



Response to Comment Letter O2

Delano & Delano on Behalf of Escondido Country Club Homeowners Organization (ECCHO)
Everett DeLano
August 18, 2017

O2-1 The City of Escondido (City) acknowledges the comment as an introduction to comments that follow. This comment is included in the Final Environmental Impact Report (EIR) for review and consideration by the decision makers prior to a final decision on the Project. No further response is required because the comment does not raise an environmental issue.

O2-2 The City notes the comment provides factual information and does not raise an environmental issue within the meaning of the California Environmental Quality Act (CEQA). Therefore, no further response is required. The City will include the comment as part of the Final EIR for review and consideration by the decision makers prior to a final decision on the Project.

O2-3 The comment states that the discussion of the Project and existing conditions is inadequate. The comment is general in nature and does not provide any evidentiary support for the claim that the EIR’s project description is inadequate. Because the comment is general, a general response is all that is required (*Paulek v.*

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same mistake.” *Dry Creek Citizens Coalition v. County of Tulare* (1999) 70 Cal.App.4th 20, 31 – 32. The DEIR fails to provide an adequate description.

- The DEIR identifies the first objective of the Project as: “Eliminate the blighted condition of the current Project site and abate hazards to public health and safety.” DEIR at 1-1. But the current condition of the Site is a direct result of the actions and inactions of the owner. In fact, the owner was cited for violations and a failure to adequately maintain the property. The City should not utilize the Project as a way to clean up the Site when the owner already has existing obligations to do so.
- There are several properties that have encroached over the years onto the Site. Some of these encroachments are somewhat visible if one looks carefully at DEIR Figure 1-5. Because nothing was done to prevent these encroachments within the applicable time period, the property owners have developed rights associated with such encroachment. See e.g., *Windsor Pacific, LLC v. Samwood Co.* (2013) 213 Cal.App.4th 263, 270; *Aaron v. Dunham* (2006) 137 Cal.App.4th 1244, 1252. The DEIR should address these existing conditions, as well as discuss how these encroachments will be handled if the Project is developed, in order to ensure the protection of the rights of these parties.
- The DEIR mentions several Project features, including a restaurant and bar, community farm, banquet facilities and event courtyard, “Village Green,” and convenience grocery store. DEIR at 1-3 to 1-4. These are all listed under the heading of “Open Space System.” *Id.* at 1-3. However, it is unclear which, if any, of these many features would be located within the “Open Space System,” and the Site Plan does not provide any further information regarding this. DEIR Figure 1-1 to 1-4. Indeed, none of these features are identified either in the “Open Space System” or “Village Center” portion of the Site Plan. *Id.* Nor is there any specificity of discussion about what these various features would provide, or how such elements as a community farm, banquet facilities and courtyard, or a “Village Green with a small concert/performance facility” would be funded to ensure their continuing operation. DEIR at 1-4. In fact, none of these various features are discussed in the “Construction and Phasing” portion. DEIR at 1-8 to 1-9. These features are shown on page 21 of the draft Villages Specific Plan available on the City’s website; however, a notation at the top specifically identifies the map as “illustrative.” There is no assurance some or all of these features would actually be constructed.

III. The DEIR’s Discussion of Project Impacts is Deficient

The DEIR fails to adequately analyze impacts to air quality.

- The Project likely would have concurrent operational and construction emissions, yet the DEIR fails to analyze their combined emissions.
- The DEIR inappropriately relies upon studies conducted in the mid-1970’s without updating the analysis. DEIR at 2.1-20.

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California Dept. Water Resources 2014).

As a general response, the commenter should refer to EIR Chapter 1, Project Description, Location, and Environmental Setting, which provides a detailed discussion of the Project and existing conditions. The comment is acknowledged as an introduction to specific comments in the bullet points that follow. The comment addresses general subject areas, which received extensive analysis in the EIR. The comment does not raise any specific issue regarding any disclosure or analysis in the EIR; therefore, no specific response can be provided or is required. The City will address each specific bullet point in the subsequent responses.

The comment states that the City should not use the Project to address the blighted condition of the site because the current condition of the site is a result of the actions and inactions of the prior applicant.

Note that the applicant and lead developer for the Project, New Urban West Inc., was selected as an alternative developer of the site. The applicant is not responsible for the current state of the Project site.

The City properly developed a statement of project objectives based on the existing state of the site (14 CCR 15124(b)). CEQA requires an EIR examine a project and its environmental impacts in light of the environment as it exists when a project is approved

(14 CCR 15125(a)). Exercising its discretion, the City has determined the underlying purpose of the Project is to revitalize the existing residential area surrounding the Escondido Country Club and develop a new community on the Project site. The City has also stated the objective to “eliminate the blighted condition of the current Project site and abate hazards to public health and safety” (EIR page 1-1). Given the site’s existing condition, the City has good reason for establishing these Project objectives (*California Oak Foundation v. Regents of University of California* 2010 [finding an agency has broad discretion to formulate project objectives]).

Regarding the comment’s implication that existing citations or enforcement obligations exist at the site, “in general ... an EIR is not the appropriate forum for determining the nature and consequences of prior conduct” of an applicant or owner (*Riverwatch v. County of San Diego* 1999; *Banning Ranch Conservancy v. City of Newport Beach* 2012). The City acknowledges the comment and notes it raises economic, social, or political issues that do not appear to relate to any physical effect on the environment. The City will include the comment as part of the Final EIR for review and consideration by the decision makers prior to a final decision on the Project. No further response is required because the comment does not raise an environmental issue.

	<p>O2-5 The comment correctly points out that there several properties that have encroached onto the Project site over the years. The encroachments apply to 43 adjacent private properties. Sliver lots have been created along the perimeter of the Project boundary to encompass these encroachments and will vary from 5 feet to 15 feet in depth. The lots are lettered and tabulated in the Project’s Tentative Map (Lots E1 through E-43), which is available for public review and may be downloaded from the City’s website (https://www.escondido.org/ecc.aspx) or by navigating to www.escondido.org, clicking on “Planning” in the contact list on the right side of the page, scrolling down to the “Active Projects” section, and clicking on “The Villages – Escondido Country Club.” Each encroachment lot will be deeded to its respective homeowner. This information is immaterial to the EIR and does not affect the analysis or conclusions in the EIR.</p> <p>O2-6 The Project’s amenities described in this comment are located in the Village Center, as depicted on Figure 1-2, Village 1 Site Plan, and Figure 1-5, Open Space, Trails, and Parks Plan, in the EIR. As shown on these figures, the Village Center is not part of the Project’s open space system. In response to this comment, the EIR has been revised to add the heading “Village Center” to clarify that these uses are located in the Village Center and are not calculated as part of the Project’s 48-acre open space system.</p>
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	<p>The Construction and Phasing section of Chapter 1 of the EIR discusses the Clubhouse facility, which includes the Project's amenities (EIR pp. 1-8-1-9). The EIR has been revised to clarify this. These clarifications are presented in strikeout/<u>underline</u> format; refer to the errata of the Final EIR. The changes do not raise important new issues about significant effects on the environment. Such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines.</p> <p>These amenities are a part of the Project and described in the Project's implementing documents, such as the Specific Plan and Tentative Map. More specifically, the Village Center is included on the Tentative Map as Lot RC1 and RC2. The construction of the Village Center and associated amenities is described in detail in the Specific Plan (page 3-5). The construction of the Village Center and associated amenities will be a condition of the Project and constructed as part of the first phase, Village 1. How these amenities will be funded is immaterial to the EIR and does not impact the analysis or adequacy of the EIR. However, for informational purposes, page 6 of the Specific Plan states that financing for ongoing maintenance and operations of the amenities will be supported by the formation of a homeowner's association (HOA) and potentially a community facilities district.</p>
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	<p>O2-7 This comment states that the EIR does not analyze the air quality impacts from potential concurrent operational and construction emissions. The CEQA significance thresholds used in the EIR are from the City’s Municipal Code, Chapter 33, Article 47, which provides guidelines on implementing CEQA for development projects proposed within the City. The Municipal Code’s Environmental Quality Regulations (EQR) establish screening thresholds to evaluate if additional analysis is required to determine whether a project would result in significant impacts under CEQA. Air quality impacts are addressed in Division 1, Section 33-924(a)(6), of the EQR. The EQR has separate significance thresholds for construction emissions and operational emissions and does not set forth thresholds for combined construction and operational emissions. In accordance with the EQR, the significance of construction and operational emissions were evaluated separately for the Project.</p> <p>Under the EQR, if a project exceeds an adopted City threshold, the project would be required to implement feasible mitigation to reduce the project’s impact. The required mitigation is identified based on the pollutants that would exceed the thresholds and the activities that would generate the pollutants in exceedance. Because emission sources are different for construction and operational activities, typical mitigation strategies that reduce emissions associated</p>
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	<p>with construction and operation are also different. As such, the combined total emissions of construction and operational emissions are not intended to be compared to a single threshold.</p> <p>However, in response to this comment and for informational purposes, a more detailed construction schedule was developed for the Project’s vertical building construction and architectural coating phases that would represent the overlap of construction and operational phases at a reasonably accurate level at this point in the planning process.¹ The buildout of the residential units and occupation of those units is not expected to begin until 2019 since buildout will average approximately 8 units per month. It is estimated that there will be 64 units built in 2019, 97 units in 2020, 98 units in 2021, 90 units in 2022, and 31 units in 2023 for a total of 380 units.</p> <p>As shown in Table 1, with this updated construction schedule, accounting for construction emissions alone, it was estimated that the Project would not exceed any significance thresholds during the construction period. With the updated construction schedule, Dudek also estimated the worst-case daily emissions with overlapping construction and</p>
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¹ The construction emissions modeling presented in the EIR simply and conservatively assumed one building construction phase and one architectural coating phase. For the purposes of this response, a more realistic phasing schedule was identified, with multiple phases of building construction and architectural coating occurring over the construction period.

operational conditions, with implementation of the mitigation measures set forth in EIR Section 2.1, Air Quality. To show the overlap of construction and operational emissions, the operational emissions were averaged per residential unit and then allocated according to the buildout schedule discussed previously. As shown in Table 2, the overlapping emissions of construction and operational phases do not exceed the construction or operational significance thresholds developed by the City.

**Table 1
Estimated Mitigated Maximum Daily Construction Criteria
Air Pollutant Emissions**

Year	VOC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
	<i>Pounds per Day</i>					
2018	8.92	98.59	394.98	5.39	24.86	4.58
2019	18.41	114.98	181.88	0.56	13.08	5.11
2020	35.08	13.19	29.31	0.06	2.56	1.01
2021	33.70	13.16	28.82	0.06	2.60	1.05
2022	33.25	13.47	28.41	0.06	2.66	1.11
2023	33.94	12.74	27.92	0.06	2.70	1.14
Maximum Daily Emissions	35.08	114.98	394.98	5.39	24.86	5.11
<i>City Threshold</i>	75	250	550	250	100	55
Threshold Exceeded?	No	No	No	No	No	No

Notes: VOC = volatile organic compound; NO_x = oxides of nitrogen; CO = carbon monoxide; SO_x = sulfur oxides; PM₁₀ = coarse particulate matter; PM_{2.5} = fine particulate matter
See Appendix 8-3 for complete results.
The values shown are the maximum summer or winter daily emissions results from California Emissions Estimator Model (CalEEMod). These emissions reflect CalEEMod "mitigated" output, which accounts for compliance with San Diego Air Pollution Control District Rule 55 (Fugitive

Dust) and Rule 67.0.1 (Architectural Coatings).

**Table 2
Estimated Mitigated Maximum Daily Overlap of
Construction and Operational Criteria Air Pollutant
Emissions**

Year	VOC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
	<i>Pounds per Day</i>					
2019	23.29	120.43	199.79	0.61	17.22	6.34
2020	42.47	21.44	56.45	0.14	8.84	2.88
2021	41.17	21.50	56.24	0.14	8.95	2.94
2022	40.11	21.13	53.59	0.13	8.49	2.84
2023	37.22	16.40	39.95	0.09	5.48	1.97
Maximum Daily Emissions	42.47	120.43	199.79	0.61	17.22	6.34
<i>City Threshold</i>	75/55 ^a	250	550	250	100	55
Threshold Exceeded?	No	No	No	No	No	No

Notes:

VOC = volatile organic compound; NO_x = oxides of nitrogen; CO = carbon monoxide; SO_x = sulfur oxides; PM₁₀ = coarse particulate matter; PM_{2.5} = fine particulate matter

^a The VOC threshold established in the City's EQR is 75 pounds per day for construction and 55 pounds per day for operation.

O2-8 This comment states that the EIR inappropriately relies on studies conducted in the mid-1970s, implying that such studies contain outdated, unreliable information. However, as stated on page 2.1-20 of the EIR, the emission factors questioned by the comment, which are used for blasting explosives, are the industry standard and approved by the U.S. Environmental Protection Agency. The age of the data

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- The DEIR fails to account for emissions associated with energy production. DEIR at 2.1-21.
- The DEIR fails to adequately analyze impacts to biological resources.
- The Project will negatively impact on-site habitat, blue-line water courses, and other biological resources. See the attached comments from Vince Scheidt.
 - Two BMPs will not address the 100-year, 6-hour peak flow detention requirements. DEIR at 3.1.4-6. The DEIR fails to adequately analyze the impacts associated with this condition, including potential flooding impacts.
- The DEIR fails to adequately analyze greenhouse gas emission impacts.
- The DEIR relies primarily upon measures adopted by the State in order to meet its goals. But as the California Supreme Court has noted, such reliance is insufficient to ensure compliance – “That a project is designed to meet high building efficiency and conservation standards, for example, does not establish that its greenhouse gas emissions from transportation activities lack significant impacts.” *Center for Biological Diversity v. Dept. of Fish and Wildlife* (2015) 62 Cal.4th 204, 229.
 - The DEIR averages construction emissions over the life of the Project. DEIR at 2.4-34. Such emissions should be calculated as they will actually occur, not averaged over a longer period of time. See *Taxpayers for Accountable School Bond Spending v. San Diego Unified School Dist.* (2013) 215 Cal.App.4th 1013, 1049.
 - The DEIR identifies several strategies “to expand infill development” DEIR at 2.4-39. But the Project is inconsistent with virtually every one of these strategies, and the DEIR fails to discuss these inconsistencies.
 - The City’s General Plan lists several relevant Air Quality and Climate Protection policies. General Plan at VII-29 to 30. Yet the DEIR fails to address these requirements, and the Project fails to comply with them. For example, there are no requirements to support public transportation improvements, expand public transit networks, or update the city’s traffic signal synchronization plan.
 - Indeed, there are also requirements for Transportation Demand Management strategies in the General Plan. General Plan at III-37 to 38. Yet the DEIR fails to address these requirements, and the Project fails to comply with them. For example, there are no requirements to improve transit access or support transit subsidies.
 - On April 29, 2015, Governor Brown issued Executive Order B-30-15, which establishes a “new interim statewide greenhouse gas emission reduction target to reduce greenhouse gas emissions to 40 percent below 1990 levels by 2030” The DEIR does not address compliance with Executive Order B-30-15.

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source was acknowledged in the EIR; however, these factors are continually used within the industry, and until another state or federal agency publishes third-party-reviewed emission factors for blasting, will continue to be used. Also, it is noted that the compounds in the explosive materials have not changed since the development of the emission factors and the studies on which those emission factors were based. As such, there is no reason to conclude that the emission factors are no longer reasonably representative of the blasting compounds.

O2-9

This comment states that the EIR fails to account for emissions associated with energy production. However, the industry standard emissions quantification model used in this EIR (the California Emissions Estimator Model (CalEEMod)) states the following in Appendix A (page 30) of its user’s manual (CAPCOA 2016):

Criteria pollutants and GHGs [greenhouse gases] are also emitted during the generation of electricity at fossil fuel power plants. When electricity is used in buildings, the electricity generation typically takes place off-site power plants, the majority of which burn fossil fuels. Because power plants are existing stationary sources permitted by air districts and/or the USEPA [U.S. Environmental Protection Agency], criteria pollutant emissions are generally associated

with the power plants themselves, and not individual buildings or electricity users. Additionally, criteria pollutant emissions from power plants are subject to local, state, and federal control measures, which can be considered to be the maximum feasible level of mitigation for stack emissions. In contrast, GHG emissions from power plants are not subject to stationary source permitting requirements to the same degree as criteria pollutants. Likewise, it is difficult to mitigate GHG emissions emitted at power plants using exhaust after treatment control technologies. The most effective way to control GHGs from power plants is to reduce electricity demand. As such, GHGs emitted by power plants may be indirectly attributed to individual buildings and electricity users, who have the greatest ability to decrease usage by applying mitigation measures to individual electricity “end uses.” The program therefore calculates GHG emissions (but not criteria pollutant emissions) from regional power plants associated with building electricity use.

Consistent with the direction provided in the CalEEMod user’s manual, the emissions associated with electrical generation facilities are quantified and accounted for when such facilities go through CEQA and air district permitting processes. Therefore, quantifying emissions from downstream electricity demand in a land use development project subject to

	<p>CEQA would constitute double counting.</p> <p>As background, CalEEMod is a statewide land use emissions computer model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify potential criteria pollutant and GHG emissions associated with both construction and operations from a variety of land use development projects. The model quantifies direct emissions from construction and operational activities (including vehicle use), as well as indirect emissions, such as GHG emissions from energy use, solid waste disposal, vegetation planting and/or removal, and water use. Further, the model identifies mitigation measures to reduce criteria pollutant and GHG emissions and calculates the benefits achieved from measures chosen by the user.</p> <p>The model was developed for the California Air Pollution Officers Association in collaboration with numerous expert consultants and California air districts, including the South Coast Air Quality Management District, Bay Area Air Quality Management District, Placer County Air Pollution Control District, Sacramento Metropolitan Air Quality Management District, San Joaquin Valley Air Pollution Control District, San Luis Obispo Air Pollution Control District, and Santa Barbara County Air Pollution Control District. Default data (e.g.,</p>
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	<p>emission factors, trip lengths, meteorology, source inventory) have been provided by the various California air districts to account for local requirements and conditions. The model is periodically updated when modifications are warranted. (The EIR uses the most current version of CalEEMod, version 2016.3.1.)</p> <p>The model is broadly accepted by lead agencies and technical experts as a comprehensive tool for quantifying air quality impacts from land use projects located throughout California. The model can be used for a variety of situations where an air quality analysis is necessary or desirable, such as preparing CEQA or National Environmental Policy Act documents, conducting pre-project planning, and verifying compliance with local air quality rules and regulations.</p> <p>O2- 10 The comment states that the Project will negatively impact biological resources. The City does not concur. Impacts to biological resources received extensive analysis in the EIR (see EIR Chapter 2.2, Biological Resources, and Appendix 2.2-1). Based on the evaluation in the EIR, impacts to biological resources were found to be reduced to less-than-significant levels with mitigation incorporated. The comment does not raise any specific issue regarding EIR’s analysis, and therefore, no more specific response can be provided or is required.</p>
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	<p>The City acknowledges the comment acts as an introduction to the attached comments from Vince Scheidt. The comments from Vince Scheidt are incorporated and responded to starting at comment O2-61.</p> <p>O2- 11 The comment states that two best management practices (BMPs) will not address the 100-year, 6-hour peak flow detention requirements and asserts flooding or other impacts will result. The City has considered this comment and does not concur. As detailed in EIR Section 3.1.4, Hydrology and Water Quality, and Appendices 3.1.4-1 and 3.1.4-2, the Project relies on a network of permanent stormwater BMPs to provide water quality, hydromodification management, and flood control detention to ensure each requirement is met prior to discharging from the site. For example, the EIR state the following (EIR Appendix 3.1.4-1, pages 12 through 13; see Table 4.1, Detention Analysis Summary):</p> <p style="padding-left: 40px;">All of the proposed BMPs are designed to include water quality treatment, and volumes to comply with hydromodification management criteria. Detention volume sizing is provided within eight (8) of the ten (10) proposed BMPs (all BMPs except for BMPs 1D and 1E). These BMPs are designed to route the post-project peak discharge rate back to pre-project conditions at the project’s POCs [Point of Compliance].</p>
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	<p>The comment misconstrues the fact that volume sizing is not provided within BMPs 1D and 1E to mean the Project will result in adverse environmental effects for a 100-year, 6-hour storm event. This is incorrect. The Project in its entirety will provide 100-year, 6-hour peak flow detention for the entire Project. Since BMPs 1D and 1E have limited storage capacity, they are designed to primarily provide water quality treatment and have limited storage benefits in relation to the Hydromodification Management Plan and detention. On the other hand, BMPs 1A and 1C (which contribute to POC-1) provide additional storage volume. The modeling results provided in EIR Appendix 3.1.4-1, Appendices A and D, demonstrate that preliminary detention sizing is adequate to ensure that for a 100-year, 6-hour storm event, post-Project peak discharge rates are not increased over pre-Project levels.</p> <p>O2-12 This comment states that the EIR’s GHG emissions analysis relies primarily on measures adopted by the state to meet its goals and that it is insufficient to ensure compliance. It is unclear what the comment is referring to in meeting its goals. However, it is noted that the Project as proposed includes multiple Project design features (PDF-GHG-1 through PDF-GHG-3 and PDF-AQ-2 through PDF-AQ-4) to help reduce GHG emissions beyond what is required by the state as a matter of regulatory compliance (see pages 2.4-29 and 2.4-30 and Table 2.4-5 of the EIR). These measures</p>
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	<p>will ensure the Project reduces potable water use, supports electric vehicle charging, conserves electricity use, calms traffic, and improves the pedestrian network. Furthermore, mitigation will be incorporated to reduce impacts from GHG emissions to less than significant. Because the comment is general in nature, a general response is all that is required (<i>Paulek v. California Dept. Water Resources</i> 2014).</p> <p>O2-13 This comment states that the emissions should be calculated as they will actually occur and averaging construction emissions is incorrect, citing the case <i>Taxpayers for Accountable School Bond Spending v. San Diego Unified School District</i> (2013). In response, the construction period’s GHG emissions were quantified and disclosed as they occur on an annual basis, as shown in Table 2.4-8 of the EIR. This shows the GHG emissions during each year of construction, 2018 through 2023. The additional inclusion of amortized GHG emissions data is a standard industry practice used when determining the significance of GHG emissions. The City of Escondido, County of San Diego, or the San Diego Air Pollution Control District do not have construction-only significance thresholds for GHG emissions. Therefore, to include the construction emissions within the significance determination, the emissions are amortized over the lifetime of the Project and added to the operational emissions. Regarding the case cited in the comment,</p>
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	<p><i>Taxpayers v. San Diego Unified School District</i> does not address GHG emissions analysis, and the portion of the decision pertains to how existing baseline conditions (and specifically existing football game attendance levels) for a project involving improvements to an existing high school should be calculated. As such, the case is not applicable.</p> <p>O2-14 This comment states that the EIR fails to discuss inconsistencies the Project has with infill development strategies identified on page 2.4-39. Note that the page cited in the comment contains a discussion of infill strategies outlined in the California Air Resources Board’s (CARB) Draft 2017 Second Update to the Scoping Plan. This discussion was provided to evidence that California Air Resources Board recommends using infill development to help reach its GHG emissions reduction goals. The strategies discussed are intended to incentivize local municipalities to encourage infill development through funding mechanisms. These strategies do not apply to discretionary land use development projects.</p> <p>O2-15 This comment states that the EIR fails to address the air quality and climate protection policies listed in the City’s General Plan. EIR pages 2.4-21 through 2.4-23 discuss the various goals and policies of the City’s General Plan that result in a reduction in GHG emissions. Additionally, a comprehensive discussion</p>
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	<p>of the Project’s consistency with all applicable policies of the City’s General Plan is provided in EIR Section 3.1.5, Land Use (see also Appendix 3.1.5-1). For example, as discussed in Appendix 3.1.5-1, the Project includes a pedestrian/bike path bordering the Project site. The Project would be easily accessible to multiple bus stops along Country Club Lane. Therefore, the Project would implement provision of bikeways and pedestrian paths and the incorporation of transit routes and facilities. The Project would cater to multiple modes of travel. Traffic calming measures will be required to be installed along West Country Club to more safely accommodate pedestrian and vehicular circulation. Therefore, the Project would ensure that any future transportation system implemented as part of the development would be interconnected and multi-modal.</p> <p>O2-16 This comment states that the EIR fails to address and comply with the City’s General Plan requirements for Transportation Demand Management (TDM) strategies. The applicable transportation-related items within the City’s General Plan are identified on page 2.7-11 of the EIR. The Project’s consistency with the City’s General Plan Mobility and Infrastructure Element is included in Appendix 3.1.5-1 of the EIR. See Response 2-36.</p>
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- Mitigation Measure M-GHG-1 purports to require the purchase and retirement of GHG “offsets [that] shall be real, permanent, quantifiable, verifiable, and enforceable.” DEIR at 2.4-41. But the DEIR provides no explanation or standards as to how such offsets will be achieved other than a vague reference to some undefined “approved methodology.” *Id.* See *Citizens for Responsible and Open Government v. City of Grand Terrace* (2008) 160 Cal.App.4th 1323, 1341 (no evidence of any measures that would ensure that the “standards would be effectively monitored and vigorously enforced”).

