

## **Attachment N – CEQA Findings**

**FINDINGS REGARDING SIGNIFICANT  
EFFECTS PURSUANT TO STATE CEQA  
GUIDELINES SECTIONS 15090, 15091, 15093, and  
15088.5**

**HARMONY GROVE VILLAGE SOUTH SPECIFIC PLAN**

**PDS2015-GPA-15-002 (GPA); PDS2015-SP-15-002 (SP); PDS2015-REZ-15-003 (REZ);  
PDS2018-TM-5626 (TM); - PDS2018-STP-18-011, PDS2015-ER-15-08-006 (ER)**

**SCH No. 2015081071**

**July 2025**

## **CEQA FINDINGS CONCERNING MITIGATION OF SIGNIFICANT EFFECTS**

The following Findings are made for the proposed Harmony Grove Village South Project (Proposed Project, or Project) based on consideration of the alternatives, project objectives, project benefits, environmental impacts, and numerous other factors within the record of proceedings as described below.

### **Procedural History**

The Project Draft Environmental Impact Report (DEIR) was circulated for public review from April 20 to June 20, 2017, with recirculation (Revised DEIR, RDEIR) of the Project Greenhouse Gas (GHG) information from February 20 through April 9, 2018. The County BOS approved entitlements for the Project and certified the Project's FEIR (also referred to as the "2018 FEIR") on July 25, 2018. After several years of litigation, the California Court of Appeal, Fourth Appellate District, Division One found that the 2018 FEIR complied with California Environmental Quality Act (CEQA) except for one issue related to its GHG mitigation measure (Elfin Forest Harmony Grove Town Council et al. v. County of San Diego and RCS, 37-2018-00042927), and in a separate and related case that the Project's Greenhouse Gas (GHG) mitigation measure was insufficient to satisfy the California Environmental Quality Act (CEQA) (Sierra Club v. County of San Diego, 37-2018-00043084.). On October 19, 2022, the trial court issued a revised order ("Revised Order") requiring the County to rescind the Project's entitlements and the 2018 FEIR based on the Appellate decisions. On December 14, 2022, the Board adopted a resolution to comply with the lower court's Revised Order. The County relied on its technical expertise, and information that includes the previous record expert memos, technical reports, and the information provided in the response to comments for its conclusion that recirculation of the entire 2018 FEIR is not required and its determination that most of the changes fall within the scope of the initial environmental review of the 2018 FEIR. Therefore, the County corrected (and recirculated) the portion of the document that was not compliant with CEQA. The 2024 recirculated GHG section wholly replaced 2018 FEIR Subchapter 2.7 and is included in this FEIR; similarly, technical documents included in the 2024 recirculation replace and augment analogous 2018 documents. All other sections of the 2018 FEIR, including the documents specifically described below, are incorporated into and comprise the 2025 Final EIR (FEIR).

### **Record of Proceedings**

For the purposes of CEQA and the findings contained herein, the record of administrative proceedings for the County's decision concerning certification of the FEIR for the Project shall include, but is not limited to, the following documents:

- The DEIR and 2018 FEIR including comments and responses to them received during 2017-2018 and 2024 public circulation periods comprising the 2025 FEIR; including Chapter 7.0, List of Mitigation Measures and Project Design Features; and the Appendices to the FEIR;
- The Notice of Preparation and all other public notices issued by the County in conjunction with the Proposed Project;
- Documents and other materials listed as references and/or incorporated by reference in the DEIR, and FEIR documents, and appendices thereto;
- Findings and resolutions adopted by the County in connection with the Project;
- All documents cited or referred to in the DEIR, FEIR documents, and appendices thereto ;
- Reports, studies, memoranda, maps, staff reports, or other publicly available planning documents relating to the Project prepared by County staff and consultants to the Applicant or County;

- Documents and other materials submitted to the County by other public agencies or members of the public in connection with the Project through the close of the public hearing at which the project was approved;
- The minutes, recordings, and transcripts of public hearings held by the County concerning the FEIR DEIR, 2018 FEIR, 2025 FEIR, and the Project;
- Documents or other materials submitted to the County at the public hearings concerning the Project;
- Matters of common knowledge to the County;
- Documents expressly cited or referenced in these findings, in addition to those cited above; and
- Other materials required to be included in the record of proceedings by California Public Resources Code § 21167.6(e).

