.5	PM	79.1	PM	79.0
8 - W. 9TH AVE. @ VALLEY PKWY.	AM	78.1	AM	77.3	AM	93.1	AM	93.4
	PM	79.0	PM	79.2	PM	91.3	PM	91.6
9 - VALLEY PKWY. @ AUTO PARK WAY	AM	100.0	AM	100.0	AM	100.0	AM	100.0
	PM	80.0	PM	80.0	PM	80.0	PM	80.0
10 - VALLEY PKWY. @ I-15 SB RAMPS	AM	120.0	AM	120.0	AM	120.0	AM	120.0
	PM	120.0	PM	120.0	PM	120.0	PM	120.0
11 - VALLEY PKWY. @ I-15 NB RAMPS	AM	105.0	AM	105.0	AM	105.0	AM	105.0
	PM	105.0	PM	105.0	PM	105.0	PM	105.0
17 - HARMONY GROVE RD. @ COUNTRY CLUB DR.	AM	66.3	AM	66.6	AM	91.2	AM	91.3
	PM	32.2	PM	32.6	PM	68.2	PM	68.6