The DEIR fails to adequately analyze noise impacts.

- The DEIR inappropriately dismisses blasting noise as “temporary.” DEIR at 2.6-11. Likewise, it inappropriately averages noise impacts, such as from construction and special events. *Id.* at 2.6-12 and 2.6-26. But the temporary nature of a noise impact does not make it insignificant. See *Berkeley Keep Jets Over the Bay Comm. v. Board of Port Commissioners* (2001) 91 Cal.App.4th 1344, 1380 – 81.

The DEIR fails to adequately analyze traffic impacts.

- The DEIR fails to include an adequate study area. The freeway analysis included only one on-ramp/meter and the segment of I-15 from El Norte Parkway to State Route 78. DEIR at 2.7-29 to 30. Additional freeway segments and ramps should be analyzed.
- Two of the intersection turning movement counts were conducted during weeks with holidays – one on the Thursday following President’s Day, 2017 and one on the Wednesday following Labor Day, 2016. The Caltrans *Guide for the Preparation of Traffic Impact Studies* provides that counts should be conducted “during weeks not containing a holiday.”
- The Caltrans guide also says freeway segments should be analyzed using the procedures documented in the *Highway Capacity Manual* (HCM). The DEIR’s traffic analysis used a methodology that involves development of “volume/capacity” (V/C) ratios instead of determining traffic density, as required by the HCM method. The City’s General Plan requires measurement pursuant to the HCM method. General Plan at III-13; see *Endangered Habitats League v. County of Orange* (2005) 131 Cal.App.4th 777, 783 (agency must use HCM method where General Plan calls for doing so).
- The DEIR lacks analysis of construction traffic impacts.
- The DEIR acknowledges the obligations to improve transit, bicycling and pedestrian facilities. DEIR at 2.7-23. The City’s General Plan identifies several important policies for each. General Plan at III-34 to 37. However, the DEIR fails to address transit and pedestrian facilities requirements. And although the DEIR lists 19 objectives and actions related to bicycle facilities (DEIR at 2.7-24 to 25), the DEIR provides only a vague discussion about “[t]raffic calming measures” and “bike lanes” with no specificity as to how or

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This comment states that the EIR does not address compliance with Executive Order B-30-15. However, as explained on page 2.4-10 of the EIR, the 2030 GHG emissions reduction goal identified in Executive B-30-15 was codified into law in 2016 through the enactment of Senate Bill 32, which requires that the statewide GHG emissions level be reduced to 40% below 1990 levels by 2030. The Project’s significance evaluation is based, in part, on use of a City-specific efficiency metric that is based on the average annual reduction in emissions that California Air Resources Board has estimated is required to meet the 2030 emissions reduction target, as initially identified by Executive Order B-30-15 and subsequently codified through Senate Bill 32. Because the Project would not exceed the efficiency metric, it would not impair the state’s ability to meet its 2030 emissions reductions target.

O2-18

This comment states that the EIR does not provide an explanation of or standards on how the offsets in Mitigation Measure M-GHG-1 will be achieved. As defined in M-GHG-1, the GHG offsets shall be secured from a California Air Resources Board–accredited registry; shall conform with CEQA Guidelines, Section 15126.4(c)(3); shall be real, permanent, quantifiable, verifiable, and enforceable; and shall be achieved by 50% of the Project’s buildout. In the event that the City certifies the

	<p>Project’s EIR and approves the Project, this mitigation measure would be included in the CEQA-mandated Mitigation Monitoring and Reporting Program and would be monitored and enforced by the City (14 CCR Section 15097).</p> <p>In order to further clarify how the Project will determine the number of GHG offsets that are required, M-GHG-1 in the EIR has been revised to include the following revisions in strikeout/<u>underline</u>:</p> <p style="padding-left: 40px;">The quantity of GHG offsets required to achieve the service population value set forth above shall be calculated in and supported by technical documentation that is submitted to the City of Escondido (City) as part of the Mitigation Monitoring and Reporting Program using an approved methodology. <u>The calculations shall be prepared by a qualified GHG emissions consultant utilizing the California Emissions Estimator Model or other widely-accepted methodologies that are acceptable to the City. The calculations shall demonstrate the quantity of reductions is valid and sufficient, as determined by the City.</u></p> <p>Refer to the errata of the Final EIR. The changes do not raise important new issues about significant</p>
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	<p>effects on the environment. Such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines.</p> <p>The comment cites the <i>Citizens for Responsible and Open Government v. City of Grand Terrace</i> (2008) case. However, that case does not address the sufficiency of GHG emissions analysis or mitigation measures that use carbon offsets pursuant to CEQA Guidelines, Section 15126.4(c)(3). While the case does address general CEQA principles concerning the adequacy of mitigation measures, M-GHG-1 was developed to accord to such principles and includes requirements, performance standards, and terms that are sufficiently clear to enable the City’s monitoring and enforcement of the mitigation measure in the event the EIR is certified and the Project is approved.</p> <p>O2-19 The City does not agree that the EIR dismisses blasting noise as “temporary.” Pages 2.6-10 and 2.6-11 of the EIR include a summary of the blasting analysis that was completed in the Project’s Noise Assessment (Appendix 2.6-1). Based on the analysis, it was determined that the closest residential receiver will experience noise levels approaching 93 A-weighted decibel (dBA) maximum sound level over the course of the blast, which will likely occur for only a few seconds. The City’s General Plan and Municipal Code do not identify specific construction noise level</p>
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limits for blasting activities. Therefore, the Office of Surface Mining Reclamation and Enforcement (OSMRE) and Code of Federal Regulations lowest maximum Air Blast Limit (30 CFR 816.67(b)) of 129 dBA maximum sound level at nearby sensitive uses is used in this analysis as an acceptable threshold for noise levels due to blasting activity at the Project site (refer to Section 1.4.2 of the EIR). Therefore, the 93 dBA measurement is well below the 129 dBA threshold. Additionally, blasting would be limited to no more than 3 minutes within any given hour. Although some blasting noise may be noticeable to nearby residents, the single-event, temporary noise levels generated by the blast will not exceed the OSMRE and the Code of Federal Regulations standards for air blasts. Therefore, the basis for the significance conclusion is because the Project would not exceed the OSMRE threshold or Code of Federal Regulations standards. It should also be noted that, in excess of caution, blasting mitigation measures (M-N-5 and M-N-6) were applied for added assurance that the impacts would remain at a level less than significant. Additionally, pursuant to other comment letters received during the public review period, Mitigation Measure M-N-6, which requires that, a blast signal (e.g., air horn) shall be used to notify nearby residents that blasting is about to occur per the California Code of Regulations, Title 8, Section 5291, Firing of Explosives regulations (EIR page 2.6-22)

	<p>will be revised in the Final EIR to include notification of surrounding property owners within 100 feet of blasting activities through U.S. mail at least 1 week prior to blasting activities. These revisions and clarifications to the EIR are presented in strikeout/<u>underline</u> format; refer to Section 2.6.5 of the EIR. The changes do not raise important new issues about significant effects on the environment.</p> <p>O2-20 As detailed in the EIR, Appendix 2.7, Transportation Impact Analysis (TIA), on page 29-30, Project trip distribution was determined based on the characteristics of the Project and upon the general location of other land uses to which Project trips would originate or terminate, such as employment, housing, schools, recreation, and shopping. The San Diego Association of Governments (SANDAG) regional traffic model was then used to establish the regional cordons and distribution. The results of trip distribution and assignment models were then reviewed by City staff, who provided additional comment and direction.</p> <p>Based on this forecast of trip distribution and assignment characteristics, it was determined that trips generated by the Project would most directly impact the state highway facility at El Norte Parkway and that segment of Interstate (I-) 15 from El Norte Parkway to State Route (SR-) 78 (EIR Figure 2.7-3, Project</p>
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	<p>Traffic Distribution). The study uses the SANTEC/ITE <i>Guidelines for Traffic Impact Studies</i> used by the California Department of Transportation (Caltrans) District 11 in the San Diego Region to determine which state facilities should be included in the study area. These guidelines state that “the geographic area examined in a TIS [traffic impact study] must include the following: All local roadway segments (including all State surface routes), intersections, and mainline freeway locations where the Project will add 50 or more peak-hour trips in either direction to the existing roadway traffic, and; All freeway entrance and exit ramps where the Project will add a significant number of peak-hour trips to cause any traffic queues to exceed ramp storage capacities (see Figure 1)” (San Diego Regional Traffic Standards Task Force 2000).</p> <p>Figure 7-3 of the TIA shows the total Project-related traffic volumes, including the intersections at El Norte Parkway to/from the I-15 mainline. This figure shows that, for intersection numbers 13 and 14 (the southbound and northbound ramp intersections at I-15 and El Norte Parkway, respectively), the maximum contribution of Project traffic is 43 AM peak-hour trips to the I-15 southbound mainline and on-ramp and 60 PM peak-hour trips to I-15 northbound mainline and off-ramp. The 60 PM peak-hour trips generated by the Project exceed the 50-or-more peak-hour trip threshold for inclusion in the</p>
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	<p>scope of the TIA. Therefore, the TIA evaluates the Project’s impacts to the I-15 northbound mainline from SR-78 to I-15 and to the intersections and ramp facilities from I-15 northbound.</p> <p>The 43 AM peak-hour southbound trips do not exceed the threshold for inclusion in the TIA. However, the TIA explains that “the maximum peak hour contribution to the I-15 southbound mainline segment is 43 trips during the AM peak hour,” which “is less than the 50 peak hour trip threshold to require analysis of a freeway mainline, based on the published, regional SANTEC/ITE <i>Guidelines for the Traffic Impacts Studies [TIS] in the San Diego Region</i>” (EIR page 11). The mainline segment was nevertheless included to provide a conservative analysis. In other words, by including the I-15 southbound segment to SR-78 and associated ramps and intersections, the TIA provides a more inclusive analysis than generally is required by Caltrans District 11 for the San Diego Region.</p> <p>Regarding other Caltrans facilities in the area, including freeway mainline segments, ramps, and intersections, because these facilities are a greater distance away from the Project than the El Norte Parkway interchange, the Project would add even fewer trips to these facilities than the 43 and 60 peak-hour trips added at El Norte Parkway. For example, the next I-15 freeway segment south of El Norte</p>
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Parkway would be south of the I-15/SR-78 junction, approximately 1.4 miles south of El Norte Parkway. Project southbound traffic generally would be split between I-15 and SR-78, and therefore, it is reasonable to conclude that the Project would add less than 50 peak hour trips (i.e., would add approximately 20–30 trips) to either segment (I-15 south of SR-78, or SR-78 east or west of I-15) or ramp facilities. Consequently, based on the SANTEC/ITE Guidelines, analyses of facilities beyond the El Norte Parkway vicinity are not warranted due to the limited amount of traffic that would be added to these facilities as a result of the Project.

In addition, the City notes that, in their comment letter dated July 18, 2017, Caltrans District 11 raised no concerns with regard to the scope of the traffic study area selected for the TIA’s analysis.

Nevertheless, in response to the comment, the City has prepared a supplemental traffic analysis evaluating Project impacts to the following three additional freeway mainline segments:

- I-15: SR-78 to West Valley Parkway
- SR-78: Twin Oaks Valley Road to Barham Drive/Woodland Parkway
- SR-78: Barham Drive/Woodland Parkway to Nordahl Road

	<p>This supplemental analysis confirms that the Project would not result in a significant impact to freeway mainline operations at these segments. The supplemental analysis is incorporated in the Final EIR as Appendix 8-2.</p> <p>Note that, pursuant to CEQA Guidelines, Section 15088.5, recirculation of an otherwise adequate EIR is only required when “significant new information” is added to an EIR after circulation but before certification. New information “is not ‘significant’ unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect that the project’s proponents have declined to implement” (14 CCR 15088.5(a)).</p> <p>This supplemental analysis confirms the Project would not result in significant impacts to freeway mainline operations at these segments and that the EIR was fundamentally correct and adequate. The supplemental freeway analysis does not evidence any new significant environmental impact or substantial increase in the severity of an environmental impact. Accordingly, pursuant to CEQA Guidelines, Section 15088.5, no recirculation of the EIR is required.</p> <p>O2-21 In Section 3.2, Existing Traffic Volumes, and Table 3-1 of the TIA, it states that average daily traffic</p>
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volumes were obtained based on counts taken primarily in mid-May of 2016 when schools were in session (TIA pages 12–13). While the commenter is correct that one intersection count was conducted on Thursday February 23, 2017, for the intersection of El Norte Parkway and Rees Road and one on Wednesday September 7, 2016, for the intersection of El Norte Parkway and 7 Oaks Road, the Project would add relatively limited traffic to these two intersections. The City as lead agency for the Project has reviewed the traffic counts and found they are representative of traffic at these intersections.

Additionally, neither of these two intersections is within Caltrans’s jurisdiction. Accordingly, the commenter’s reference to the Caltrans *Guide for Preparation of Traffic Impact Studies* is not applicable. These intersections are both within the City’s jurisdiction. The City’s TIA Guidelines provide no such limitation.

Moreover, the comment implies that the counts at these two locations would be lower than typical due to the proximity to these holidays. The President’s Day holiday occurred on Monday, February 20, 2017. This is a winter holiday occurring approximately 2 months after the major Christmas/New Year’s holiday. Local schools are typically in session this week, and this is not considered a major holiday with respect to its

	<p>effect on traffic volumes, such as the Christmas/New Year’s holiday or the July 4th holiday, for example. Similarly, the Labor Day holiday occurred on Monday September 5, 2017. This holiday traditionally marks the end of summer and the beginning of the school year, and does not represent a holiday associated with week-long vacations as the Christmas/New Year’s holiday does, for example.</p> <p>As shown on Figure 3-2 of the TIA, a review of adjacent intersections showed that traffic counts were not less during the weeks commencing with these holidays. Traffic volumes at intersections during the “holiday” weeks in February and September were comparable (or even slightly higher) than those taken at adjacent intersections (i.e., receiving the same or similar traffic) in May. Therefore, the volumes at these intersections are considered representative of existing conditions, and the analysis accurately presents existing conditions.</p> <p>O2-22 Caltrans District 11 is the Caltrans authority for the analysis of freeway segments in the San Diego region. It is District 11’s practice to use the peak-hour vehicle capacity (V/C) method for the analysis of freeway segments, as used in the traffic impact study. Accordingly, Caltrans District 11 did not raise any concerns regarding the use of the V/C methodology for the freeway impact analysis in their comment letter dated</p>
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July 18, 2017. As such, the methodology used for the analysis complies with local and regional standards of practice. However, in response to this comment, the Final EIR will include revisions to the traffic analysis to clarify that the analysis of freeway segment level of service (LOS) presented in the EIR is based on the procedure developed by Caltrans District 11, which is based on the V/C methodology described above rather than methods described in the Highway Capacity Manual. These clarifications to the EIR are presented in ~~strikeout~~/underline format; refer to Section 2.6.5 of the EIR. The changes do not raise important new issues about significant effects on the environment but merely clarify an adequate analysis within the EIR. Such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines.

The peak-hour V/C method is an accurate predictor of freeway traffic conditions and is based on the following equation:

$$V/C = (\text{Daily Volume} * \text{Peak Hour Percent} * \text{Directional Factor} * \text{Truck Factor}) / \text{Capacity}$$

Daily Volume = Average Daily Traffic

Peak Hour Percent = Percentage of Average Daily Traffic occurring during the peak hour.