The documents and materials that constitute the record of administrative proceedings are maintained by the County's Planning and Development Services, Project Processing Center, 5510 Overland Avenue Suite 310, San Diego, California, 92123, located at Suite 110.

The environmental effects of the Proposed Project are addressed in the 2025 FEIR.

Pursuant to Section 15132 of the State CEQA Guidelines, the FEIR prepared for the Proposed Project consists of:

- The DEIR; comment letters received on the DEIR; comment letters received on the recirculated Subchapters 2.7 in 2018 and 2024, and associated documents, lists of persons, organizations and public agencies commenting on the documents; and responses to comments and other information provided by the lead agency; and
- A series of 24 volumes containing 24 Technical Appendices to the FEIR.

The FEIR evaluates potentially significant effects for the following environmental areas of potential concern: (1) Aesthetics; (2) Transportation/Traffic; (3) Biological Resources; (4) Cultural Resources and Tribal Cultural Resources; (5) Noise; (6) Air Quality; (7) Greenhouse Gas Emissions (8) Energy; (9) Geology and Soils; (10) Hazards and Hazardous Materials; (11) Hydrology/Water Quality; (12) Land Use and Planning; (13) Paleontological Resources; (14) Population and Housing; (15) Public Services; (16) Recreation; and (17) Utilities and Service Systems. Of these 17 environmental subject areas, the FEIR concludes that Energy, Geology and Soils, Hazards and Hazardous Materials, Hydrology/Water Quality, Land Use and Planning, Paleontological Resources, Population and Housing, Public Services, Recreation, and Utilities and Service Systems will not result in potentially significant impacts. The first seven environmental issues evaluated include potential significant impacts.

CEQA (California Public Resources Code §21000 *et seq.*) and the State CEQA Guidelines (Title 14, California Code of Regulations, §15000 *et seq.*) require that no public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

- (1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effects on the environment;

- (2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been or can or should be adopted by that other agency; or
- (3) Specific economic, legal, social, technological, or other considerations, make infeasible the mitigation measures or alternatives identified in the EIR (CEQA §21081[a]; Guidelines §15091[a]).

For each significant effect identified for the Proposed Project, one of the above three findings applies. Therefore, the discussion of significant impacts and, where possible, mitigation measures, are organized below by finding rather than by environmental subject area. These findings are explained below and supported by substantial evidence in the record of these proceedings as described herein.

Excluding short-term impacts to Aesthetics, all of the identified impacts have potential mitigation identified that would be implemented by the County or required to be implemented by other identified CEQA lead agencies, and are addressed in Sections A and B of these Findings. For the impacts which are within the jurisdiction of another agency, and therefore identified as significant and unmitigated in Section B, as well as the unavoidable short-term aesthetics impact addressed in Section C, a statement of overriding considerations is provided.

These findings incorporate the adoption of the Off-Site Sewer Alternative, which entails the connection to the Harmony Grove Village (HGV) Water Reclamation Facility (WRF). The project would therefore not require a Major Use Permit (MUP) to construct and operate an on-site Wastewater Treatment and Water Reclamation Facility (WTWRF). An MUP would require a separate discretionary action, which would require subsequent approval from the County (either the Planning Commission or Board of Supervisors). Should the project be served by the Rincon Del Diablo Municipal Water District (Rincon MWD) for sewer service, and the connection to the HGV WRF occur, the above noted MUP shall become null and void.

The project would instead require annexation into a sewer district with ability to serve the Project, as described in Chapter 1.0 of the Final EIR. The off-site sewer alternative was fully analyzed within the Alternatives chapter (Chapter 4.0) of the Final EIR. HGV's facility is located at the northeast corner of Harmony Grove Road and Country Club Drive, only approximately 550 feet north of the Project's northern boundary. The existing HGV WRF could be used to serve the Proposed Project if actual use rates at the HGV WRF demonstrate that it could accommodate the flows from both the Proposed Project and HGV as it is currently built. There are two conditions under which the HGV South wastewater flows could be accommodated by the existing HGV WRF:

- Scenario A: The original design of the plant is based on an estimate of future flows. If these flows turn out to be lower than the original estimate based on actual use rates, there may be additional permitted capacity for accommodation of HGV South flows.
- Scenario B: Based on the ability of the facility to treat the flows received, it may become apparent that the WRF as designed could appropriately and safely handle additional flows, and the permit could be updated to specify that the plant has increased capacity.

In order to utilize the same wastewater treatment facility, HGV South would either annex into HGV's existing community financing district or establish another financing mechanism that would provide additional funding to support the services required for HGV and this project. An 8-inch gravity-flow pipeline would be extended from the Project within Country Club Drive to Harmony Grove Road. The lines would cross Escondido Creek via installation into a bridge structure to be built commensurate with the Project. Incorporation into the bridge structure would occur from pavement on either side of the bridge, and would not require entry into the drainage.

At the junction of Country Club Drive with Harmony Grove Road, the lines would turn west to the HGV pump station, all within Harmony Grove Road and Country Club Drive road sections, and sited between two existing force main sewer lines in Harmony Grove Road. The construction period would require excavation and installation within existing roadbed followed by re-cover of the pipeline and removal of any excess soil along the pipeline right-of-way. Construction activities would move along the right-of-way (cut, install, cover) as installation occurs. The HGV pump station was designed for 500 gpm. The existing emergency generator is also considered large enough to accommodate any additional Project flow. No changes are proposed to the emergency generator at the pump station. From the existing HGV pump station, an existing redundant system (two force mains, only one of which would be active at any one time) extending from the pump station within Harmony Grove Road to Country Club Drive and then northerly along Country Club Drive to enter the Harmony Grove WRF on the east side of Country Club Drive would be utilized.

Approximately 8,127,000 gallons of wet weather storage may be needed. This storage would be provided through use of the on-site storage proposed for the Project. Alternatively, other scenarios could be explored in the future, as appropriate, such as expanding the existing wet weather storage on HGV, or it could be on another site. The existing storage utilized by the HGV is a reconditioned quarry modified for use as a reservoir. The reservoir is designed to hold 84 days of recycled water from the HGV project. It is likely that reassessment of the reservoir would allow for additional storage as only a portion of the available volume available in the reconditioned quarry will be utilized by that project. If that facility is used, the emergency outflow outlet would be raised through use of a riser pipe. This pipe would be located within the existing reservoir footprint and would not expand the horizontal footprint. It is possible that this would also require an amendment to the permit or a permit from the California Division of Dams. As noted, storage also could be provided at other facilities as deemed necessary by Rincon MWD.

## Section A

### **Potentially Significant Impacts where Mitigation is Available to Reduce Impacts to Less Than Significant (CEQA Guidelines Section 15091[A][1])**

Pursuant to Section 21081(A) of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the County of San Diego Board of Supervisors finds that for each of the following significant effects as identified in the FEIR, changes or alterations (mitigation measures) have been required in, or incorporated into, the Proposed Project which avoid or substantially lessen each of the significant environmental effects as identified in the FEIR. The significant effects (impacts) and mitigation measures are stated fully in the FEIR. The following section identifies all issue areas in the FEIR for which changes or alterations (mitigation measures) have been required in, or incorporated into, the Proposed Project which avoid or substantially lessen each of the significant environmental effects as identified in the FEIR. The rationale for this finding follows each impact and mitigation summary.

Where project design features (PDFs) have been incorporated into the Project prior to environmental analysis, they have been specifically incorporated into both Table 1-2, *Project Design Features*, and in Chapter 7.0, *List of Mitigation Measures and Design Features*, of the EIR. Each of the mitigation measures and design features identified in Chapter 7.0 are ensured of implementation. Both mitigation measures and PDFs are made binding upon the Applicant as conditions of project approval that are carried over onto Project plans (e.g., construction specifications or building permit checks), and require sign-off from County staff prior to approval of specified plans or issuance of specified permits.

As noted in the EIR, some PDFs lower potential Proposed Project effects to less than significant levels, some PDFs lower impacts but not to less than significant levels (with mitigation measures still required and proposed), and some impacts are significant and unmitigable even with both PDFs and mitigation measures.

The Off-Site Sewer Alternative, which would replace the on-site WTWRF, would be expected to result in generally similar impacts to those described for the Proposed Project when combined with the residentially related portions of the Project. Specifically, this would include potentially significant and unmitigable impacts related to aesthetics, traffic and air quality, as well as significant (or potentially significant) but mitigated impacts for the issues of aesthetics, biological resources, cultural resources, noise, and transportation/traffic. Potential operational impacts identified for noise associated with operation of the WTWRF, and non-native grassland impacts, would be eliminated under the Off-Site Sewer Alternative.