	<p><i>Directional Factor</i> = Percentage of peak hour traffic occurring in peak direction.</p> <p><i>Truck Factor</i> = Truck/terrain factor to represent influence of heavy vehicles and grades.</p> <p><i>Capacity</i> = 2,000 vehicles/lane/hour/lane for mainline, and 1,200 for auxiliary lanes.</p> <p>The resulting V/C is then compared to accepted ranges of V/C values corresponding to the various LOSs for each facility classification, as shown in TIA Table 4-2. The corresponding LOS represents an approximation of anticipated future freeway operating conditions in the peak direction of travel during the peak hour. Based on the V/C evaluation, the EIR concludes that Project impacts to the freeway mainline would be less than significant.</p> <p>Nevertheless, in response to this comment, a supplemental analysis has been prepared to evaluate the Project's impacts to freeway segments using the Highway Capacity Manual 2010 methodology, which uses a density as a measure of effectiveness. The supplemental analysis is incorporated in the Final EIR as Appendix 8-2. Because there is no established significance criteria related to the Highway Capacity Manual 2010 freeway density analyses available from the City, Caltrans, or SANTEC, the City would consider an impact significant if it would degrade the</p>
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	<p>LOS at any freeway segment and cause the segment to operate at LOS E or below. Based on the results of the supplemental analysis, Project traffic would not degrade the LOS at any of the analyzed freeway segments. Therefore, the analysis confirms the EIR’s determination that the Project would result in a less-than-significant impact to freeway mainline segments (see Appendix 8-2).</p> <p>As this supplemental analysis confirms the Project would not result in significant impacts to freeway mainline operations at these segments, and the EIR is fundamentally correct and adequate, this information is insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines, and recirculation of the EIR is not required.</p> <p>O2-23 The comment states the EIR lacks analysis of construction traffic impacts.</p> <p>The commenter is referred to the Construction Traffic Analysis incorporated at Section 12.0 of Appendix 2.7-1 of the EIR. In sum, the analysis noted that, because the Project will be constructed in phases and subphases that would not generate more than the Project’s 4,500 average daily traffic, no capacity impacts are anticipated to occur during any construction phase. Furthermore, traffic control plans would be prepared to ensure efficient ingress/egress of trucks and equipment and to</p>
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	<p>maintain access to the degree possible to Country Club Lane during construction.</p> <p>While the City considers the above evaluation adequate, in response to this comment, a supplemental construction traffic analysis has been prepared to provide additional detail concerning the potential effects of construction traffic to area circulation (see Final EIR, Appendix 8-2). The supplemental analysis evaluated the effects to all street system components analyzed in the Project TIA, including peak-hour intersection analysis, daily street segment volume analysis, peak-hour ramp meter analysis, and peak-hour freeway mainline analysis. Confirming the analysis in the EIR, the supplemental analysis determined that Project construction traffic will result in a less-than-significant impact to each evaluated roadways, intersections, ramp meters, and freeway segments.</p> <p>Thus, this supplemental analysis confirms the Project would result in less-than-significant construction traffic impacts as previously disclosed. Because no new or more severe significant impacts have been identified, and the EIR was fundamentally correct and adequate, this information is insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines. Recirculation of the EIR is not required.</p> <p>Regarding the analysis of potential impacts from Project construction traffic to emergency access, the</p>
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commenter is referred to EIR pages 2.7-23 and 2.7-27 through 2.7-28 and Appendix 2.7-1, page 73. As detailed in the EIR on pages 2.7-22 through 2.7-23, adequate emergency access would be maintained during construction:

Existing access to the Project area for emergency service providers would be maintained during construction and operation. Also, it is important to note that emergency vehicles have the right-of-way and therefore are able to bypass traffic when driving to their destination when responding to a call for emergency services. Specifically, nonemergency vehicle drivers are required to pull to the right side of the road and stop to allow emergency vehicles to pass, and there is sufficient space provided to do so. If required, drivers of emergency vehicles are trained to travel in opposing through lanes to pass through crowded intersections. Additionally, each village would have its own primary access routes, as well as emergency access routes where needed for public safety. Additionally, it should be noted that the traffic control plan required by the City for construction activities would outline all requirements to

	<p>ensure that emergency access is maintained at all times and that Project construction would not impact acceptable response times. The traffic control plan would require coordination and notification of emergency service providers. Additionally, emergency access would be provided to all of the villages in the Project. This would allow emergency egress for residents in an emergency event as well as alternative ingress and egress for emergency responders. These alternative access routes may also provide emergency access for existing development, depending on the type and location of an emergency event. Thus, impacts on emergency access would be considered less than significant.</p> <p>O2-24 The comment states that the EIR fails to address transit, bicycling, and pedestrian facilities requirements.</p> <p>The EIR, Appendix 3.1.5-1, City General Plan Consistency Analysis Table, addresses Project consistency with each of these applicable City General Plan policies concerning transit, pedestrian facilities, and bicycle facilities. See responses to 2-26 through 2-37.</p> <p>The EIR details that a Specific Alignment Plan (SAP) is proposed for the segment of Country Club Lane</p>
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	<p>fronting the Project site, from Golden Circle Drive in the west to Nutmeg Street in the east, as depicted by the SAP provided on Figure 2.7-1a and 2.7-1b. The SAP would “provide a series of intersection improvements designed to calm traffic speeds and enhance pedestrian and bicycle circulation” (EIR page 2.7-1). The proposed buffered Class II bike lanes would also “provide a high level of comfort for cyclists” (EIR page 2.7-1).</p> <p>The EIR states the SAP has the following goals, as further explained on EIR pages 2.7-1 through 2.7-2 and Appendix 2.7-1 (EIR pages 2.7-1 through 2.7-2) :</p> <ul style="list-style-type: none"> • Traffic Calming – the intent of the SAP features is to reduce speeds on the roadway. Volumes are well within the existing capacity of the roadway, and while some cut through traffic from I-15 to SR-78 may be occurring, the existing traffic counts indicate the majority of traffic is from Escondido. Therefore, reductions in volume may occur with the calming features, but that is not the express goal. • Multi-Modal Encouragement – the Project envisions that its public amenities including the bar/grill and event space, as well as its HOA
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	<p>facilities will be seen as amenities to both its non-contiguous villages as well as the broader community along the Country Club Lane corridor. Separate from the SAP, the Project is providing a comprehensive trails network to encourage multi-modal (non-automobile) circulation throughout the vicinity. To augment this vision, and to complete the roadway's bicycle circulation classification, the SAP focuses strongly on improving the pedestrian and bicycle users' experience by providing enhanced crosswalks and large, buffered bike lanes to encourage bicycle circulation.</p> <ul style="list-style-type: none"> • Enhanced Aesthetics – The existing community had previously enjoyed an identity strongly connected to the previous golf course use. The Project intends to maintain this sense of community, and to integrate its residences with not only the proposed land uses, but with design features throughout the SAP that will provide community character as well as traffic calming benefits. Noteworthy and attractive features such as the
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roundabouts will provide a unique, identifying characteristic, and will capitalize on the already attractive mature landscaping and medians along the corridor.

Appendix 2.7-2 (page 1) clarifies that the improvements proposed in the SAP include roundabouts at Golden Circle Drive and La Brea Street, intersection enhancements at Firestone Drive (all-way stop control with pedestrian crosswalks and curb bulbouts), traffic signals with pedestrian crosswalks at Gary Lane and Nutmeg Street, and narrowed lanes and buffered bike lanes to calm traffic speeds and provide an enhanced multi-modal experience.

Appendix 2.7-2 goes on to explain that “the Project would include community-serving commercial and recreational facilities, which would reduce not just Project [vehicle miles traveled] VMT, but are also expected to reduce existing community-wide VMT” by locating restaurant and retail uses in the community and accessible by non-vehicular transportation (EIR Appendix 2.7-2, page 2). The proposed buffered Class II bike lanes would also “provide a high level of comfort for cyclists” (Appendix 2.7-2, page 2). Intersection improvements (stop/signal control, crosswalks, bulbouts) “would work in conjunction with the proposed trails to encourage and facilitate pedestrian

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when any improvements would be provided. *Id.* at 2.7-25. Nor are any of the listed mitigation measures designed to address such requirements. *Id.* at 2.7-31 to 34.

The DEIR fails to adequately analyze land use, aesthetic, and community character impacts.

- The DEIR notes several relevant goals and policies from the Land Use and Community Form Element and the Resource Conservation Element. DEIR at 3.1.1-6 to 11. Likewise, the DEIR identifies several relevant Quality of Life Standards. *Id.* at 3.1.5-5 to 6. But the analysis fails to address the Project's inconsistency with these goals, policies, and standards. *Id.* at 3.1.1-11.
- The Project violates several relevant provisions of the City's General Plan, including the following:
 - Quality of Life Standard 1, as the Project does not ensure a minimum Level of Service "C."
 - Quality of Life Standard 4, as the DEIR elsewhere acknowledges.
 - Land Use and Community Form Policies 1.1 and 2.4, as it is inconsistent with the surrounding neighborhoods (the Project would not need a General Plan amendment if it were consistent).
 - Land Use and Community Form Policy 3.9, as it fails to "promote the use of alternative transportation options" or provide "[o]pportunities for residents to conduct routine errands close to their residences."
 - Land Use and Community Form Policy 4.3, as it fails to "promote walkability."
 - Land Use and Community Form Policy 5.10, as it will "significantly change the character of the surrounding area."
 - Land Use and Community Form Policy 6.3, as it fails to preserve the natural setting and minimize earth movement, preserve creeks and adjoining vegetation, or provide adequate buffers and separations from adjacent properties.
 - Mobility and Infrastructure Policy 2.1, as it fails to provide adequately for walking, biking and transit.
 - Mobility and Infrastructure Policies 3.2, 3.3, 3.5, and 3.10, as it fails to adequately provide for pedestrian facility improvements.
 - Mobility and Infrastructure Policies 4.2 and 4.3, as it fails to adequately provide for bicycle facility improvements.
 - Mobility and Infrastructure Policy 6.1, as it fails to provide any TDM measures.
 - Mobility and Infrastructure Policies 7.7, 7.8, and 9.3, as it fails to analyze traffic impacts as required.
 - Mobility and Infrastructure Policy 14.6, as it would not minimize alterations to natural land forms.
 - Community Protection Policies 5.1 through 5.10, as the Project would result in significant noise impacts.

↑ O2-24
 Cont.

O2-25

O2-26

O2-27

O2-28

O2-29

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O2-39

circulation along the corridor" (Appendix 2.7-2, page 2). In sum, the community serving amenities and multi-modal enhancements would work together to reduce vehicular travel from the Project and in the community and encourage bike and pedestrian use.

In addition, as detailed in responses to NCTD-1 through NCTD-3, the Project's proposed SAP has been revised to incorporate the requested bus stop improvements to Country Club Lane. Bus stop pads that will accommodate a future bus shelter and bench will be provided. See the response to 2-36 regarding TDM measures.

The comment also states that mitigation does not address traffic calming or bike lanes. The commenter is incorrect. In addition to incorporating the above features to reduce vehicular use and promote pedestrian, transit, and bicycle use, Mitigation Measures M-TR-1 and M-TR-6 provide for restriping to include a bike lane.

O2-25

This comment restates information in the EIR. The City has considered the comment and does not concur that the analysis in the EIR fails to address the Project's consistency with relevant goals and policies from the General Plan. Appendix 3.1.5-1, City of Escondido General Plan Policy Consistency Analysis Table, in the EIR provides a comprehensive policy consistency analysis for all applicable goals, policies,

	<p>and standards (see the responses to O2-26 through O2-42). The comment is general in nature and does not provide any evidentiary support for the claim that the Project does not meet these relevant goals and polices. Because the comments are general, a general response is all that is required (<i>Paulek v. California Dept. Water Resources</i> 2014).</p> <p>O2-26 The comment states the Project violates the City’s General Plan by not ensuring a minimum LOS C. The City’s General Plan LOS standards do not mandate a minimum LOS C standard because it acknowledges feasibility considerations and allows for consideration of “design” characteristics. Specifically, the City’s General Plan, Quality of Life Standard No. 1, states (City of Escondido 2012):</p> <p style="padding-left: 40px;">Circulation Element streets and intersections shall be planned to achieve a minimum level of service ‘C’ defined by the Highway Capacity Manual as amended or updated, or such other national standard deemed appropriate by the City. Level of service ‘C’ may not be feasible in all areas at all times and level of service ‘D’ shall be considered the threshold for determining significant impacts and appropriate mitigation. Due to physical design characteristics, implementation of pedestrian-oriented</p>
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	<p>‘smart growth’ and Complete Streets design improvements, high density infill areas, environmental resource considerations, existing development, freeway interchange impacts, and incomplete system improvements, alternative levels of service may be appropriate for isolated areas as determined by the city.</p> <p>Where existing street or intersection capacities are below level of service ‘C,’ street, operational or Transportation System Management improvements shall be required or planned to improve the service level to ‘C’ whenever feasible based upon impacts of future development. Such requirements or plans may be incremental to accommodate future development or the recycling of existing development. Feasibility of level of service ‘C’ shall be based on impacts upon existing development or environmental constraints along street segments or intersections.</p> <p>Capital improvement programs and/or facility plans shall include Transportation System Management measures designed to maintain or improve levels of service at existing or developed intersections that</p>
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	<p>may be impacted by further development or traffic volume growth.</p> <p>The city shall support public transportation facilities through such measures as requiring right-of-way for commuter rail or park-and-ride facilities, transit stops or facilities, or for other transportation needs. The city shall establish Transportation System Management measures and shall cooperate with agencies and coordinate with regional transportation plans and transportation agencies. Adopted San Diego Association of Governments (SANDAG) models shall be utilized to determine Quality of Life compliance.</p> <p>As shown by the language of this Quality of Life Standard, the policy does not consist of specific, mandatory policies but rather goals, which may be achieved through compliance with LOS C or a variety of other ways. Where a General Plan does not cite very specific, mandatory policies, a city has broad discretion to balance competing interests and policies and determine whether a project is consistent with its policies (<i>San Francisco Tomorrow v. City and County of San Francisco</i> 2014).</p>
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	<p>The following is stated in Appendix 3.1.5-1 of the EIR:</p> <p>The Project would result in shifting some street segments and intersections to below a level of service (LOS) C; see Tables 2.7-6, 2.7-7, 2.7-10, 2.7-11. Some existing street segments currently operate at LOS D and E; see Section 2.7 of this EIR. However, the Project includes mitigation (M-TR-1 through M-TR-7) that would reduce all impacts to a level less than significant. It should be noted that some intersections and street segments currently operate below LOS C. Therefore, with mitigation, the Project would not cause any additional street segments or roadways to operate at below a LOS C and would not hinder the City of Escondido (City) from planning to achieve LOS C. In addition, the Specific Plan would not hinder the City’s ability to support public transportation facilities.</p> <p>Therefore, the Project is consistent with this policy, as concluded in the EIR.</p> <p>O2-27 The following is stated in Appendix 3.1.5-1 of the EIR regarding the Quality of Life Standard 4:</p> <p>The Project would not alter the City's ability to maintain personnel staffing</p>
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	<p>levels based on community generated workloads and officer availability. Additionally, as discussed in Section 3.1.7, Public Services, the Project would be required by the City to pay a fee of \$4,533 per dwelling unit for the purpose of ensuring that police response services standards are met with the respect to the additional needs created by such development.</p> <p>Therefore, the Project is consistent with the Quality of Life Standard 4, as concluded in the EIR. The City does not agree that the EIR acknowledges elsewhere an inconsistency with this policy. The commenter does not provide any specifics or evidence for this claim. Therefore, no further response is provided.</p> <p>O2-28 The following is stated in Appendix 3.1.5-1 of the EIR regarding Land Use and Community Form Policy 1.1:</p> <p>The Project would have three residential villages that would create a variety of single-family homes, with a limited number of duplex units and clusters of senior-targeted residences designed to be compatible with the building type and density of the existing residential land uses.</p>
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The following is stated in Appendix 3.1.5-1 of the EIR regarding Land Use and Community Form Policy 2.4:

The Project considers locational and operational characteristics of existing and proposed land uses, as well as the surrounding zoning patterns to ensure compatibility with the Specific Plan. Specifically, Project densities would be compatible with the existing, adjacent residential uses. Proposed residential development within the Project incorporates a design that reflects the rural and open space elements found within adjacent communities. The Project's compliance with these design guidelines and other provisions of the Specific Plan ensure that the Project would be compatible with the adjacent off-site land uses and those land uses proposed within the Project site. In addition, the Project incorporates an extensive Open Space System for walking trails, a series of pocket parks, and environmental drainage features that buffer the existing homes adjacent to the original golf course from the proposed 392 new homes.

Therefore, the Project is consistent with Policies 1.1 and 2.4, as concluded in the EIR.

Additionally, the Project's density and compatibility with the surrounding area were fully analyzed in Section 3.1.5 of the EIR. The following is stated in Section 3.1.5:

The Project site is currently designated in the Land Use Element of the General Plan as Residential Urban I, which allows for up to 5.5 dwelling units per acre. The Project includes a total of 392 dwelling units on approximately 109.3 acres, which results in a density of 3.6 dwelling units per acre... The location, density, and intensity of suburban-style development within this community area have mainly developed through planned residential development and are generally characterized by low-density single-family neighborhoods, with pockets of medium-density single-family development (duplex units and small detached homes). The design of the Project site as proposed with the 48-acre Open Space System and greenbelt is context sensitive, and would visually and physically be compatible with

	<p style="text-align: center;">surrounding land uses.</p> <p>Therefore, the Project is not inconsistent with the surrounding environment as the commenter claims (see Section 3.1.5.1.1, Surrounding Land Uses, and Figure 1-9, Surrounding Land Uses, of the EIR). The surrounding land uses consist of single-family residential development that includes detached residences on a variety of lot sizes, attached residences (duplexes) of several different densities, and several common-interest developments. The Project involves construction of a planned residential development and open space system, and seeks to establish a Specific Plan. To accomplish this, the Project seeks the following approvals: a General Plan Amendment to the City’s General Plan Land Use Element, a zone change to Specific Plan SP Zone, a Tentative Map, and a Specific Plan (see Figure 3.1.5-3, Proposed General Plan Land Use, and Figure 3.1.5-4, Proposed Zoning). The Project does not seek a General Plan Amendment due to an inconsistency with community character. The comment does not provide any substantial evidence to this claim, nor does the comment address any deficiencies with the analysis of community character in the EIR. Therefore, no further response is provided or required.</p> <p>O2-29 The following is stated in Appendix 3.1.5-1 of the EIR regarding Land Use and Community Form Policy 3.9:</p>
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	<p>As discussed in Chapter 1, Project Description, the Project would be a new residential subdivision with multi-family elements. The Specific Plan would incorporate smart growth principles such as connectivity with surrounding uses to become part of the area rather than an isolated project; incorporate architectural elements or themes from the surrounding neighborhood; include an Open Space System with walkways, a greenbelt, parks, and recreational/pedestrian amenities; and provide appropriate transitions between land use designations to minimize compatibility conflicts. The proposed walkways throughout the Project area encourage the use of alternative transportation options, and maximum connectivity with the surrounding area. Additionally, in order to apply appropriate transitions between existing and proposed development, the Project would include a landscaped buffer between all new and existing homes.</p> <p>Therefore, the Project is consistent with Policy 3.9, as concluded in the EIR. In addition, as stated in Section 1.2.1, Project Components, of the EIR, the Project includes areas for the community to dine, gather, and</p>
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	<p>grocery shop while promoting connectivity and walkability to these community resources. Therefore, the City does not agree that the Project does not promote alternative transportation or provide opportunities for residents to conduct errands close to their homes. The commenter does not provide any substantial evidence for this claim or rationale of how the analysis provided in the EIR is deficient. Therefore, no further response is provided.</p> <p>O2-30 The following is stated in Appendix 3.1.5-1 of the EIR regarding Land Use and Community Form Policy 4.3:</p> <p>The Project would integrate pedestrian-friendly features, promote walkability, and work with residents to enhance existing neighborhood character and aesthetics. In particular, the 48-acre Open Space System proposed as part of the Project promotes walkability with a 4-mile walking trail system. Pedestrian-friendly features include traffic calming measures along West Country Club Lane, and a new resort-style Clubhouse with recreational, social, and community farm amenities. Through a collaborative visioning process, the Project would create a development program that would reestablish the social fabric of the community that has been lost</p>
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	<p>with the abandonment of the Escondido Country Club and golf course. Guided by ECC community residents, the Project provides a number of amenities that can be used by both the new residents that purchase homes within the site and by existing nearby residents.</p> <p>Therefore, the Project is consistent with Policy 4.3, as concluded in the EIR. Furthermore, the Project SAP proposes enhancements to crosswalks and bus stops along the corridor (EIR pages 2.7-20 through 2.7-21; Appendix 2.7-2, page 2). These improvements are intended to capitalize on the proposed trails system that will link the three villages together with the rest of the existing neighborhood and to encourage multi-modal travel throughout the area (EIR pages 2.7-20 through 2.7-21; Appendix 2.7-2, page 2). Therefore, the City disagrees that the Project does not promote walkability.</p> <p>O2-31 The following is stated in Appendix 3.1.5-1 of the EIR regarding Land Use and Community Form Policy 5.10:</p> <p>It was determined that for all key viewpoints (key views), the Project would not substantially degrade the existing visual character or quality of the site, and in some cases (such as Key View 3 and Key View 5) the Project would improve the existing visual quality of the site</p>
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	<p>compared to what exists today. The Project is consistent in height, bulk, and scale with the surrounding existing residences. Implementation of the Project’s Specific Plan landscape design would achieve a coherent and consistent landscape theme and new residences would be visually compatible with existing residences that border the Project site.</p> <p>Therefore, the Project is consistent with Land Use and Community Form Policy 5.10, as concluded in the EIR. The analysis is based on a thorough review of the surrounding area and visual simulations prepared based on the Project’s design. The commenter does not provide any evidence of how the Project analysis is inadequate or how the Project would significantly change the character of the surrounding area. See the response to 2-28 regarding community character and the surrounding environment.</p> <p>O2-32 The following is stated in Appendix 3.1.5-1 of the EIR regarding Land Use and Community Form Policy 6.3:</p> <p>As discussed in Section 3.1.1, Aesthetics, the Project would address visual impacts of the development of the Project site. The Aesthetics section also includes guidelines for slope height and slope ratios to minimize visual impacts on adjoin</p>
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	<p>properties and views from public streets. Additionally, building materials and color schemes would blend with the natural landscape of earth tones for main accessory structures, fences, and walls, thus preserving the natural setting.</p> <p>As discussed in Section 2.2, Biological Resources, the Project would establish/reestablish, enhance, and preserve a total area of 8.08 acres on site. Section 2.2 also states that no special-status plant or animal species were observed within the Project site during 2016 site surveys. Sensitive natural communities would be mitigated on site at a minimum 3:1 ratio through preservation actions.</p> <p>As discussed in Section 3.1.4, Hydrology and Water Quality, the Project would not result in substantial erosion or siltation on or off site. However, grading and erosion control BMPs would be implemented with the Project. The Project would have a less than significant impact on San Marcos Creek, which is an impaired water body listed on the Clean Water Act Section 303(d) list, as well as the adjoining vegetation.</p>
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	<p>Chapter 1, Project Description, includes Project objectives, in which a landscaped buffer between all new and existing homes is included.</p> <p>Therefore, the Project is consistent with Land Use and Community Form Policy 6.3, as concluded in the EIR.</p> <p>O2-33 The following is stated in Appendix 3.1.5-1 of the EIR regarding Infrastructure Policy 2.1:</p> <p>As discussed in Section 2.7, Transportation and Traffic, the Project would be interconnected by linking private and public streets to provide vehicle access to the new residences. It would also cater to multiple modes of travel by adding a pedestrian/bicycle path to the local circulation system. Traffic calming measures will be required to be installed along West Country Club to more safely accommodate pedestrian and vehicular circulation. Therefore, the Project would ensure that any future transportation system implemented as part of the development would be interconnected and multimodal, and would thus be consistent with this policy.</p> <p>Therefore, the Project is consistent with Policy 2.1, as</p>
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concluded in the EIR. Furthermore, the Project SAP proposes enhancements to crosswalks and bus stops along the corridor (EIR pages 2.7-20 through 2.7-21; Appendix 2.7-2, page 2). These improvements are intended to capitalize on the proposed trails system that will link the three villages together with the rest of the existing neighborhood and to encourage multi-modal travel throughout the area (EIR pages 2.7-20 through 2.7-21; Appendix 2.7-2, page 2). Therefore, the City does not agree that the Project does not provide adequate walking, biking, and transit.

O2-34 The following is stated in Appendix 3.1.5-1 of the EIR regarding Infrastructure Policy 3.2:

The SAP would provide a series of intersection improvements designed to calm traffic speeds and enhance pedestrian and bicycle circulation. With implementation of M-TR-1 through M-TR-7, acceptable LOS standards per the County and City thresholds would be met. Refer to Section 2.7 for specific mitigation measures.

The following is stated in Appendix 3.1.5-1 of the EIR regarding Infrastructure Policy 3.3:

The Project would provide and maintain a pedestrian environment that is accessible to all and that is safe, attractive, and

encourages walking. The Project would incorporate a 48-acre Open Space System and a 29-acre greenbelt with a series of pocket parks located along approximately 4 miles of walking trails available to new and existing residents.

The following is stated in Appendix 3.1.5-1 of the EIR regarding Infrastructure Policy 3.5:

As discussed in Section 2.7, Transportation and Traffic, the Project would promote walking via the proposed pedestrian/bicycle path along the perimeter of the Project site. The Project would also employ traffic calming measures as described in Section 2.7 and would enforce vehicle speed limits on both residential and arterial streets. As addressed in Section 3.1.1, Aesthetics, the path would implement streetscape improvements along pedestrian routes that incorporate such elements as shade trees and lighting. Additionally, the proposed development would orient development toward the street for pedestrian safety. Therefore, the Project would be consistent with this policy.

The following is stated in Appendix 3.1.5-1 of the EIR

	<p>regarding Infrastructure Policy 3.10:</p> <p>As discussed in Section 3.1.4, Hydrology and Water Quality, the Project would include pedestrian-friendly streetscape improvements to reduce stormwater and pollutant runoff into the drainage system. For instance, the existing man-made concrete drainage channels will be reconstructed as open environmental drainage channels and biofiltration basins to treat stormwater from the proposed land uses as well as to safely carry stormwater from San Marcos Creek through the Project site.</p> <p>Therefore, the Project is consistent with Infrastructure Policies 3.2, 3.3, 3.5, and 3.10, as concluded in the EIR. See also 2-33 regarding walking facilities. Thus, the City does not agree that the Project fails to adequately provide for pedestrian facility improvements.</p> <p>O2-35 The following is stated in Appendix 3.1.5-1 of the EIR regarding Infrastructure Policy 4.2:</p> <p>The SAP would provide a series of intersection improvements designed to calm traffic speeds and enhance pedestrian and bicycle circulation. Additionally, with implementation of M-TR-1 through M-TR-</p>
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7, acceptable LOS standards per the County and City thresholds would be met. Refer to Section 2.7 for specific mitigation measures.

The following is stated in Appendix 3.1.5-1 of the EIR regarding Infrastructure Policy 4.3:

The SAP will show all improvement within the public right-of-way designed to enhance pedestrian and bicycle use, such as traffic calming measures and roundabouts, thus increasing public safety. The SAP would provide a series of intersection improvements designed to calm traffic speeds and enhance pedestrian and bicycle circulation. Traffic calming measure would be introduced along West Country Club Lane to reduce traffic speeds, encourage pedestrian and bicycle use, and improve public safety. Additionally, the Project would be compliant with the City's Bicycle Facilities Master Plan's goals, objectives, and policies.

Therefore, the Project is consistent with Infrastructure Policies 4.2 and 4.3, as concluded in the EIR, and the City does not agree that the Project fails to adequately provide for bicycle facility improvements.

	<p>O2-36 The following is stated in Appendix 3.1.5-1 of the EIR regarding Infrastructure Policy 6.1:</p> <p>As part of the Project, an SAP is proposed for the segment of Country Club Lane fronting the Project site, from Golden Circle Drive in the west to Nutmeg Street in the east (see Figure 1-1, Project Site Plan, in Chapter 1, Project Description; and Figure 2.7-3, Project Traffic Distribution). The SAP would provide a series of intersection improvements designed to calm traffic speeds and enhance pedestrian and bicycle circulation. Proposed improvements include the provision of roundabouts at Golden Circle Drive, Firestone Drive, and La Brea Street; traffic signals with pedestrian crosswalks at Gary Lane and Nutmeg Street; and narrowed lanes and buffered bike lanes.</p> <p>As shown by the language of this policy, it is general in nature and intended for the City to reduce automobile travel demand. The policy does not explicitly require applicants to implement TDM programs. The overall SAP proposed as part of the Project is intended to calm traffic speeds along</p>
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	<p>Country Club Lane and enhance pedestrian and bicycle mobility throughout this part of the study area close to the development (EIR pages 2.7-1 through 2.7-2, 2.7-20 through 2.7-21; Figures 2.7-1a and 2.7-1b; Appendix 2.7-2, VMT Evaluation). Generally, a reduction in the number of lanes and lane widths is proposed, along with the provision of buffered bike lanes (Class II), to fulfill the City’s Bicycle Circulation Element for this segment. Furthermore, roundabouts are proposed at two minor-street intersections (Golden Circle Drive and La Brea Street), along with a raised median to restrict left turns to/from Firestone Drive (EIR pages 2.7-1 through 2.7-2, 2.7-20 through 2.7-21; Figures 2.7-1a and 2.7-1b; Appendix 2.7-2, VMT Evaluation). The SAP also proposes enhancements to crosswalks and bus stops along the corridor (EIR pages 2.7-20 through 2.7-21; Appendix 2.7-2, page 2). These improvements are intended to capitalize on the proposed trails system that will link the three villages together with the rest of the existing neighborhood and to encourage multi-modal travel throughout the area (EIR pages 2.7-20 through 2.7-21; Appendix 2.7-2, page 2).</p> <p>A small mixed-use/community center element is also proposed at Village 1 (EIR Appendix 2.7-2, page 2). This will house the HOA facilities (meeting rooms and pool/gym), as well as the local store and restaurant/bar, which will be open to the public (EIR</p>
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	<p>pages 1-3 through 1-4). The combination of community-serving amenities, local-serving commercial uses, and multi-modal enhancements are proactive TDM measures since they are designed to encourage non-vehicular travel (EIR Appendix 2.7-2, page 6).</p> <p>Traditional TDM measures are also proposed, including enhancements to the existing bus stops to include bus stop pads that will accommodate future bus shelters and benches (per North County Transit District standards) and the provision of bike racks at the three community parks/dog park and at the Village Center (see Responses NCTD-1 through NCTD-3). There will also be 10 public electric vehicle charging stations at the Village Center (EIR page 2.4-28). Therefore, the Project incorporates a number of TDM strategies to reduce VMT.</p> <p>O2-37 The following is stated in Appendix 3.1.5-1 of the EIR regarding Infrastructure Policies 7.7, 7.8, and 9.3:</p> <p>As detailed in Section 2.7, Transportation and Traffic, the Project would analyze local traffic impacts on multiple roadway segments, intersections, two-lane highways, and ramps. Additionally, the Project would include improvements designed to calm traffic speeds and mitigate near-term and cumulative traffic</p>
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	<p>impacts. In addition, the Project applicant prepared a Transportation Impact Analysis and designed mitigation measures to minimize impacts to local traffic. Therefore, the Project would be consistent with this policy.</p> <p>The Project prepared a Transportation Impact Analysis that analyzed the Project's impacts on the regional transportation system, including roadway segments, intersections, two-lane highways, and ramps. The Transportation Impact Analysis also includes mitigation measures that minimize impacts to local traffic. Many of the mitigation measures identified in the Transportation Impact Analysis include a fair-share contribution to regional transportation improvements.</p> <p>The Project would protect residential neighborhoods from cut-through traffic and other traffic-related issues by implementing appropriate traffic calming measures. The Project would implement traffic calming street improvements along Country Club Lane, installation of adaptive signalization along El Norte Parkway, and improvements to the</p>
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	<p style="text-align: center;">southbound I-15 on-ramp.</p> <p>Therefore, the Project analyzed traffic impacts, as required, and is consistent with Infrastructure Policies 7.7, 7.8, and 9.3, as concluded in the EIR.</p> <p>O2-38 The following is stated in Appendix 3.1.5-1 of the EIR regarding Infrastructure Policy 14.6:</p> <p>As discussed in Section 3.1.4, Hydrology and Water Quality, Low Impact Development strategies have been incorporated into the Project design, including:</p> <ul style="list-style-type: none"> • Minimize impervious areas. • Avoid compaction in planned landscape spaces. • Till and amend soil for improved infiltration capacity. • Drain rooftops, roads, or sidewalks into adjacent landscape areas. • Drain impervious surfaces through pervious areas. • Replace pervious drainage ditches with open, vegetated swales. • Collect runoff. • Landscape with native or drought tolerant species.
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	<ul style="list-style-type: none"> • Manage stormwater within proposed biofiltration BMPs. <p>Therefore, the Project would minimize alternations to natural land forms while applying low impact development features, and is consistent with Infrastructure Policy 14.6, as concluded in the EIR.</p> <p>O2-39 As stated in Appendix 3.1.5-1 of the EIR, the Project would be consistent with Infrastructure Policies 5.1 through 5.10. The City of Escondido General Plan Policy Consistency Analysis Table provides a response to each of these policies and discusses how the Project is consistent. In summary, the Project analyzed noise impacts in the Noise Assessment (Appendix 2.6-1), and mitigation measure were applied to the extent necessary to ensure the Project meets all of the noise thresholds and polices of the General Plan. Implementation of Mitigation Measure M-N-4 would provide noise barriers along the rearyard boundary of some home lots along West Country Club Way and Nutmeg Street. Mitigation Measures M-N-1 would ensure mechanical equipment associated with the Project complies with noise limits of the City’s Municipal Code. This would reduce exterior noise exposure to below the City’s 60 dBA community noise equivalent level exterior noise standard for single-family and duplex rearyards (see Section 2.6, Noise, of the EIR for details). Interior noise levels</p>
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- Resource Conservation Policies 1.6 and 1.8, as it would not adequately protect wetlands, riparian areas and natural areas.
- Resource Conservation Policies 3.2 and 3.3, as it would not avoid obstructing views and would significantly impact visual resources.
- Resource Conservation Policy 7.2, as it would result in greenhouse gas emissions impacts.
- The Project is inconsistent with the community character of the surrounding neighborhoods. Indeed, were it consistent, the Project would not need to amend the City's General Plan. The simulations further depict the lack of consistency. DEIR Figures 3.1.1-2 to -9.
- The DEIR fails to address the impacts associated with the substantial amount of cut and fill required by the Project.

The DEIR fails to adequately analyze growth inducing impacts.

- The DEIR acknowledges the Project will lead to growth inducement, but it fails to provide any analysis of the impacts associated with growth inducement. DEIR 1-14 to 16.

The DEIR fails to adequately analyze impacts to recreation.

- The EIR fails to analyze the impacts associated with the loss of recreational opportunities on the Project Site.

The DEIR fails to adequately analyze impacts to waters and drainages.

- The Project fails to ensure that on-site streams and drainages are allowed to remain open, choosing instead to place such flows under streets and other surfaces despite the many beneficial effects of "daylighting" water bodies.
- The DEIR acknowledges General Plan policies emphasizing the importance of protecting and restoring natural drainage systems. DEIR at 3.1.4-8 to 10. Yet the DEIR fails to discuss the Project in relation to these standards and requirements.
- Two BMPs will not address the 100-year, 6-hour peak flow detention requirements. DEIR at 3.1.4-6. The DEIR fails to adequately analyze the impacts associated with this condition, including potential flooding impacts.
- The DEIR fails to adequately discuss and analyze existing water courses on the Project Site.

The DEIR fails to adequately analyze impacts to public services and facilities.

- The DEIR acknowledges the City failed to meet the standard for police response times for Priority 2 calls. DEIR at 3.1.7-10. But it fails to address whether the Project would exacerbate this already failing condition. See

O2-40
 O2-41
 O2-42
 O2-43
 O2-44
 O2-45
 O2-46
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 O2-51
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O2-40

within future residences on the Project site would achieve compliance with the interior noise criterion of 45 dBA community noise equivalent level by employing standard residential construction techniques and materials. Lastly, implementation of Mitigation Measures M-N-2, M-N-3, M-N-5, and M-N-6 would ensure that noise impacts associated with the Project's construction would be less than significant. The Project would result in less-than-significant noise levels with implementation of these mitigation measures. The commenter does not provide any evidence to the contrary.

The following is stated in Appendix 3.1.5-1 of the EIR regarding Conservation Policies 1.6 and 1.8:

As discussed in Section 2.2, Biological Resources, there are no significant wetlands, riparian, and woodland habitats on the Project site. Nor are there any rare, threatened, or endangered plants or animals identified on the Project site. Mitigation would be implemented to avoid impacts of nesting birds and raptor avoidance. Therefore, the Project is consistent with this policy.

Biological resources mitigation measures were recommended in the Biological Technical Report, and have been included as part of the Project.

	<p>Therefore, the Project is consistent with Conservation Policies 1.6 and 1.8, as concluded in the EIR. The commenter does not provide any evidence that the Project would not adequately protect wetlands, riparian areas, and natural areas.</p> <p>O2-41 The following is stated in Appendix 3.1.5-1 of the EIR regarding Conservation Policies 3.2 and 3.3:</p> <p>It was determined that for all key views analyzed, the Project would not substantially degrade the existing visual character or quality of the site, and in some cases (such as Key Views 3 and 5) the Project would improve the existing visual quality of the site compared to what exists today. The Project is consistent in height, bulk, and scale with the surrounding existing residences. Additionally, the Project would not substantially interrupt or obstruct available views from any scenic vistas, major roads, or public open space areas.</p> <p>The Project would be designed to maintain a relatively low profile and would be similarly scaled to residential development in the area.</p> <p>Therefore, the Project fully analyzed visual impacts and</p>
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	<p>is consistent with Conservation Policies 3.2 and 3.3, as concluded in the EIR. The analysis is based on a thorough review of the surrounding area and visual simulations prepared based on the Project’s design. The commenter does not provide any evidence of how the Project analysis is inadequate or how the Project would result in alleged significant impacts to visual resources.</p> <p>O2-42 The EIR fully analyzed impacts related to GHG emissions and concluded impacts would be less than significant with mitigation (see Section 2.4, Greenhouse Gas Emissions, of the EIR). The following is stated in Appendix 3.1.5-1 of the EIR regarding Conservation Policy 7.2:</p> <p style="padding-left: 40px;">The Project would exceed 2016 Title 24 building energy efficiency standards by 15%. The Project would reduce regional GHG emissions through implementation of measures that include rooftop solar photovoltaic energy, an enhanced pedestrian and bicyclist network, street and intersection improvements, and water-efficient landscaping. Additionally, the applicant would use architectural coatings in accordance with San Diego Air Pollution Control District (SDAPCD) Rule 67.0.1 during construction, assumed to be 100 grams per liter (g/L) for exterior applications</p>
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	<p style="text-align: center;">and 50 g/L for interior applications.</p> <p>Therefore, the Project is consistent with Conservation Policy 7.2, which does not require less-than-significant impacts to GHG emissions but rather requires a reduction in GHG emissions through application of suggested measures. Furthermore, with implementation of Mitigation Measures M-GHG-1, the Project would offset GHG emissions through the purchase of GHG offsets, which would reduce levels to below the efficiency metric of 3.15 metric tons per service population per year, which would be consistent with the GHG emission statewide reduction goals for 2030 and 2050. Therefore, the Project would not result in significant GHG impacts.</p> <p>O2-43 The Project’s density and compatibility with the surrounding area were fully analyzed in Section 3.1.5 of the EIR. The following is stated in Section 3.1.5 of the EIR:</p> <p style="padding-left: 40px;">The Project site is currently designated in the Land Use Element of the General Plan as Residential Urban I, which allows for up to 5.5 dwelling units per acre. The Project includes a total of 392 dwelling units on approximately 109.3 acres, which results in a density of 3.6 dwelling units per acre... The location, density, and intensity of suburban-style development</p>
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within this community area have mainly developed through planned residential development and are generally characterized by low-density single-family neighborhoods, with pockets of medium-density single-family development (duplex units and small detached homes). The design of the Project site as proposed with the 48-acre Open Space System and greenbelt is context sensitive, and would visually and physically be compatible with surrounding land uses.

Therefore, the proposed density is consistent with the City's General Plan. The Project involves construction of a planned residential development and open space system, and seeks to establish a Specific Plan. To accomplish this, the Project seeks the following approvals: a General Plan Amendment to the City's General Plan Land Use Element, a zone change to Specific Plan SP Zone, a Tentative Map, and a Specific Plan (see Figure 3.1.5-3, Proposed General Plan Land Use, and Figure 3.1.5-4, Proposed Zoning). The Project does not seek a General Plan Amendment due to an inconsistency with community character. The comment does not provide any substantial evidence to this claim, or address any deficiencies with the analysis of community character in the EIR.

	<p>Therefore, no further response is provided or required.</p> <p>O2-44 Grading activities and quantities proposed by the Project are analyzed fully in the EIR throughout Chapter 2, Significant Environmental Effects of the Proposed Project, and Chapter 3, Effects Not Found to Be Significant. More specifically, as stated in Section 2.1, Air Quality, the Project is anticipated to import a total of 180,000 cubic yards of soil. The comment is general in nature and does not provide any evidentiary support. Because the comment is general, a general response is all that is required (<i>Paulek v. California Dept. Water Resources</i> 2014).</p> <p>O2-45 CEQA Guidelines, Section 15126.2(d), requires an EIR to analyze ways in which projects may “foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment” (14 CCR 15126.2(d)). This analysis is provided in Section 1.8, Growth-Inducing Impacts, of the EIR. The analysis concludes that the Project’s proposed density would be consistent with the surrounding area and the General Plan. The analysis also concludes that the economic growth attributable to the Project would not result in an indirect adverse environmental impact. Furthermore, as analyzed in Section 3.1.6, Population and Housing, the Project would not remove an obstacle to substantial population growth in the area or require the</p>
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	<p>construction of a substantial amount of new community service facilities or encourage other activities or growth that could significantly affect the environment. For these reasons, the City does not agree that the EIR acknowledges the Project would lead to growth inducement and/or fails to provide any analysis of growth inducement.</p> <p>O2-46 Section 3.1.8, Recreation, of the EIR fully analyzes impacts relative to recreation. The analysis concludes that the Project “is not expected to result in substantial deterioration or adverse effects to the existing parks” and “would not require the construction of expansion of existing recreational facilities” (EIR page 3.1.8-9). Pursuant to the City’s General Plan requirement, as stated in Section 3.1.8.1.2 of the EIR, the City requires 11.8 active and passive recreation acres per 1,000 dwelling units. The Project would provide 29 acres of greenbelt that includes parkland along a 4-mile-long walking trail system, which would count toward this requirement. Additionally, the developer would be required to pay the City’s park fee of \$4,129 per dwelling unit, minus the eligible parkland provided on site by the Project. The commenter does not provide any evidence of how the EIR fails to analyze impacts to recreation or which recreational opportunities are considered a loss on the Project site. The City assumes the commenter may be referring to the golf course, which is not</p>
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	<p>currently an active golf course and was not an active golf course in the baseline condition for the EIR analysis. Therefore, no further response is provided or required.</p> <p>O2-47 The comment states the Project fails to ensure on-site streams and drainages are open and “daylighted,” which is incorrect. The Project recognizes the value of open, soft-bottom, and “daylighted” channels, and the Project has been designed around backbone open channels throughout the property (see EIR Appendix 3.1.4-1, Drainage Study, Figure 2, Proposed Creek Reaches). In the existing condition, there are segments of concrete-lined channels and disturbed, previously manicured golf course turf, with limited areas of beneficial habitat (EIR pages 2.2-4 through 2.2-5). The Project will restore, rehabilitate, and widen open, “daylighted” channels throughout the property, retaining only limited segments of existing culvert crossings and storm drain segments that will remain or be replaced (see EIR pages 1-3 and 3.1.4-12 and Appendix 2.2-1, page 21). The Project will consequently result in greater acreage of open channels (including streams and drainages) than what currently exists or has historically existed on site with the former golf course.</p> <p>O2-48 The comment states that the EIR does not discuss the Project in relation to General Plan policies regarding</p>
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	<p>protecting and restoring natural drainage systems. First, the comment does not specifically cite any conflicts between the Project and General Plan policies or provide any evidence that the Project would result in significant impacts to drainage and water quality under the thresholds adopted in the EIR. Because the General Plan policies are provided only to describe the regulatory setting, the comment does not demonstrate any deficiency. Because the comments are general, a general response is all that is required (<i>Paulek v. California Dept. Water Resources</i> 2014).</p> <p>Second, the City has considered this comment and does not concur with it. The EIR disclosed applicable General Plan policies concerning drainage, water resources, and water quality (EIR pages 3.1.4-8 through 3.1.4-10). These policies require the preparation of drainage studies, provision of adequate infrastructure, preservation and protection of water quality, and maintaining of natural and improved drainages as open space (EIR pages 3.1.4-8 through 3.1.4-10). The EIR evaluated each of these issues in Section 3.1.4, Hydrology and Water Quality, and Appendices 3.1.4-1 and 3.1.4-2 relative to the City’s guidelines for determining significance. The EIR concluded impacts to hydrology and water quality would be less than significant (EIR page 3.1.4-19).</p> <p>Specifically addressing protection and restoration of</p>
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	<p>natural drainage systems, the EIR discusses that proposed open, vegetated channels will be designed as natural drainage systems and will provide greater natural benefit than subsurface conveyance systems (see EIR pages 3.1.4-13 through 3.1.4-15). Further, the EIR discusses that these natural open channels will provide greater natural benefit than the existing water courses on site by restoring the pre-development channels to a more natural state (see EIR page 3.1.4-12). Therefore, the EIR adequately addresses the General Plan policies seeking to protect and restore natural drainage systems.</p> <p>Lastly, the EIR includes Appendix 3.1.5-1, which addresses all applicable policies of the General Plan (see Mobility and Infrastructure Policies 14.5 through 14.7 as an example). See the response to 2-46.</p> <p>O2-49 See the response to O2-11.</p> <p>O2-50 The comment states the EIR fails to “adequately discuss and analyze existing water courses on the Project Site.”</p> <p>The comment does not cite any specific errors or omissions in the EIR’s analysis or provide substantial evidence the Project would result in significant impacts to drainage and water quality under the thresholds adopted in the EIR. Because the comment is general in nature, only a general response is required (<i>Paulek v.</i></p>
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	<p><i>California Dept. Water Resources 2014).</i></p> <p>The EIR discusses water courses on the Project site throughout the document. (see EIR page 1-3 (Project would include 19 acres of environmental channels and retention basins to convey stormwater from San Marcos Creek through the Project site), pages 2.2-2 and 2.2-3 (vegetation communities and habitat types), page 3.1.8-8 [drainage/landscape features), and Appendix 2.2-1 (discussing biological resources, including wetland and riparian habit and constructed channels and ponds)).</p> <p>Regarding hydrology and water quality, the EIR discusses the Project’s proposal to restore and widen the existing on-site water courses with open channel, soft-bottom, vegetated conveyance systems in detail. On page 3.1.4-12, the EIR states the following:</p> <p style="padding-left: 40px;">The Project would include removal of existing concrete drainage channels that currently convey runoff through the Project site, as well as the construction of channels that would provide biofiltration for the stormwater runoff from the Project, the existing surrounding development, and all of the existing tributary drainage flowing through the Project site into San Marcos Creek. Stormwater would be collected in treatment basins where it</p>
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	<p>would flow through a biofiltration treatment system to remove pollutants. These components, which more closely resemble natural drainage conditions than the existing concrete-lined channels, are shown on Figure 3.1.4-1, Proposed Site Drainage. Based on Table 3-1, Land Use Acres, of the Project Specific Plan, the greenbelts and environmental channels/basins would comprise 48 acres of the 109-acre development.</p> <p>In summary, as discussed in the EIR, the Project would construct open channels and maintain the proposed open channels, as well as associated trail network, as permanent open space. The preliminary drainage study provides further discussion and hydrologic and hydraulic analysis of the open channels and culverts distributed throughout the Project site (see EIR Appendix 3.1.4-1).</p> <p>O2-51 The City does not agree that the EIR fails to adequately analyze impacts to public services and facilities and impacts related to policy response times. The following is stated in Section 3.1.7.2 of the EIR:</p> <p>The City would require the Project to pay a fee of \$4,623 per dwelling unit for the purpose of ensuring that the City’s established public facility standards,</p>
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Kings County Farm Bureau v. City of Hanford (1990) 221 Cal.App.3d 692, 718.

- The DEIR acknowledges the City's standards for library facilities. DEIR at 3.1.7-4. But it fails to provide analysis in relation to these standards. *Id.* at 3.1.7-12.

The DEIR fails to adequately analyze water supply impacts.

- There is an inadequate showing of water supply for the Project. The California Supreme Court recently identified three "principles for analytical adequacy under CEQA": (1) "CEQA's informational purposes are not satisfied by an EIR that simply ignores or assumes a solution to a problem of supplying water to a proposed land use project"; (2) "an adequate environmental impact analysis for a large project, to be built and occupied over a number of years, cannot be limited to the water supply for the first stage or the first few years"; and (3) "the future water supplies identified and analyzed must bear a likelihood of actually proving available An EIR for a land use project must address the impacts of likely future water sources, and the EIR's discussion must include a reasoned analysis of the circumstances affecting the likelihood of the water's availability." *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 430 – 32 (emphasis in original) (citations omitted). The DEIR fails to comply with these mandates, particularly in light of recent severe water shortages throughout the State.

IV. The DEIR's Discussion of Alternatives is Deficient

The DEIR fails to adequately analyze alternatives.

- CEQA requires that an EIR "produce information sufficient to permit a reasonable choice of alternatives so far as environmental aspects are concerned." *San Bernardino Valley Audubon Society v. County of San Bernardino* (1984) 155 Cal.App.3d 738, 750 – 51. "Without meaningful analysis of alternatives in the EIR, neither the courts nor the public can fulfill their proper roles in the CEQA process." *Laurel Heights Improvement Assoc. v. University of California* (1988) 47 Cal.3d 376, 404. The DEIR fails to comply. Indeed, the DEIR reads more like a sales piece for the Project, than a true analysis of impacts and alternatives to reduce those impacts.
- The DEIR acknowledges the 138-unit reduced density alternative is the environmentally superior alternative. DEIR at 4-19. CEQA's "substantive mandate" requires agencies to refrain from approving projects with significant effects where there are feasible mitigation measures or alternatives that can lessen or avoid those effects. *Mountain Lion Foundation v. Fish and Game Comm.* (1997) 16 Cal.4th 105, 134. "[T]he Legislature has [] declared it to be the policy of the state "that public agencies should not approve projects as

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including police response services, are met with respect to the additional needs created by such development. As previously discussed, the traffic control plan required by the City for construction activities would outline all requirements to ensure that police access is maintained at all times, and Project construction would not impact acceptable response times. Through payment of the development fee and implementation of the traffic control plan, the Project would not result in the need for new or physically altered emergency and police facilities, the construction of which could cause significant environmental impacts. Impacts would be less than significant.

O2-52

The City does not agree that the EIR fails to analyze how the Project would meet the City's standards for library facilities. Section 3.1.7 of the EIR fully analyzes impacts relative to library facilities. The EIR discusses that the residents would be served by the existing Escondido Public Library. Also, as stated in Section 3.1.7.2 of the EIR, the analysis concludes the following in relation to the City's standards for libraries:

The City would require the Project to pay a fee of \$4,623 per dwelling unit to ensure

	<p>that the City's established public facility standards, including standards for libraries, are met with respect to the additional needs created by such development.</p> <p>O2-53 The comment states that the EIR fails to adequately analyze impacts to water supplies. The comment is general in nature and does not provide any evidentiary support for the claim that the EIR's water supply analysis is inadequate or must be revised due to a lack of evidence or similar claims. Because the comment is general, a general response is all that is required (<i>Paulek v. California Dept. Water Resources</i> 2014).</p> <p>The City does not concur with this comment. The EIR considered water supply impacts and determined, based on substantial evidence, including estimates of Project demand and information concerning supply, including potential constraints to supply, that adequate water supplies exist to serve the Project currently and in the future.</p> <p>As discussed in the EIR, the Project site is located within the boundaries of two water purveyors, Rincon del Diablo Municipal Water District (Rincon) and the City Water Service Area, or Escondido Exchange Area. Approximately 55% of the Project residences would be within the Rincon district, and approximately 45% would be within the Escondido</p>
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	<p>Exchange Area.</p> <p>The Project’s water demand was considered assuming a worst-case scenario that only potable water be used—despite that recycled water is expected to supply the Project’s irrigation demand—and all Project facilities including 392 residences, a clubhouse, community farm, and landscape irrigation (EIR page 3.1.9-47; Appendix 3.1.9-1, Table 3.1.9-2). Total average water demand is estimated at 350,784 gallons per day of potable water based on these assumptions (EIR page 3.1.9-47; Appendix 3.1.9-1; Table 3.1.9-2).</p> <p>To estimate water supply availability and evaluate Project water supply impacts, regional and local water demand and supply information was obtained from the following four sources: (1) the City’s water service area’s 2015 Urban Water Management Plan (UWMP) (City of Escondido 2016), (2) Rincon’s 2015 UWMP (Rincon 2016), (3) San Diego County Water Authority’s (SDCWA) 2015 UWMP (SDCWA 2016), and (4) Metropolitan Water District of Southern California’s (Metropolitan) 2015 UWMP (Metropolitan 2016) because the City and Rincon are member agencies of SDCWA, and its supplies, for the most part, are purchased from SDCWA. SDCWA, in turn, purchases a portion of its water supply from Metropolitan (EIR page 3.1.9-46). SDCWA also</p>
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	<p>manages demand during times of limited supply through its approved Water Shortage and Drought Response Plan (SDCWA 2012) and a Model Drought Response Ordinance (SDCWA 2008) (EIR page 3.1.9-46). Notably, no water supply assessment is required for the Project under state law since the Project does not meet the minimum 500-residential unit requirement for triggering this additional layer of review (EIR page 3.1.9-46; Senate Bill 221; Senate Bill 610; and California Water Code, Section 10910 et seq.).</p> <p>The EIR discusses each of the applicable UWMPs, including details concerning how adequate, reliable water supplies will be maintained for at least 20 years into the future based on available water sources, supply and demand, contingency planning, and water conservation efforts (EIR Section 3.1.9.1.1; EIR pages 3.1.9-3 through 3.1.9-8, 3.1.9-15 through 3.1.9-20, 3.1.9-46 through 3.1.9-48; California Water Code, Sections 10631–10635). The EIR also provides a thorough analysis of the circumstances that may affect demand and supply, including climate and drought response, climate change, and environmental and regulatory constraints (EIR pages 3.1.9-8 through 3.1.9-14). In addition, the EIR discusses that the Hale Avenue Resource Recovery Facility is currently being expanded to increase its storage and treatment capacity for recycled water available for use by Rincon and the City</p>
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(EIR pages 3.1.9-47, 3.1.9-8, 3.1.9-20, and 3.1.9-21).

An agency is entitled to rely on an UWMP or other analysis prepared by a water supplier estimating water sources, supply, and demand, including contingency planning and water conservation efforts (*Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* 2007; California Water Code, Sections 10631–10635). The EIR stated that, for water supplied by the City, the Project is anticipated in the City of Escondido 2015 UWMP because UWMP forecasts are based on potential future development of available land, including the Project site (EIR page 3.1.9-47). The UWMP uses SANDAG projections based on land use in developing land and growth forecasts, which were incorporated into the UWMP (EIR page 3.1.9-47). Accordingly, the EIR evidences the City has adequate water to supply the Project (EIR page 3.1.9-47).

For Rincon, the EIR states that both the City and Rincon rely on Metropolitan’s UWMPs and Integrated Resources Plans and SDCWA’s UWMP and Regional Water Facilities Master Plan for documentation of supplies available to meet projected demands (EIR page 3.1.9-15). These UWMPs update their demand forecasts based on the most recent SANDAG forecasts, which in turn are based primarily on land use Project data (EIR pages 3.1.9-15 and 3.1.9-47).

	<p>Regarding the site’s land use within the City, the site is designated in the Land Use Element of the General Plan as Residential Urban 1, allowing up to 5.5 dwelling units per acre, a denser designation than the currently proposed development at 3.6 dwelling units per acre (EIR page 3.1.5-14). Therefore, the SANDAG forecasts and SDCWA projections account for the currently proposed level of development at the site.</p> <p>Rincon estimated future demands for the 2015 UWMP using updated population projections provided by SDCWA (EIR page 3.1.9-20). Rincon’s 2015 UWMP evidenced it would have adequate supplies to meet future demand, including during drought conditions, accounting for population growth (EIR page 3.1.9-20). Rincon has also indicated it has adequate capacity to support the Project, contingent on the applicant completing necessary infrastructure improvements (EIR pages 3.1.9-46 through 3.1.9-47). Therefore, the EIR adequately evaluates water supply availability and determines adequate supplies exist to serve the Project.</p> <p>O2-54 The comment states that the EIR fails to adequately analyze Project alternatives. The comment is general in nature and does not provide any evidentiary support for the claim that the EIR’s alternatives analysis is inadequate or must be revised due to a lack of evidence or similar claims. Because the comment is</p>
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	<p>general, a general response is all that is required (<i>Paulek v. California Dept. Water Resources</i> 2014).</p> <p>The City does not concur with the assertion alternatives were not adequately considered. CEQA Guidelines, Section 15126.6(a), states “an EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation” (14 CCR 15126.6(a)). The range of alternatives required in an EIR is subject to the “rule of reason” (14 CCR 15126.6 (f)).</p> <p>The EIR considers a reasonable range of alternatives. The EIR evaluates the following alternatives in detail: (1) No Project/No Development Alternative, (2) Reduced-Density Alternative (158 Units and 138 Units), and (3) 279-Unit Reduced-Density Alternative (EIR page 4-6). As required under CEQA, each of these alternatives was selected for its potential to avoid or minimize significant impacts associated with the Project while also meeting most of the basic Project objectives (EIR page 4-2). The 158-Unit and 138-Unit Reduced-Density Alternatives were also selected for analysis because they were proposed by the Escondido Country Club Homeowners’ Association during the public scoping process to lessen Project impacts (EIR page 4-4). The EIR</p>
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	<p>considers an adequate range of potentially feasible alternatives to foster informed decision-making and public participation. The incorporation of these alternatives is evidence that the CEQA process is functioning as intended by the California Legislature.</p> <p>In addition to these alternatives analyzed in the EIR, the EIR states that the City considered but rejected an alternative location for the Project (EIR page 4-5). An alternative site would not avoid or significantly reduce significant impacts from the Project and would not achieve basic Project objectives (EIR page 4-5). Therefore, an alternative site was considered but rejected from further analysis (EIR page 4-5).</p> <p>The EIR undertakes analysis of alternatives in EIR pages 4-6 through 4-30, with traffic impacts being considered in greater detail in Appendices 4-1 and 4-2. Because alternatives of 158 units and 138 units would result in similar impacts compared to the Project, they are analyzed together in the EIR (EIR pages 4-9 through 4-10). In the EIR's assessment, the alternatives are compared to the impacts of the Project and are assessed relative to their ability to meet the basic objectives of the Project. Please refer to Table 4-2 (EIR pages 4-22 through 4-23) for a Project alternatives impact comparison.</p> <p>The EIR identifies that the No Project/No Development Alternative would be the</p>
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	<p>environmentally superior alternative. Because the No Project Alternative was found to be the environmentally superior alternative, the EIR identifies the 138-Unit Reduced Density Alternative as the environmentally superior alternative in compliance CEQA Guidelines, Section 15126.6(e)(2) (EIR page 4-19 and Table 4-1).</p> <p>For each of these reasons, the EIR’s discussion of alternatives provides enough information and detail to permit a reasonable choice of alternatives and effectively “encourage informed decision-making and public participation,” as required by CEQA (see <i>California Oak Foundation v. Regent of Univ. of California</i> 2010). The Project’s environmental documents will be presented to the City for final decision with the Project as currently proposed and an analysis of the range of alternatives presented in the EIR.</p> <p>The City acknowledges the comment and notes it expresses the commenter’s opinions. The City will include the comment as part of the Final EIR for review and consideration by the decision makers prior to a final decision on the Project.</p> <p>O2-55 The comment suggests that the reduced density alternative must be adopted because it would reduce Project impacts. The comment is general in nature and does not provide any evidentiary support for the claim</p>
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that the EIR’s alternatives analysis is inadequate or must be revised due to a lack of evidence or similar claims. Because the comment is general, a general response is all that is required (*Paulek v. California Dept. Water Resources* 2014).

The comment’s suggestion that the reduced density alternative must be adopted is incorrect. The City has discretion to reject mitigation or alternatives if it deems them infeasible, meaning they are not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, technological, legal, or other factors (California Public Resources Code, Sections 21061.1, 21081(a)(3); 14 CCR 15091(c)(3), 15364). The City also may reject an alternative if it considers the alternative undesirable. The City will consider the feasibility and desirability of alternatives in making its decision concerning whether to approve the Project or an alternative (California Public Resources Code, Section 21081(a)(3)).

To the extent the comment states the City should adopt a reduced density alternative, the City acknowledges the comment. The comment expresses the commenter’s opinions and does not raise an issue related to the adequacy of any specific section or analysis of the EIR. The City will include the comment as part of the Final EIR for review and

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proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects ...” *Uphold Our Heritage v. Town of Woodside* (2007) 147 Cal.App.4th 587, 597 – 98 (citations omitted). The City should adopt a reduced density alternative, even if it would not meet the Project objectives fully. Such an alternative would more appropriately respect the existing community, as well as General Plan requirements.

- The DEIR claims the reduced density alternatives would not have several features. DEIR at 4-13 to -14. But there is no legitimate basis to reject the alternatives on these grounds, when it is the City itself that has decided the features would not be included.¹ The DEIR should discuss a reduced density alternative that provides features such as a landscaped greenbelt, trail, recreation facilities, banquet space, events lawn, community farm, transportation improvements, traffic calming, and a variety of housing opportunities. See DEIR at 4-18. The DEIR creates essentially a strawman by positing an alternative without these features, then quickly dismissing it as insufficient.
- The DEIR assumes that the reduced density alternatives would have essentially the same footprint, and therefore similar impacts. DEIR at 4-14 to -18. But there is no reason a reduced density alternative could not also significantly reduce its footprint, either by clustering or other mechanisms encouraged by the City’s General Plan and Municipal Code, thereby also reducing impacts in several areas, including impacts to biological resources, cultural resources, greenhouse gas emissions, air quality and noise. “[T]he discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.” CEQA Guidelines § 15126.6(b).
- The Project and its objectives are defined too narrowly, thereby resulting in a narrowing of the consideration of alternatives to the Project. *City of Santee v. County of San Diego* (1989) 214 Cal.App.3d 1438, 1455.

V. The Need to Recirculate

The DEIR is sufficiently lacking that the only way to fix these issues is to revise it and recirculate an adequate report.

¹ The DEIR incorrectly claims the reduced density alternatives proposed by ECCHO did not include such features. DEIR at 4-13.



O2-56

consideration by the decision makers prior to a final decision on the Project. No further response is required or necessary.

For further discussion on alternatives, see the responses to O2-54, O2-56, and O2-58.

The comment states the reduced density alternatives considered would not have several features included in the Project. The comment states a reduced density alternative providing community features, traffic calming, and a variety of housing opportunities should be evaluated.

First, the comment is general in nature and does not provide any evidentiary support for the claim that the EIR’s alternatives analysis is inadequate or must be revised due to a lack of evidence or similar claims. Because the comment is general, a general response is all that is required (*Paulek v. California Dept. Water Resources* 2014).

Second, the comment is incorrect in that the reduced density alternatives would not to have traffic calming features. Regarding the 138- and 158-Unit Reduced-Density Alternatives, the EIR states the 138- and 158-Unit Reduced-Density Alternatives were assumed to institute the same “SAP traffic-calming measures” as the Project and acknowledged that traffic would be reduced or avoided compared to the Project (EIR page 4-13). The

EIR also details that bicycle and pedestrian improvements along Country Club Lane would be included (EIR page 4-10). The same is true for the 279-Unit Reduced-Density Alternative (EIR page 4-15).

Third, the comment states that the EIR incorrectly claims the reduced density alternatives proposed by the Escondido Country Club Homeowners' Association did not have such features, but provides no evidence to support this claim.

Fourth, the comment does not suggest a new alternative (or changes to an existing reduced-density alternative) that would substantially reduce significant Project impacts; thus, the alternative need not be considered (*Marin Municipal Water District v. KG Land Cal. Corp.* 1991). The comment does not state how features, such as a landscaped greenbelt, trail, recreation facilities, banquet space, events lawn, community farm, transportation improvements, traffic calming, and a variety of housing opportunities, would reduce Project impacts to air quality, biological resources, cultural resources, GHGs, hazards and hazardous materials, noise, or traffic.

In fact, adding these features would undermine some reductions of significant impacts addressed by the alternatives. For example, inclusion of the SAP transportation improvements would increase impacts compared to the reduced density alternatives

considered in the EIR because the area disturbed during grading, earthwork, and construction would be larger. As currently considered, air quality and GHG impacts of the reduced density alternatives would be less compared to the Project because the SAP is not included; therefore, the amount of disturbed area, grading, and earthwork would be slightly less (see EIR pages 4-10 and 4-15 [air quality impacts would be less because the SAP is not included], pages 4-11 and 4-16 [GHG impacts would be less because the SAP is not included]). These features would also incorporate noise sources, including the event facilities in proximity to sensitive residential uses (see EIR pages 2.6-11 through 2.6-12 [operational noise]).

The addition of the features suggested would result in no change in the existing analysis of the reduced density alternatives' environmental effects compared to the Project already provided in the EIR (pages 4-10 through 4-16). Inclusion of the features suggested would not substantially reduce Project impacts. The features would also worsen impacts when compared to alternatives evaluated. For each of these reasons, the City is not required to consider the alternative suggested. As discussed in the response to 2-53, the EIR selected and evaluated a reasonable range of alternatives to the Project designed to avoid or mitigate the Project's environmental effects.

	<p>The City acknowledges the comment and notes it expresses the opinions of the commenter. The City will include the comment as part of the Final EIR for review and consideration by the decision makers prior to a final decision on the Project. No further response is required or necessary.</p> <p>O2-57 The comment states that the EIR should consider a reduced density alternative that reduced the footprint of the Project.</p> <p>As discussed in response to O2-54, the EIR evaluates a reasonable range of alternatives to the Project designed to avoid or mitigate the Project’s environmental effects. CEQA Guidelines, Section 15126.6(a), states that “an EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation” (14 CCR 15126.6(a)). The range of alternatives required in an EIR is subject to the “rule of reason” (14 CCR 15126.6(f)).</p> <p>The EIR considers four alternatives to the Project, including two reduced-density alternatives selected for analysis because they were proposed by the Escondido Country Club Homeowners’ Association during the public scoping process (EIR page 4-4). This range is adequate to satisfy CEQA’s goals of fostering</p>
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	<p>informed decision-making and public participation.</p> <p>A reduced footprint alternative was not considered because it would not satisfy most basic Project goals and objectives (14 CCR 15126.6(a)–(b)). The EIR states the following (EIR pages 4-2 and 4-3):</p> <p>The underlying purpose of the Project is to revitalize an existing residential area surrounding the Escondido Country Club community, and to develop a new community with unique homes and interrelated open space and recreation amenities on 109 acres near existing and planned infrastructure, services, and jobs in the vicinity of the North San Diego County Interstate 15 (I-15) corridor. Project implementation is guided by the following statement of Project objectives:</p> <ol style="list-style-type: none"> 1. Eliminate the blighted condition of the current Project site and abate hazards to public health and safety. 2. Assist the City in implementing the General Plan’s housing goals by increasing the City’s housing stock and diversifying the range of housing opportunities. 3. Provide a variety of housing
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	<p>types and designs within interrelated villages located adjacent to an existing, established residential community.</p> <ol style="list-style-type: none">4. Create an interrelated open space system including a greenbelt with walking trails, pocket parks, and landscape areas, in addition to active recreation facilities, to facilitate an active and healthy lifestyle for residents, thereby assisting the City in implementing the General Plan’s community health and services goals.5. Provide a place for the community to gather, socialize, dine, and recreate thereby assisting the City in implementing the General Plan’s community health and services goals.6. Provide a Specific Alignment Plan as part of the Project that would provide a series of intersection improvements designed to calm traffic speeds and enhance pedestrian and bicycle circulation.7. Protect privacy of existing residents by providing a
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	<p>landscaped buffer between all new and existing homes.</p> <p>8. Implement sustainable design measures to enhance walkability, minimize water usage for both interior and exterior facilities, and maximize energy-saving features; and cluster residential within established single-family villages or neighborhoods to maintain site topography, protect natural resources, and avoid hazards consistent with the City’s land use goals.</p> <p>9. Implement timely public facilities within existing service areas without burden or cost to existing residents, visitors, or North San Diego County incorporated and unincorporated communities.</p> <p>A reduced footprint alternative would not meet the basic Project objective of developing the 109-acre site near existing and planned infrastructure, services, and jobs in the vicinity of the North San Diego I-15 corridor, since it would develop only a portion of the site. A reduced footprint would not revitalize the entire site and would not address the blighted condition of the entire site. Therefore, the underlying purpose of</p>
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	<p>the Project to develop this 109-acre site for residential uses would not be met.</p> <p>A reduced footprint alternative would also not satisfy most Project objectives. It would presumably not create an interrelated open space system and recreational amenities, since those areas would be omitted from the Project or substantially reduced to achieve reductions in the development footprint. Similarly, reducing the Project footprint would reduce or omit a space for community gathering, since more homes would need to be developed in a smaller area. It would not provide a SAP. It would also not protect resident privacy through a landscaped buffer, since this area would presumably remain in an “as is” state. Lastly, reducing the Project footprint would mean some sustainable design features (e.g., enhancing walkability) could not be implemented. Therefore, a reduced footprint alternative would not implement most basic Project objectives and was not considered in the EIR.</p> <p>The comment states a reduced footprint alternative could reduce impacts to biological resources, cultural resources, GHG, air quality, and noise but does not provide any evidence of or reasoning for how or why such impacts would allegedly be reduced. While air quality, biological, cultural, noise, hazards, and GHG impacts could be reduced with a reduced footprint</p>
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	<p>alternative due to development occurring on less area of the Project site, these impacts are already mitigated below significance with the implementation of the Project or any of the evaluated reduced-density alternatives. As with the reduced density alternatives, a reduced footprint alternative would increase operational impacts to air quality, GHGs, and traffic because the Village Center and integrated community aspects of the Project that would reduce reliance on motor vehicles would not occur.</p> <p>In summary, because the alternative suggested would not implement most basic Project objectives and would not reduce or significantly avoid significant environmental effects of the Project, further consideration of a reduced footprint alternative is unnecessary (<i>Marin Municipal Water District v. KG Land Cal. Corp.</i> 1991).</p> <p>O2-58 The comment states that the Project and its objectives are defined too narrowly, “narrowing consideration of alternatives to the Project.” The comment is general in nature and does not provide any evidentiary support for the claim that the EIR’s alternatives analysis is inadequate or objectives were inappropriate. Because the comment is general, a general response is all that is required (<i>Paulek v. California Dept. Water Resources</i> 2014).</p> <p>The EIR’s description of Project objectives properly</p>
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states the underlying purpose of the Project (*Habitat and Watershed Caretakers* 2013). Specifically, the EIR states the following (EIR pages 1-1, 1-2, 4-2, 4-3):

The underlying purpose of the Project is to revitalize an existing residential area surrounding the Escondido Country Club community, and to develop a new community with unique homes and interrelated open space and recreation amenities on 109 acres near existing and planned infrastructure, services, and jobs in the vicinity of the North San Diego County Interstate 15 (I-15) corridor. Project implementation is guided by the following statement of Project objectives:

1. Eliminate the blighted condition of the current Project site and abate hazards to public health and safety.
2. Assist the City in implementing the General Plan's housing goals by increasing the City's housing stock and diversifying the range of housing opportunities.
3. Provide a variety of housing types and designs within interrelated villages located adjacent to an existing, established residential

	<p>community.</p> <ol style="list-style-type: none">4. Create an interrelated open space system including a greenbelt with walking trails, pocket parks, and landscape areas, in addition to active recreation facilities, to facilitate an active and healthy lifestyle for residents, thereby assisting the City in implementing the General Plan’s community health and services goals.5. Provide a place for the community to gather, socialize, dine, and recreate thereby assisting the City in implementing the General Plan’s community health and services goals.6. Provide a Specific Alignment Plan as part of the Project that would provide a series of intersection improvements designed to calm traffic speeds and enhance pedestrian and bicycle circulation.7. Protect privacy of existing residents by providing a landscaped buffer between all new and existing homes.8. Implement sustainable design
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measures to enhance walkability, minimize water usage for both interior and exterior facilities, and maximize energy-saving features; and cluster residential within established single-family villages or neighborhoods to maintain site topography, protect natural resources, and avoid hazards consistent with the City's land use goals.

9. Implement timely public facilities within existing service areas without burden or cost to existing residents, visitors, or North San Diego County incorporated and unincorporated communities.

These objectives properly state the nature of the Project and its underlying purpose.

In selecting alternatives for discussion in the EIR, the City did not reject alternatives simply for failing to meet all Project objectives, but rather, properly considered alternatives that would achieve the most basic underlying Project objectives and/or the Project's fundamental purpose. For example, the 138- and 158-Unit Reduced-Density Alternatives would not meet four Project objectives and only partially achieve two others, yet they are still evaluated in the EIR.

	<p>Therefore, contrary to the comment, the EIR does not inappropriately narrow consideration of Project alternatives but properly considered alternatives, even if they would impede attainment of Project objectives to some extent (14 CCR 15126.6(b)).</p> <p>O2-59 The comment states that the EIR is sufficiently lacking and that recirculation of the EIR is required.</p> <p>Under CEQA, an agency is only required to recirculate an EIR when significant new information is added to that document after circulation and review of the EIR (14 CCR 15088.5(a)). New information is not considered significant unless, absent recirculation, the public would be deprived of a meaningful opportunity to comment on a substantial adverse environmental effect of the Project or a feasible means to mitigate or avoid such an effect, including a feasible Project alternative (see CEQA Guidelines, Section 15088.5, and <i>Chaparral Greens v. City of Chula Vista</i> 1996). Recirculation is not required where new information added to an EIR merely “clarifies or amplifies or makes insignificant modifications to an adequate EIR” (14 CCR 15088.5(b)).</p> <p>The City has reviewed the Draft and Final EIR for the Project, including changes made in the Final EIR in response to comments received, and has concluded that recirculation is not necessary because the CEQA threshold for recirculation has not been triggered. The</p>
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	<p>City used the following criteria for determining that recirculation is not required (14 CCR 15088.5(a)):</p> <ul style="list-style-type: none">a) There are no new significant environmental impacts resulting from the Project or from any proposed or revised mitigation measures;b) There are no substantial increases in the severity of any environmental impact; andc) There are no feasible Project alternatives or mitigation measures that would clearly lessen the significant environmental impacts of the Project, but that the applicant has declined to adopt.d) The Draft EIR was so fundamentally inadequate meaningful public review was precluded. <p>Based on the standards set forth in CEQA Guidelines, Section 15088.5, it is not necessary to recirculate the EIR because the Draft EIR was adequate, no new significant impacts or substantial increases in the severity of Project impacts have been identified, and the applicant has proposed adoption of all feasible mitigation for identified significant impacts. While the Final EIR has been revised or modified in some instances in relation to the Draft EIR, the City finds that such modifications merely clarify or amplify information already included in the Draft EIR. For these reasons, further environmental analysis and/or recirculation of the EIR is not required.</p>
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<p>City of Escondido August 18, 2017 Page 9 of 9</p> <p>VI. <u>Conclusion</u></p> <p>For the foregoing reasons, ECCHO urges you to reject the Project and DEIR as drafted. Thank you for your consideration of these concerns.</p> <p style="text-align: right;">[O2-60</p> <p style="text-align: center;">Sincerely,  Everett DeLano</p> <p>Enc.</p>	<p>O2-60 The City acknowledges the comment and notes it expresses the commenter’s opinions and does not raise an issue related to the adequacy of any specific section or analysis of the EIR. Therefore, no further response is required. The City will include the comment as part of the Final EIR for review and consideration by the decision makers prior to a final decision on the Project.</p> <p>O2-61 The City acknowledges the comment as an introduction to comments that follow. The City has also reviewed and considered the comment and the attached 2013 Preliminary Biology Study prepared by the commenter.</p> <p>Initially, the 2013 study appears to be preliminary and significantly lacking details. On the other hand, the Biological Technical Report incorporated in the EIR provided a detailed review of the biological impacts of the Project within a three-part document (see EIR Appendix 2.2-1, Parts 1 through 3). The 2013 study also appears to have been conducted within a few months of the golf course operations ceasing, and as such, the findings appear to reflect a manicured, irrigated, and generally wetter environment due to artificial water sources.</p> <p>As detailed in responses to O2-8 and O2-14, the City does not concur with the comment or the 2013 study’s conclusions regarding the need for Clean Water Act</p>
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August 16, 2017

RE: Review of Helix Environmental Planning's Biological Technical Report and the EIR, Section 202 for The Villages - Escondido Country Club, dated June 2017

Dear Everett:

In response to your recent request, we have reviewed the Environmental Impact Report (EIR) and Biological Technical Report (BTR) for The Villages - Escondido Country Club. The latter document, dated June 2017, provided most of the data and supporting analysis for the project, and was the focus of this review.

As you know, we completed a site visit and preliminary biology study of the Escondido Country Club site in May of 2013. The follow-up report described a large, open property with mature vegetation, several mapped U.S.G.S. "blue-line" streams crossing the site, and regulatory agency coordination/wetland permitting pursuant to the Clean Water Act 404/401 permits and a California Fish and Game Code Section 1600 Series Lake and Streambed Alteration Agreement. A copy of this 2013 report is attached.

Both the BTR and EIR contain significant inaccuracies. These are presented in annotated list form for ease of cross-reference and discussion:

BTR

1. Sec. 1.0 The document makes reference to an approximately 110-acre project site. It makes no mention of any off site improvements as they would relate to biological resources. A discussion should have been an element of Section 1.0.
2. Sec. 1.1.2 The Project Description goes into excessive detail, inappropriate in an objective document, about the recreational amenities, the community farm supplying produce to the restaurant and the farm stand, and other changes to the land that have no bearing on biological resources. Suggests a pro-project bias.
3. Sec. 2.2 The General Biological Survey makes no mention of prior studies in 2016. At least one other comprehensive biology survey was completed in 2013 for this same applicant.
4. Sec. 2.5 The Survey Limitations section mentions that the 2016 drought year may have affected the vegetation composition of the site, but discusses this no further. The report fails to discuss the implications of this, particularly with respect to riparian vegetation, which likely had diminished from a natural state due to the protracted, multi-year drought.
5. Sec. 3.1 The Regional Context section mentions that the project is located within the boundaries of the draft Escondido Subarea Planning area, but does not discuss the implications of being within the approved and adopted Subregional MHCP Planning Area.
6. Sec. 3.2 This section mentions that surrounding land uses include residential development in all directions. It fails to mention that the property is less than 400 feet from expansive natural areas to the northwest. This omission has implications with respect to wildlife corridor function.

BIOLOGICAL INVENTORIES • FORENSICS • ENDANGERED SPECIES SURVEYS • HABITAT RESTORATION • REVEGETATION

O2-61

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404/401 permits. The commenter is directed to Sections 2.3, 4.4, and 6.3 of the Biological Technical Report regarding the rationale for preliminarily determining agency jurisdiction. As detailed therein, because the drainage features of the site are geographically isolated with no downstream connectivity to a navigable waterway, the drainage features onsite would not qualify as waters of the U.S. pursuant to the Clean Water Act (CWA).

As to compliance with Section 1600 *et seq.* of the California Fish and Game Code, as detailed in the EIR, compliance with these regulations requires notification to the California Department of Fish and Wildlife (CDFW) and, if required, a Streambed Alteration Agreement for any activity that would alter the flow, change, or use any material from the bed, channel, or bank of any perennial, intermittent, or ephemeral river, stream, and/or lake (EIR page 2.2-8). The isolated drainage features comprise 0.29 acres of riparian-vegetated streambed and 2.27 acres of unvegetated streambed which would qualify as streambed and riparian habitat subject to CDFW jurisdiction (EIR page 2.2-14). Mitigation Measure M-BI-2 would reduce impacts to streambed and riparian habitat to less than significant and satisfy a no-net-loss standard for both function and spatial area of wetland and non-wetland resources (EIR

	<p>pages 2.2-22 through 2.2-24, Table 2.2-4.)</p> <p>Further, pursuant to regulatory requirements, the Project would notify the CDFW and, if required, obtain a Streambed Alteration Agreement to demonstrate compliance with the California Fish and Game Code (EIR page 2.2-18). The Project would also be required to implement any additional mitigation measures and permit conditions prescribed by the CDFW in any permit. (<i>Id.</i>) The comment does not raise an issue related to the adequacy of the EIR’s analysis.</p> <p>This comment, attached 2013 Preliminary Biology Study prepared by the commenter, and attached figures will be included in the Final EIR for review and consideration by the decision-makers prior to a final decision on the project.</p> <p>O2-62 The comment cites concerns with the EIR’s evaluation of biological impacts from off-site improvements. There are no off-site improvements proposed that would have an effect on biological resources as off-site improvements are anticipated to be generally minor and to occur within developed areas. For example, roadway improvements will occur within existing rights-of-way (EIR pages 1.7 through 1.8). And utility improvements will be minor and consist of connections to existing utilities, generally underground. (<i>Ibid.</i>) Therefore, Section 1.0 of the Biological Technical Report does not need to mention</p>
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	<p>any off-site improvements and is correct in referencing an approximately 110-acre project site.</p> <p>O2-63 The comment states the description used in the Biological Technical Report is inappropriate. The Project Description included in the Biological Technical Report, EIR Appendix 2.2-1, is consistent with that used for other technical reports for the EIR. The Project Description accurately describes the components of the Project. Its use in the Biological Technical Report is appropriate for context and to provide adequate analysis of the potential effects on biological resources. The City does not concur with the commenter’s suggestion of a pro-Project bias in the Biological Technical Report due to the inclusion of the Project Description.</p> <p>O2-64 The comment states the Biological Technical Report did not mention a 2013 survey of the site. Consistent with the requirements of CEQA, the biological resources technical study described in the Biological Technical Report analyzes potential Project effects on biological resources based on the current environmental baseline. As stated in Section 2.0 of the Biological Technical Report, the environmental baseline was determined through a combination of research, database review, literature review, and fieldwork completed in 2016 by qualified biologists. The City was not aware of the comprehensive biology</p>
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	<p>survey completed in 2013 and referenced by the commenter. Further, the report authored and provided by the commenter, <i>Results of a Preliminary Biology Study – the Escondido Country Club Golf Course Property</i>, dated May 29, 2013, was not made available to the City at the time the Biological Technical Report and EIR was prepared, and was not prepared or completed by the Project applicant.</p> <p>The City has reviewed and considered the 2013 study provided by the commenter. The 2013 study appears to be preliminary and significantly lacking details. The Biological Technical Report incorporated in the EIR, however, provided a detailed review of the biological impacts of the Project within a three-part document. (See, EIR, Appendix 2.2-1, Parts 1 through 3.) Nevertheless, the 2013 study is generally in agreement with the findings of the Biological Technical Report, except that the 2013 study appears to have been conducted within a few months of the golf course operations ceasing, and as such, the findings appear to reflect a manicured, irrigated, and generally wetter environment due to artificial water sources. As the comment does raise any specific issues with the EIR or its biological analysis, no further response can be provided.</p> <p>O2-65 The comment expresses concerns with the manner in which drought conditions were evaluated in the</p>
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	<p>Biological Technical Report. The drought conditions experienced in the region in 2016 are well known and the Biological Technical Report accurately discloses this as a limitation in Section 2.5, as noted by the comment. Limited portions of some of the earthen-lined features supported remnant wetland and riparian vegetation during the 2016 surveys and this is detailed in in Sections 3.5, 4.1, 4.4, 6.2, 6.3, and 6.7 of the Biological Technical Report.</p> <p>The statement by the commenter regarding drought conditions potentially diminishing riparian habitat from a “natural state” is fundamentally false. The Project site has been subject to decades of maintenance and other uses associated with the former golf course. Therefore, for many years, no portion of the site has been in a “natural” state whereby the drought could have diminishing effects. Any wetland and riparian vegetation that developed on the Project site in the past would have been sustained through the artificial water being supplied by the active golf course operations, and namely, regular irrigation. The lack of extensive wetland and riparian vegetation on the site in 2016 is far more attributed to the areas not receiving any irrigation since the golf course operations ceased in 2013. (<i>See</i>, EIR, pages 2.2-1 through 2.2-2, 2.1-12.)</p> <p>Further, many of the man-made drainages and basins</p>
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	<p>on site are concrete-lined and did not support extensive accumulated sediment during the 2016 surveys. Concrete-lined features without accumulated sediment and regular irrigation runoff do not provide sufficient substrate or hydrologic conditions to support wetland and riparian vegetation; this is in agreement with the Biological Technical Report findings. In addition, many of the earthen-lined features were bare or overgrown with non-native grasses and forbs. Earthen-lined features no longer subject to regular artificial water sources and that are bare or overgrown with non-native herbaceous upland vegetation also do not provide sufficient conditions to support riparian vegetation; this is also in agreement with the Biological Technical Report findings.</p> <p>In sum, while there is no way to quantify the extent to which drought conditions influenced the dry expression of the site in 2016—which the EIR discloses there was likely some effect—the effect of the drought was likely insignificant in comparison to shutting the irrigation off and the fact that many of the man-made drainage features are concrete lined.</p> <p>O2-66 The comment states that the Biological Technical Report does not discuss the implications of being within the Subregional Multiple Habitat Conservation Program (MHCP) Planning Area. This is incorrect. As addressed in Section 6.6 of the Biological Technical</p>
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	<p>Report, there are no implications of the Project with respect to the larger Subregional MHCP Planning Area or the draft Escondido Subarea Plan because the Project is not proposed in any areas targeted for conservation under the MHCP, and would not conflict with the provisions or preclude the future implementation of the draft Escondido Subarea Plan. (EIR, Appendix 2.2-1, page 31.) Further, no suitable habitat for covered species and other sources targeted for conservation occur onsite. (<i>Id.</i>) As the draft Escondido Subarea Plan and its specific implementation measures will implement the Subregional MHCP, and the Project would not conflict with the draft Escondido Subarea Plan, no impact would occur. (<i>See</i>, EIR, pages 2.2-19 through 2.2-20, Appendix 2.2-1, page 31.)</p> <p>Notably, the draft Escondido Subarea Plan is not an approved, adopted plan. Instead, it is a draft document and CEQA does not require an agency to speculate on the future environmental consequences of a project where an environmental plan is still in draft form, and is not yet adopted. In <i>Chaparral Greens v. City of Chula Vista</i> (1996) 50 Cal.App.4th 1134, 1144, the Court of Appeal considered whether the City of Chula Vista had erred in failing to include, in its Program EIR, an analysis of project impact on a draft conservation plan in south San Diego County. (<i>Id.</i>) The Court held draft plans did not need to be included</p>
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	<p>in CEQA analysis as,</p> <p>“there is no express legislative or regulatory requirement under CEQA that a public agency speculate as to or rely on proposed or draft regional plans in evaluating a project”. (Id. at page 1145.)</p> <p>Rather, CEQA only requires applicants and public agencies</p> <p>“engage in analysis of the impacts of the proposed project on the environment”. (Id.)</p> <p>Thus, the EIR has fully complied with CEQA in evaluating and disclosing the Project’s potential impacts relative to the draft Escondido Subarea Plan. The EIR’s Biological Resources chapter and Biological Technical Report demonstrate the Project has been planned consistent with the Subregional MHCP and draft Escondido Subarea Plan. Based on the analysis contained in the EIR, the Project would result in no impact as the proposed Project would not conflict with or preclude implementation of the draft Escondido Subarea Plan; and would thus also be consistent with the Subregional MHCP. (See, EIR, pages 2.2-19 through 2.2-20, Appendix 2.2-1, page 31.)</p> <p>O2-67 The comment implies the site may retain wildlife corridor function. Contrary to the comment,</p>
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Mr. Everett DeLano, page 2

7. Sec. 3.5 The BTR lists seven vegetation communities. Three of these are not recognized by any authority, and, in fact, are not vegetation communities. These include "man-made earthen channel", "man-made concrete channel", and "man-made basin/pond". These would be more correctly categorized as Disturbed Wetland (Holland Code 11200). These channels and related water features carry San Marcos Creek, which drains to the Pacific Ocean. The report inaccurately categorizes these disturbed wetland habitat types as "Uplands".
8. Sec. 3.5 The riparian habitats (Freshwater Marsh, Disturbed Wetland, and Non-Native Riparian) are all described as senescent or dead. This is attributed to the termination of artificial irrigation. No mention is made of the drought, and its impacts to wetland resources. The drought could certainly contribute to the temporary contraction of the wetlands on this site.
9. Sec. 3.5 Under the Disturbed Land category, the BTR describes over 100 acres of "...vegetative cover comprising less than 10 percent of the surface area." This is inaccurate - most of the open areas of the site would very likely qualify as Non-native Grassland (NNG - Holland Code 42200), which provides significant wildlife value, particularly to raptors and other open-land foragers. The classification of the NNG as Disturbed Land has major implications relating to mitigation requirements.
10. Sec. 4.1 The Sensitive Natural Communities section fails to mention that the 100+ acres of NNG on this site would be considered a sensitive natural community insofar as it supports raptor foraging, including foraging by sensitive species.
11. Sec. 4.3 This section states that "None of the special status animal species known to the region have a high potential to occur within the project site". This statement is untrue and misleading to the extent that the section contradicts itself. It reads that "Several...sensitive...bird species could potentially nest and/or forage over the site..." In fact, a number of sensitive raptors are anticipated to use this site on a regular basis, and likely nest onsite.
12. Sec. 4.3 The Raptor Foraging discussion is misleading. There is ample evidence that the site currently forms significant (not marginal) foraging habitat for both resident and migratory raptors, including known habitat for American Peregrine Falcon (*Falco peregrinus anatum*), Zone-tailed Hawk (*Buteo albionellus*), Osprey (*Pandion haliaetus*), Red shouldered Hawk (*Buteo lineatus*), Cooper's Hawk (*Accipiter cooperii*), Red-tailed Hawk (*Buteo jamaicensis*), Great Horned Owl (*Bubo virginianus*), Barn Owl (*Tyto alba*), and likely many others. Several of these are Special-Status Species. The report further compares the 100-acre open grassland habitat on the subject site to the Daley Ranch Conservation Bank property to the east. These are very different in terms of vegetation for raptors, and do not make a relevant comparison.
13. Sec. 4.4 The Jurisdictional Waters and Wetlands discussion concludes that the onsite drainages are geographically isolated. This conflicts with a prior, accurate statement in the BTR that San Marcos Creek crosses the property. This conclusion of geographic isolation is apparently based on Helix's "information gathered so far". The report further concludes that the drainage features... "would not qualify as waters of the US as regulated by the USACE pursuant to CWA Section 404." This determination is incorrect, because the project would significantly modify San Marcos Creek, a mapped U.S.G.S blue-line watercourse, regulation and permitting by the USACE under CWA Section 404 is assured. Blue-line watercourse mapping can be seen in my 2013 report as well as Figures 1 and 2, attached.
14. Sec. 4.4 Waters of the State discussion erroneously states that "The waters are all isolated". As stated above San Marcos Creek crosses the property, albeit in a modified form. This modification had not produced isolation. San Marcos Creek drains into Batiquitos Lagoon and the Pacific Ocean. San Marcos Creek is considered a tributary to navigable waters pursuant to 33 CFR 2.26 "...all waters within the United States tributary thereto..."
15. Sec. 4.5 The report states that "No known wildlife corridors or linkage areas are mapped as occurring on or in the immediate vicinity of the project site". Because no areas are mapped, the report concludes that the site does not support any wildlife corridors. This is untrue, and the conclusion is based solely on an inadequacy of analysis. A diversity of native wildlife, including sensitive species, are currently using the site as a local corridor. The site is characterized as "open" and "exposed". This fails to recognize that the site supports at least 646 mature trees, all of which are being used by wildlife to traverse the corridor

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surrounding land uses do include residential development in all directions, and is depicted in Figures 2, 3, and 4 of the Biological Technical Report. The natural areas referenced by the commenter as being located further to the northwest of the site have not been omitted and are discussed within Section 4.5 of the Biological Technical Report, Habitat Connectivity and Wildlife Corridors. (EIR, Appendix 2.2-1, pages 17 through 18.) As also discussed in Section 4.5 of the Biological Technical Report with respect to wildlife corridor function or lack thereof, the areas are separated from the Project site by existing roadways and residential homes. These developments represent an impediment to wildlife movement.

The comment takes issue with the categorization of vegetation communities in the Biological Technical Report. The comment accurately notes Section 3.5 of the Biological Technical Report lists seven vegetation communities, including three being a man-made earthen channel, a man-made concrete channel, and a man-made basin/pond. Each of these classification categories are described in Section 3.5, and the three classification names being termed "vegetation communities" is inconsequential to the analysis, significance of the impacts, and mitigation addressed in the Biological Technical Report. The City does not concur with the commenter's statements that these

features would be more correctly categorized as Disturbed Wetland (Holland Code 11200). This is because these features are unique, particularly in context. For this reason, as stated in Section 3.5:

“Classification of man-made channels and ponds/basins were further refined by HELIX for clarity of the type of conveyance and detention feature in the context of jurisdictional waters and wetlands”(Citation).

The relationship of the project site to San Marcos Creek is described in the Executive Summary and in Section 1.2.2 of the Biological Technical Report. The features in the eastern portions of the site occur over areas that once supported a reach of San Marcos Creek, which has long been diverted into ditches, swales, and storm drains within a portion of the golf course and surrounding developments. These features either abate within uplands or collect into the existing storm drain system for the City. Regardless, as addressed in Section 6.2 and Section 6.3 of the Biological Technical Report and further required by Mitigation Measure M-BI-2, impacts to waters and wetlands on the site would be fully mitigated, with a minimum 1:1 establishment/re-establishment component and 2:1 restoration/rehabilitation or enhancement component, all of which would be

	<p>preserved in open space on site and managed in perpetuity, unless otherwise determined during regulatory permitting of the project. There would be no net loss of function, service, or spatial area. The amount and quality of water currently conveyed through the site will be conserved and/or enhanced.</p> <p>O2-69 The comment concerns the effect of the drought on wetland resources. See response to O2-5.</p> <p>O2-70 The comment states disagreement with the categorization of a portion of the site as “Disturbed Land.” While the commenter’s reference to Section 3.5 of the Biological Technical Report describing Disturbed Land is correct, the City does not concur with the commenter’s opinion that the categorization is inaccurate.</p> <p>The rationale for Disturbed Land classification is described in Section 3.5 of the Biological Technical Report. The City of Escondido has not adopted a required classification system, and as referenced in Section 3.5 of the Biological Technical Report, the classification used for the biological technical study generally follows Holland (1986) and Oberbauer (2008), where applicable. However, neither of these sources assign former golf courses to a specific vegetation community classification. Former golf courses such as the Project site present a set of vegetative, soils, hydrology, and human-induced</p>
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	<p>attributes that make their classification challenging and unique to the conditions observed at the time of inventory. General visual estimates of percent coverage for non-native grasses versus other non-native vegetation were used to guide the use of the Disturbed Land classification, which revealed large patches of non-native vegetation composed of non-grasses, such as non-native forbs and ruderal (weedy) species. In most areas, the percent coverage of non-native vegetation well exceeded 50 percent. This is consistent with guidance provided in other classification systems accepted in the region, including that described in the City of San Diego Biology Guidelines (2012; Pages 92 and 93), for non-native grasslands versus other disturbed areas. Considering the dominance of non-grasses and weeds in many areas, the classification of non-native grassland was not used. The classification of Disturbed Land doesn't discount the underlying marginal biological functions (e.g., foraging and dispersal habitat for certain common wildlife species adapted to urban environments), as stated in Sections 4.3, 4.5, and 6.1 of the Biological Technical Report.</p> <p>O2-71 The comment concerns use of the designated "Disturbed Land" on site for raptor foraging. Regarding the categorization of land, see response to O2-10.</p> <p>Impacts to raptor foraging were evaluated in the</p>
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	<p>Biological Technical Report. Special-status bird species known to the region are not expected to occur, as analyzed in Appendix D of the Biological Technical Report. As stated in Section 4.3 of the Biological Technical Report, several non-listed, sensitive Watch List bird species common to the region, such as Cooper’s hawk (<i>Accipiter cooperii</i>), could potentially nest and/or forage over the site, although the potential is low. (EIR, Appendix 2.2-1, pages 15 and 16.) As analyzed in Section 6.1, the Project will incorporate open space elements that will function as foraging habitat for raptors and other species, including perimeter green belt areas and riparian corridors. (EIR, Appendix 2.2-1 page 24.) Impacts to raptor foraging were, accordingly, determined to be less than significant.</p> <p>O2-72 The comment suggests the Biological Technical Report is incorrect in concluding none of the special status species known to the region have a “high potential” to occur within the Project site.</p> <p>The commenter is incorrect. As stated in the Biological Technical Report, at page 15,</p> <p>“None of the special status animal species known to the region have a high potential to occur within the site due primarily to the lack of suitable habitat, isolation of the site from undeveloped habitat blocks in the region, and disturbances associated</p>
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with the highly urbanized setting”[emphasis added] (Biological Technical Report, pg. 15).

However,

“[s]everal non-listed sensitive Watch List bird species could potentially nest and/or forage over the site, although the potential is low” [emphasis added](Biological Technical Report, pg. 15).

See also response to O2-11.

The comment provides no contrary evidence that sensitive raptors are anticipated to use this site on a regular basis and likely to nest on site. The commenter’s own 2013 study does not address the issue of sensitive raptors anticipated to use the site regularly or nest on site. As detailed in Appendix D and the analysis of the Biological Technical Report, no federally- or state-listed or California state species of special concern raptors are likely to use the site on a regular basis or nest on site. It is noted, however, several non-listed, sensitive Watch List species, including raptors relatively common to the region, were determined to have a low potential to occur. Impacts to raptor foraging were determined to be less than significant, as explained in response to O2-11. Further, potential impacts to nesting raptors would be

	<p>reduced to less than significant through the implementation of Mitigation Measure M-BI-1.</p> <p>O2-73 The comment expresses concerns with the evaluation of impacts to raptor foraging. As discussed in response to O2-11 and O2-12, the Biological Technical Report evaluated impacts to raptors, including raptor foraging, and determined impacts would be less than significant. The comment provides no evidence to support the contrary conclusion alleged that the site forms significant foraging habitat for raptors. Again, the commenter’s own 2013 study does not address this issue. As noted in Appendix B, four of the species mentioned by the commenter were observed flying over the site or in perch during 2016 surveys. The remaining species have a potential to occur, but are not known to the site.</p> <p>Regardless, impacts to raptor foraging were determined to be less than significant because, as analyzed in Section 6.1, the Project will incorporate open space elements that will function as foraging habitat for raptors and other species, including perimeter green belt areas and riparian corridors. (EIR, Appendix 2.2-1, page 24.) Potential impacts to nesting raptors would be reduced to less than significant through the implementation of Mitigation Measure M-BI-1.</p>
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	<p>O2-74 The comment concerns the connectivity of on-site drainages to San Marcos Creek.</p> <p>As detailed in response to O2-8, the relationship of the Project site to San Marcos Creek is described in the Executive Summary and in Section 1.2.2 of the Biological Technical Report. The Biological Technical Report explains how the features that once supported a reach of San Marcos Creek have long since been diverted into ditches, swales, and storm drains such that the features abate within uplands or collect into the existing storm drain system for the City.</p> <p>The commenter is directed to Sections 2.3, 4.4, and 6.3 of the Biological Technical Report regarding rationale in preliminarily determining agency jurisdiction. The geographic isolation of the remnant segment of San Marcos Creek and other features on the site are supported not only by the field evidence obtained during the 2016 study, but also by aerial imagery and U.S. Geological Survey (USGS) mapping. Aerial imagery dating back to 1964 (NETRonline 2017)² clearly shows the progression of development in the Project vicinity over time, whereby the on-site features and areas immediately downstream are diverted, filled, or otherwise affected to where connectivity between the features is no</p>
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² NETRonline. 2017. Historic Aerials Viewer. Available at: <https://www.historicaerials.com/viewer>.

	<p>longer apparent. This is further supported by blue-line mapping on the 1996 Valley Center, California USGS topographic quadrangle map depicting the project vicinity (USGS 1996)³.</p> <p>The comment incorrectly alleges that, because the remnant feature was previously associated with a named stream (i.e., San Marcos Creek) and is mapped as a USGS blue-line stream, the feature unequivocally constitutes waters of the U.S. regulated by the U.S. Army Corps of Engineers (USACE) pursuant to Clean Water Act (CWA) Section 404. The comment is incorrect. Not all named streams, and certainly not all blue-line watercourses, are considered USACE-jurisdictional waters of the U.S. The criteria for determining USACE jurisdiction expands far beyond whether a feature is a named stream or a blue-line watercourse. The criteria and methods used for the 2016 study are summarized in Section 2.3 of the Biological Technical Report and are consistent with regulatory guidance provided by the USACE, RWQCB, and California Department of Fish and Wildlife (CDFW). (EIR, Appendix 2.2-1, pages 8 through 9.) As detailed in the Biological Technical Report, because the features of the site are geographically isolated with no downstream connectivity to a navigable waterway, the drainage</p>
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³ U.S. Geological Survey (USGS). 1996. Valley Center, California 7.5-Minute Topographic Quadrangle Map. Available for download at: <https://ngmdb.usgs.gov/topoview/viewer/#12/33.1597/-117.1315>.

	<p>features on site would not qualify as waters of the U.S pursuant to CWA Section 404.</p> <p>Notwithstanding, final agency jurisdictional determinations are obtained during regulatory permitting for a Project, which is currently underway for the proposed Project. As stated in Section 6.3 of the Biological Technical Report, pursuant to regulatory requirements, the Project must include notification to the regulatory permitting agencies to demonstrate compliance with applicable regulations and obtain permits, as necessary. If, during Project permitting, the USACE requires a CWA Section 404 permit, then the Project will comply, as required, with all terms and conditions of the permit. Regardless, although a potential significant impact on jurisdictional water and wetland resources is identified in the Biological Technical Report and EIR pursuant to other criteria, Mitigation Measure M-BI-2 would ensure that unavoidable impacts are fully mitigated consistent with compensatory mitigation consistent with regional standards and acceptable to the USACE, RWQCB, and CDFW.</p> <p>O2-75 The comment states San Marcos Creek crosses the Project site. This is incorrect. As discussed at responses to O2-14 and O2-8, while features once supported a reach of San Marcos Creek onsite, those features have long been diverted to abate onsite or into</p>
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	<p>the City storm drain system. The comment acknowledges that modifications have occurred to the remnant segment of San Marcos Creek. Developments and activities downstream of the Project have further contributed to the current isolated state of drainage features, including alteration, filling, and undergrounding of surface waters into the City’s storm drain system.</p> <p>While the comment is not wrong that a significant nexus to a navigable water exists for certain portions of San Marcos Creek that have not been diverted, filled, and otherwise affected to the point of geographic isolation; the on-site remnant segment of San Marcos Creek and other features do not appear to share this significant nexus, as described in Sections 4.4 and 6.3 of the Biological Technical Report.</p> <p>O2-76 The comment states the Biological Technical Report’s analysis of wildlife corridors was inadequate. Regarding the analysis of wildlife corridors in the Biological Technical Report, see response to O2-7. The commenter is also referred to the definitions of a wildlife corridor provided in Section 4.5 of the Biological Technical Report. It is false that the site functions as a wildlife corridor by fact that movement and dispersal are taking place. Wildlife would need to be using the site as a narrow corridor to move to and from key off-site habitat areas in order for the site to</p>
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Mr. Everett DeLano, page 3

from open, natural areas located less than 400 feet from the site where they disperse across the property. The report states that "Common birds and mammals might move through the site to forage and during dispersal activities; however, they would not be expected to use the site as a wildlife corridor, linkage, or specific travel route to and from nursery sites (other important resources)." This is a contradictory conclusion based on an acknowledgment that movement and dispersal are taking place, but that the site is not a local wildlife corridor. The fact that movement and dispersal are taking place is, by definition, the function of a wildlife corridor.

16. Sec. 5.0 The Regulatory Framework fails to list the Clean Water Act (Section 404) under the "Biological resources related laws and regulations." This same omission applies to Sec. 5.1 of the report.

17. Sec. 5.2 The report erroneously lists compliance with the Porter-Cologne Water Quality Control Act as the sole requirement of the project with respect to the waste water discharge. While compliance may be relevant, the discussion in the report assumes that Section 401 of the Federal Clean Water Act would not apply to the project based on the incorrect determination that the site supports state waters that are not federal waters.

18. Sec. 6.1 This section begins with conflicting statements. The report discusses "Direct impacts to many of the on-site channels...many of them will be widened and re-established", but then states that the project has been specifically designed to "Avoid and minimize impacts to waters and wetlands..." Widening and re-establishment are not avoidance or minimization. Because the aforementioned channels are clearly Federal waters and State wetlands and waters, impacts are being neither avoided nor minimized.

19. Sec. 6.1 Under the Summary of Project Effects, the report states that impacts to waters and wetlands will be compensated for at a minimum 1:1 ratio. The accepted standard for mitigation to wetlands/waters is 3:1, with 1:1 being re-establishment and 2:1 being rehabilitation or enhancement.

20. Sec. 6.1 The report suggests that the project will "Create a linear preserve composed of riparian and wetland habitat that is biologically superior to the existing condition". The existing condition consists of a wide wildlife corridor that supports a segment of San Marcos Creek. Instead, the project will immediately pinch and narrow this corridor to the point of non-function due to the presence of residences and the edge effects related thereto.

21. Sec. 6.1 The Human Activity and Domestic Pets section suggests that human impacts and pet impacts would be less than significant due to the fact that patrolling and reporting would be provided in perpetuity. This is circular logic. By removing nearly 100% of the vegetation on this site, and significantly increasing human usage by building hundreds of new homes, human and pet affects will be increased to the point where biological features of the site are impacted in a way that is significant and not mitigable.

22. Sec. 6.1 Special-Status Species, Issue 1. This section concludes that no impacts to special-status species are anticipated based on the erroneous conclusion that no special-status species occur on the property.

23. Sec. 6.1 Raptor Foraging. This section concludes that, "in its current state, the project site provides marginal and relatively low quality foraging opportunities for common raptors." This is incorrect. The open nature of the 100-acre grassland, coupled with an abundance of trees and raptor prey items provides high-value raptor habitat, including habitat for special-status raptors.

24. Sec. 6.2 Sensitive Natural Communities. The report states that "...naturalized habitat is largely absent from the site." To the contrary, the site supports contains naturalized open grassland vegetation that supports a diversity of wildlife. Many native Diegan Coastal Sage Scrub species are beginning to recruit onto the site, signaling an eventual return to fully natural conditions.

25. Table 5. This table identifies 0.87 acre of "provided on site mitigation" for impacts to Sensitive Natural Communities (wetlands). This conflicts with the narrative in the subsequent paragraph which identifies 8.08 acres of established/re-established Sensitive Natural Communities over a very narrow 6704-foot stretch of San Marcos Creek.

26. Sec. 6.3 The discussion in this section incorrectly states that the onsite segment of San Marcos Creek, a U.S.G.S. blue-line watercourse, "would not qualify as waters of the U.S. as regulated by the USACE pursuant to CWA Section 404," and that "Therefore, no impacts on federally-protected wetlands would occur." Waters of the U.S. (WUOUS), which are federally-regulated, occur in San Marcos Creek.

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constitute a wildlife corridor. As stated in response to O2-7, existing impediments to wildlife movement occur between the Project site and open space further to the west and northwest. Regardless, there are no additional open space areas in the vicinity for wildlife to move to and from; existing developments occur to the north, south, and east of the Project site. Therefore, there is no off-site habitat for wildlife to move to and from, which by definition, precludes the site from being a wildlife corridor.

O2-77

The comment criticizes the Regulatory Framework list in the Biological Technical Report for failing to describe Section 404 of the CWA. The EIR at page 2.2-6 details the Clean Water Act and applicable sections, including Section 404. Further, as discussed in response to O2-14, the Biological Technical Report and EIR evaluated whether the Project was subject to Section 404. The on-site features were determined to be geographically isolated based on current regulatory guidance provided by the USACE, RWQCB, and CDFW and consequently no subject to a Section 404 permit. Nonetheless, if, during Project permitting, the USACE requires a CWA Section 404 permit, then the Project will comply, as a regulatory requirement, with all terms and conditions of any permit.

O2-78

The comment concerns jurisdictional delineation of waters on site as not subject to federal jurisdiction. See

	<p>responses to O2-14 and O2-17.</p> <p>O2-79 As depicted in Figures 10, 11, and 12 of the Biological Technical Report, impacts to some of the existing waters and wetlands will in fact be avoided; therefore, the statements are not contradictory. The widening and re-establishment requirements are not intended to provide avoidance but will certainly minimize impacts through re-establishing waters and wetlands on site and restore the on-site channels with native riparian and wetland habitat. (EIR, Appendix 2.2-1, page 21.) As detailed in the Biological Technical Report and EIR Chapter 2.2, where impacts cannot be avoided, Mitigation Measure M-BI-2 will reduce impacts to wetland/riparian sensitive natural communities and jurisdictional wetlands and waters to less than significant by satisfying a no-net-loss standard, creating a linear preserve of riparian and wetland habitat that is biologically superior to existing conditions, and ensuring long-term management of these open space areas. (EIR, Appendix 2.2-1, page 22, 26 through 27; EIR pages 2.2-22 through 2.2-24.) See also, response to O2-8.</p> <p>O2-80 The comment states,</p> <p style="padding-left: 40px;">“The accepted standard for mitigation to wetlands/waters is 3:1, with 1:1 being re-establishment and 2:1 being rehabilitation</p>
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	<p>or enhancement.”</p> <p>As detailed in the Biological Technical Report at page 27 and Tables 6 and 7, establish/ re-establish wetlands defined as waters of the State subject to RWQCB jurisdiction will occur at this ratio. See also response to O2-14 and Mitigation Measure M-BI-2.</p> <p>O2-81 The comment concerns alleged wildlife corridor impacts. See response to O2-16 regarding wildlife corridors. See response to O2-14 regarding San Marcos Creek. The Project will not pinch or narrow any corridors because none exist in the Project vicinity. The Project will provide for a superior biological condition compared to the existing condition, which is characterized by an unmaintained former golf course dominated by non-native vegetation. With the implementation of Mitigation Measure M-BI-2, there would be a substantial net gain in wetland/riparian sensitive natural communities on the site and the Project would result in a biologically superior condition compared to the baseline. The total estimated area to be established/re-established, enhanced, and preserved within the Project’s open space is 8.08 acres, which is substantial.</p> <p>O2-82 The comment states concerns human use of the site will result in impacts from humans and pets. The commenter is referred to the complete narrative of the relevant portion</p>
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of Section 6.0 of EIR Appendix 2.2-1, which states:

“Human Activity

The project would introduce new residential uses to the site; however, the site and surrounding areas is already subject to human activity. The project’s contribution is not considerable given the amount of human activity that already exists. If measures aren’t taken to prevent humans from entering sensitive areas within project open space, the activities could result in degradation of habitat and indirect impacts on sensitive species. In addition, illegal dumping of lawn and garden clippings, trash, and other refuse could occur. **The project would protect sensitive areas within open space from unauthorized uses by installing fencing and signage, and actively managing the open space, in perpetuity, including regular patrols and reporting.** Therefore, impacts would be less than significant.

Domestic Pets

Domestic pets (e.g., dogs and cats) may also be brought onto the site as a result of new residential uses. Such introductions

	<p>have potential to harm native wildlife species. However, it is noted that the site is adjacent to existing residential uses and is already subject to use by domestic pets. The project would protect open space with fencing and would actively manage the areas in perpetuity, thereby reducing potential impacts as a result of domestic pets to less than significant” [emphasis added] (EIR Appendix 2.2-1, pages 22 and 23).</p> <p>The comment incorrectly alleges that a less than significant determination is presented based solely on the proposed patrolling and reporting measures. As emphasized here and within Mitigation Measure M-BI-2, the Project open space areas would be protected from human activity and domestic pets through the implementation of several design features and management directives, including permanent fencing, signage, active management, regular patrols, and reporting. The comment further fails to acknowledge that the site and surrounding area has been subject to many years of human activity and domestic pet use under existing use. The Project would not add to the significance of the impact, but rather, would provide for management of protected resources and open space in perpetuity, which would be an improvement over the baseline condition.</p>
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	<p>O2-83 The comment alleges that a conclusion of no impacts on special-status species is made based on a conclusion that no special-status species occur on the property. This is incorrect and not consistent with the narrative in Section 6.1, which states:</p> <p style="padding-left: 40px;">“Special-Status Plant and Wildlife Species</p> <p style="padding-left: 40px;">Special-status plant and wildlife species that are known to the region would not be expected to occur within the project due to general lack of suitable habitat. Therefore, no impacts on special-status species are anticipated.” (EIR Appendix 2.2-1, page 23 [emphasis added].)</p> <p>The conclusion is first that the site lacks suitable habitat to support special-status species. Special-status species would then not be expected to occur because no suitable habitat exists. Therefore, the Project would not impact special-status species.</p> <p>Moreover, though not the basis of the Biological Technical Report’s conclusion, as detailed at Sections 4.2 and 4.3 special status species were not observed on site, further supporting the Report’s conclusion. (EIR Appendix 2.2-1, pages 14 and 15.)</p> <p>O2-84 The comment concerns the evaluation of raptor</p>
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	<p>foraging impacts. See response to O2-13.</p> <p>O2-85 The comment states native Diegan coastal sage scrub species are recruiting on site. Native Diegan coastal sage scrub species were not found to be recruiting onto the site. See Appendix A of the Biological Technical Report for a list of plant species observed. Further, as stated in Section 3.6 of the Biological Technical Report, 40 of the 62 plant species observed (i.e. 65 percent) were non-native. Nothing was evident from the 2016 survey that the site is succeeding to native habitat or otherwise signaling an eventual return to fully natural conditions.</p> <p>Concerning the designation of habitat communities on site, see response to O2-10.</p> <p>O2-86 The comment questions the values in the Biological Technical Report Table 5. The values referenced in the table are correct. Only 0.87 acre of mitigation provided on site is required, although 8.08 acres are being established/re-established. Hence, there will be a surplus of established/re-established habitat not being used as mitigation for this Project’s impacts.</p> <p>O2-87 The commenter disagrees with the Biological Technical Report’s determination waters of the U.S. do not exist on site. This issue is addressed in responses to O2-8 and O2-14.</p>
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Mr. Everett DeLano, page 4

irrespective of its current condition. San Marcos Creek is not an isolated drainage, as discussed previously. See Figures 1 and 2.
 27. Sec. 6.4 The report states that "the project would not substantially interfere with the movement of any wildlife species..." This is incorrect. The loss of a large, functional open foraging area and local wildlife corridor would be a significant and not mitigable impact associated with the project as shown on Figure 12. On-site Conceptual Mitigation Plan

EIR

1. Sec. 2.2.1.1 The EIR states that the Project site is located within the boundaries of the unadopted and unapproved draft Escondido MHCP Subarea Plan, within undesignated land outside of biological core and linkage areas. In spite of the fact that the EIR acknowledges that the Plan was never finished, approved, or implemented, the EIR concludes that the site does not have heightened biological significance apparently based entirely on the unfinished language in that Plan.
2. Sec. 2.2.1.3 The EIR reiterates the discussion from the BTR stating that the site supports no Special Status Animal Species, in spite of the fact that Special Status Species are listed in Appendix B (Animal Species Observed).
3. Sec. 2.2.1.3 Jurisdictional Waters and Wetlands. This EIR section carries forward the same inaccurate information regarding waters of the United States as is presented in the BTR. The onsite segment of San Marcos Creek clearly drains to the Pacific Ocean and does not qualify as "isolated".
4. Sec. 2.2.1.3 Habitat Connectivity and Wildlife Corridors. Again the EIR repeats the same incorrect information as is found in the BTR with respect to wildlife corridor function and use of the site.
5. Sec. 2.2.2.2 The Analysis in this section mirrors the BTR, with the same errors and omissions as are found in that document. Subsection 2.2.2.2 (D) states that "There is no wildlife...on site." This is clearly wrong, as numerous species of wildlife reside on the Project site. Under Subsection 2.2.2 (F), the same flawed reliance on an unfinished and unapproved document (draft Subarea Plan) is used to justify conclusions about softline and hardline preserves, habitat quality, etc. It is further used to state without equivocation, that the effects of Project development will have **no impact** (sic).
6. Sec. 2.2.4. The Significance of Impacts Prior to Mitigation section of the EIR makes conclusions based on flawed analysis. For example, Impact B1-2 states that the Project would impact approximately 0.29 acres of wetland/riparian communities. In reality, the site supports much larger wetland/riparian community numbers. This has implications regarding permitting and the feasibility of the proposed mitigation measures.
7. Sec. 2.2.6. Any determinations in this section relating to the Significance of Impacts After Mitigation need to be based on accurate baseline data, including a concession that the site supports very different biological resources than are described in the BTR and the EIR. The reality is that many of the Project-related impacts to biological resources are likely **Significant and Not Mitigable**. By acknowledging this, the City may then prepare Overriding Findings to legitimately move the project forward.

Thanks for the opportunity to provide this review and critique of the Helix biology report and Helix EIR for The Villages - Escondido Country Club. Please contact me if you have questions.

Very truly yours,


 Vincent N. Scheidt
 Biological Consultant

Attachments: Figure 1. Current (2000) U.S.G.S. Quadrangle Exhibit showing "Blue-Line" Watercourses
 Figure 2. Historic (1897) U.S.G.S. Quadrangle Exhibit showing "Blue-Line" Watercourses
 Preliminary Biology Study - the Escondido Country Club Golf Course Property (2013)

O2-87
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O2-88

O2-89

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O2-88 The comment concerns alleged wildlife corridor impacts. See response to O2-21.

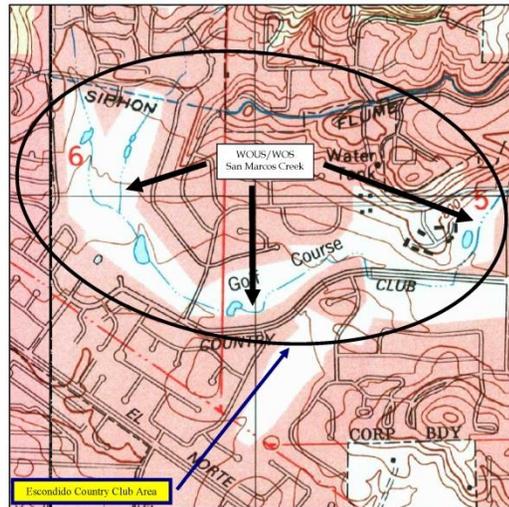
O2-89 While the comment that the Project is located within the boundaries of the "unadopted" and "unapproved" draft Escondido MHCP Subarea Plan within undesignated land outside of biological core and linkage areas is correct. The comment incorrectly alleges, however, that the EIR draws the conclusion the site does not have heightened biological significance based entirely on language in the draft Escondido MHCP Subarea Plan. This is incorrect, the EIR comes to this conclusion based on the findings in the project's Biological Technical Report, which was provided as Appendix 2.2-1 to the EIR. See also response to O2-6 regarding the scope of the draft EIR's discussion of compliance with the draft Escondido Subarea Plan.

O2-90 Special-status species known to the region are not expected to occur on site, as analyzed in Appendix 2.2-1. Further, no special-status species were observed on site. (EIR Appendix 2.2-1, page 15.)

While, as noted in Appendix B of Appendix 2.2-1, four sensitive wildlife species were observed flying over the site or temporarily using the site during 2016 surveys, the EIR concluded that

"[n]one of the special status animal

Figure 1. Portions of the 2000 U.S.G.S. Escondido and San Marcos 7.5' Quadrangles Showing Blue-Line Watercourses and Waters of the US (WOUS) and Waters of the State (WOS) The Villages - Escondido Country Club



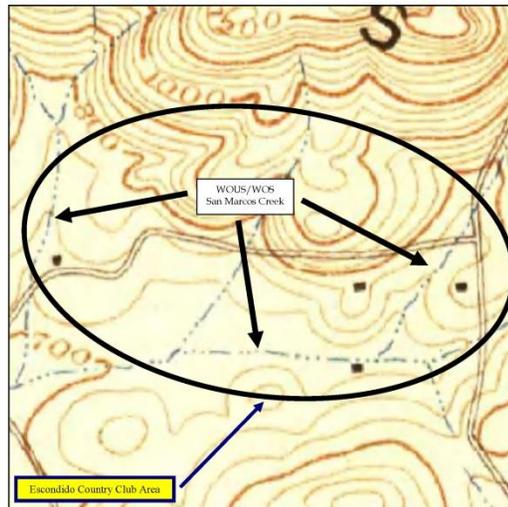
ANNOTATION: San Marcos Creek, shown above as a U.S.G.S. blue-line watercourse, enters the Project site via large culverts on the north and east. The creek then crosses the Project site in a modified form before exiting the site at the south into large culverts which eventually drain into Batiquitos Lagoon and the Pacific Ocean.

species known to the region have a high potential to occur within the site due primarily to the lack of suitable habitat, isolation of the site from undeveloped habitat blocks in the region, and disturbances associated with the highly urbanized setting.” (EIR Appendix 2.2-1, page 15 [emphasis added].)

As detailed in the Biological Technical Report and its Appendix D, no federally or state-listed species or California state species of special concern are likely to use the site on a regular basis or nest on site. However, the EIR acknowledged that several non-listed, sensitive Watch List species, including raptors relatively common to the region, have a low potential to occur on site. (*Id.*)

The EIR concluded impacts to nesting birds and raptors from removal of suitable nesting habitat during the breeding season could occur, but would be mitigated to less than significant through implementation of Mitigation Measure M-BI-1. Impacts to raptor foraging would be less than significant as the Project will incorporate open space elements that will function as foraging habitat for raptors and other species, including perimeter green belt areas and riparian corridors. For further discussion, see response to O2-11.

Figure 1. Portion of the Historic 1897 U.S.G.S. Escondido, California Quadrangle
 Showing Blue-Line Watercourses and Waters of the US (WOUS) and Waters of the State (WOS)
 The Villages - Escondido Country Club



ANNOTATION: San Marcos Creek is shown above in its natural configuration in 1893. This creek has been mapped as a U.S.G.S. blue-line watercourse for many decades. Although the surrounding lands were significantly modified for agricultural use by mid century, then converted to residential use in the second half of the 20th century, the creek continues to essentially follow its historic flowage pattern, crosses the Project site and then exiting the site into large culverts which eventually drain into Batiquitos Lagoon and the Pacific Ocean.

The comment cites no evidence to contradict these determinations of the EIR, and indeed the 2013 study provided by the commenter does not address this issue.

O2-91 The comment concerns jurisdictional wetland delineations. See responses to O2-8 and O2-14.

O2-92 The comment concerns alleged wildlife corridor impacts. See response to O2-16.

O2-93 The comment generally cites objections to the conclusions of the EIR’s analysis of biological impacts relative to wildlife movement and conflicts with the draft Escondido MHCP Subarea Plan. See responses to O2-7 and O2-16 regarding wildlife movement. See responses to O2-6 and O2-29 regarding draft Escondido MHCP Subarea Plan.

O2-94 The comment generally alleges wetland/riparian impacts will be greater than disclosed in the EIR. Impact BI-2 accurately identifies 0.29 acre of impact to the wetland/riparian sensitive natural communities, freshwater marsh, disturbed wetland, and non-native riparian. This is consistent with the findings of the 2016 surveys and Biological Technical Report, as included in Appendix 2.2-1.

The comment provides no supporting information for the allegation that the site supports much larger wetland/riparian community numbers. The comment

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ECCHO
 c/o Mr. Mike Slater, Director
 2065 S. Escondido Blvd, Ste 106
 Escondido, CA 92025

May 29, 2013

RE: Results of a Preliminary Biology Study - the Escondido Country Club Golf Course Property

Dear Mike:

This report documents the results of a preliminary biological resources field study of the Escondido Country Club Golf Course property. You requested this study in response to an application to mass grade the property and build up to 440 new houses with related infrastructure. The study area for this survey consists of the existing golf course located at 1800 Country Club Lane in the City of Escondido (Figure 1). Mass grading and subsequent development as proposed will result in biological impacts, hence the need to assess the proposed project with respect to compliance with the California Environmental Quality Act (CEQA) and related local, state and federal statutes and regulations.

METHODS

We conducted general field reconnaissance survey of the property on the morning of 2 May 2013. Weather conditions were conducive to field surveying, with clear skies, temperatures in the high 70's, and no appreciable wind. All areas of the site were inspected, and photographs and notes were assembled to document conditions as we observed them. A recent aerial photograph of the site assisted in defining biologically-sensitive areas.

RESULTS

The Escondido Country Club Golf Course property supports turf, structures, mature landscaping, and several well-defined to poorly-defined watercourses. Most of the vegetation onsite is associated with long-term golf course use, including mature trees, shrubs, and groundcovers. Wetland areas support native hydrophytes, including willows, sedges, cattails, and many others.

Wetlands

As mentioned, the site supports several watercourses. These are illustrated in Figure 2. Some of these are well-defined, supporting a diversity of native species. The well-defined drainages are generally located along the edges of the course. More poorly-defined watercourses run through the middle areas of the golf course where they have been significantly modified and realigned. These are actively manicured as part of the golf play area. The native plants associated with these central drainage areas are lower and support a mixture of upland and wetland species. Also present are several ponds that support wildlife, including raptors such as Osprey (*Pandion haliaetus*) as well as drinking areas for local small mammals. Most of the areas mapped in Figure 2 qualify as jurisdictional wetlands, subject to regulation by various state and federal authorities, including the California Department of Fish and Wildlife, the U.S. Army Corps of Engineers, the California Regional Water Quality Control Board, and others. All of these agencies

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further confuses sensitive natural communities with jurisdictional waters and wetlands. Man-made drainage features and basins not considered to be sensitive natural communities, but that meet the criteria to be considered jurisdictional waters (e.g., man-made concrete channel, earthen channel, basin/pond) are positively included as Impact BI-3, which identifies approximately 2.56 acres of impact. The EIR accurately discloses and adopts mitigation for wetland/riparian impacts.

O2-95

The comment generally alleges the environmental baseline is not accurate and that impacts to biological resources are not mitigable. The determinations in the EIR are based on accurate baseline data obtained during 2016 surveys and documented in Appendix 2.2-1. The comment provides no evidence of the site supporting significantly different biological resources than are described in the EIR and Appendix 2.2-1. The comment also provides no details as to which impacts are allegedly “Significant and Not Mitigable.” As no issue is raised concerning any specific analysis, impact, or mitigation measure, no more specific response can be provided. As detailed in the EIR, as impacts have been reduced to less than significant, the Project will not require preparation of Overriding Findings for biological resources.

O2-96

The City acknowledges the comment and notes it

Mr. Mike Slater, page 2

recommend avoiding wetland impacts, including impacts to U.S.G.S. "blue-line" drainages to the extent feasible. In this case, residential development of this land will either eliminate the wetlands present on this property, or severely restrict them by eliminating buffers and reducing biological values, particularly values associated with open space wildlife foraging areas, which are scarce in this part of the City of Escondido. Where wetland impacts are unavoidable, mitigation at a 3:1 ratio is typically required. This mitigation is developed through the City in consultation with the aforementioned agencies. Separate permitting actions are required from the agencies, including Clean Water Act 404/401 permits and a CFGC 1600-Series Streambed Alteration Agreement from the California Department of Fish and Wildlife accompanied by a comprehensive mitigation package.

One alternative to housing that would avoid the losses of wetlands and upland values associated with this large, open property would be the development of a formal mitigation bank to restore the historical drainages and provide open, foraging habitat for local raptors. Figure 3 illustrates this in concept. Turf could be removed and a well-developed riparian forest could be established in its place. This would improve water quality, including groundwater, and provide a very significant source of income for the property owners. It would also be consistent with the City's designation of this property as open space.

Thanks for the opportunity to provide this preliminary analysis. Please contact me if you have questions.

Very truly yours,



Vincent N. Scheidt
Biological Consultant

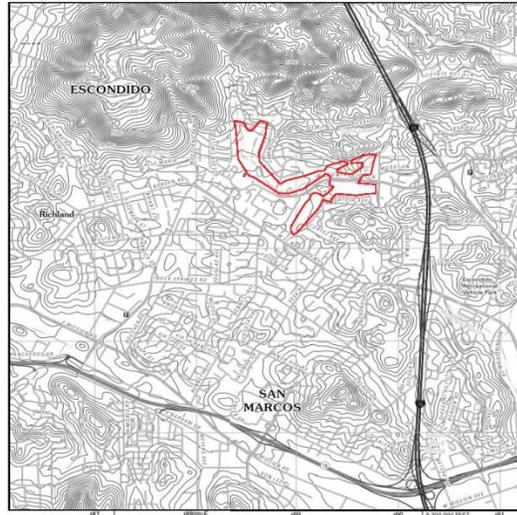
Attachments: Figure 1. Regional Location
Figure 2. U.S.G.S. "Blue-Line" Watercourses
Figure 3. Potential Habitat Restoration Area
Annotated Site Photos

provides concluding remarks that do not raise new or additional environmental issues concerning the adequacy of the EIR.

References

- 14 CCR 15000–15387 and Appendices A–L. Guidelines for Implementation of the California Environmental Quality Act, as amended.
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- Chaparral Greens v. City of Chula Vista*. 1996. 50 Cal.App.4th 1134, 1146–1147.
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Figure 1. Regional Location - Escondido Country Club Golf Course
Portions of the U.S.G.S. "Escondido" and "San Marcos" 7.5' Quadrangles



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Marin Municipal Water District v. KG Land Cal. Corp. 1991. 235 Cal.App.3d 1652, 1666.

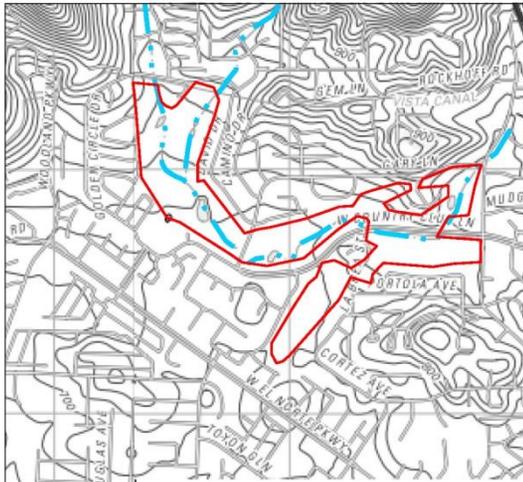
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Figure 2. U.S.G.S. "Blue-Line" Watercourses - Escondido Country Club Golf Course



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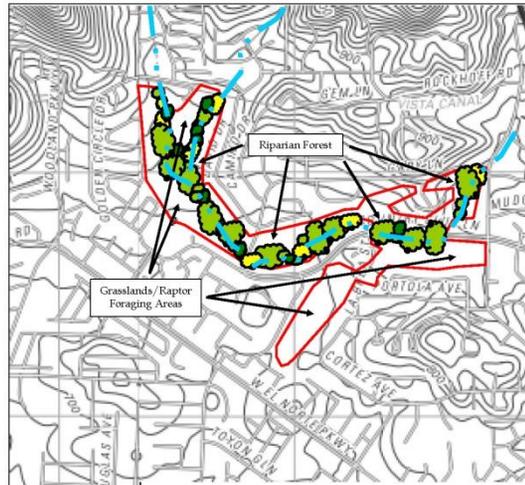
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Figure 4. Potential Habitat Creation Areas – Escondido Country Club Golf Course



Annotated Site Photos - Escondido Country Club Golf Course

Photo 1. Well-vegetated watercourse running parallel to Country Club Lane. The removal of turf and the adjacent cart path (visible on right side of image) would allow for the creation of a broad band of well-vegetated riparian forest in this area.



Photo 2. Disturbed and channelized watercourse running across the golf course. The watercourse in this area has been diverted from its natural flow pattern and channelized in concrete. This area is ideal for wetlands habitat creation.



Photo 3. Manicured watercourse running through the golf course. This area would be easy to restore to viable riparian forest habitat by removing turf and replanting the area with native willows, cottonwoods, and sycamores.



Photo 4. Alluvium deposit where the watercourse enters the golf course property. Substantial flows enter the property during rain events, resulting in sand deposition and extensive clean-up efforts.



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