The following discussions present the identified impact assuming PDFs, proposed mitigation measures, and rationale for why the mitigation measure will be effective for each impact. At the end of the technical topic, there are two additional categories of information; PDFs applicable to the overall topic (for Aesthetics, Transportation/Traffic, Biological Resources, Noise, Air Quality and GHGs), and summary of Evidence Supporting CEQA Findings citations for all topics.

#### **AESTHETICS**

**Significant Effect – Impact AE-1:** Landform modification associated with blasting/rock breaking is expected to result in newly exposed rocks and horizontal drainage features across cut slope that would contrast with the adjoining natural hillsides and would be visible from existing and planned trails on and off site.

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

**Project Design Features:** The Project has incorporated the following PDFs, that have been specified for the Project, as more fully described in Table 1-2 and Chapter 7.0: Final landscape (including specified container/box sizes and timing of installation), a Project footprint consistent with TM 5600, grading shall be implemented as designed and will follow the general rise and fall in existing topography, incorporation of open space corridors and parks, set aside of biological open space, trails/pathways with equestrian fencing and/or landscaping as specified, varied roofline elements, restriction of non-habitable roofline elements to no more than five percent, use of dark roofs, screening of trash dumpsters/compactors/receptacles, screening of rooftop equipment where distinguishable, use of varied exterior building materials, use of architectural elements to reduce apparent size, bulk and scale of buildings; and lighting and signage specifications. Implementation of the PDFs is binding on the Applicant as discussed above. Permit issuance is conditioned upon completion of the PDFs.

**Mitigation Measure M-AE-1:** This mitigation measure specified in the FEIR has been imposed upon the Project as a condition of approval. To the extent that newly exposed rocks or drainage features contrast with weathered natural rock on the same slope face, exposed newly cut rocks and horizontal drainage features shall be stained in earth tones (through spraying or dripping onto fresh rock face) to soften their contrast on Project cut slopes. If the County landscape architect does not identify contrast requiring mitigation following grading, no staining shall be required. Where staining of rock is required, it shall occur following grading, during slope landscape installation and prior to building permits, and shall be in colors that match the surrounding rock. Application of stain shall be overseen by a qualified expert. Before staining, several test sections will be completed on the rock cut to determine the type of stain that will create the best match with the surrounding rock (i.e., pigmented stains, or creation of new color by leaching minerals from the rock or through photo-reactivity). The slope shall be dry and all loose material and vegetation shall be removed before stain is applied. If necessary, the slope face will be pressure-washed to remove fine-grained particles that could inhibit the stain penetration. Horizontal hillside drainage features will contain color-integrated cement as part of the installation.

**Rationale:** Impacts to manufactured slopes with exposed broken rock and horizontal drainage features would be mitigated to less than significant because, with the staining of newly broken and visible rock/incorporation of color into horizontal drainage features, viewers would observe manufactured slopes that appear more similar to nearby slopes with natural weathered rock.

Rock staining is an effective and cost-efficient method of blending the color of fresh or faintly weathered excavated rock faces with that of the surrounding natural rock faces; enhancing both the short- and long-range perspectives. Rock staining products, which are sprayed or dripped onto the fresh rock face, can bring the cut rock to its natural, weathered color within weeks. It is noted that not every stain is compatible with all types of rock, and the final color depends on stain concentration and formulation. As required in the mitigation measure, before staining, test sections would be completed on the rock cut to determine the type of stain that would create the best match with the surrounding rock. Several coats of stain may be required if the fresh and weathered faces look very different. At conclusion, newly cut rock will blend with weathered areas.

**Evidence Supporting CEQA Findings:** Substantial evidence to support the finding that Impact AE-1 would be reduced to less than significant levels with the implementation of mitigation, as well as that other potential visual effects would be reduced to less than significant levels with the implementation of Project design features, is found within the administrative record of proceedings pertaining to this FEIR; including responses to comments, technical studies and EIR, which are hereby incorporated by reference. Without limitation, please refer to the following documents:

- FEIR Chapter 1.0, and Table 1-2

- FEIR Subchapter 2.1, Sections 2.1.1, 2.1.2, 2.1.3, 2.1.4, 2.1.5 and 2.1.6
- FEIR Chapter 7.0, Sections 7.1.1, 7.2.1 and 7.2.2
- FEIR Appendix B, Visual Impact Analysis
- FEIR Appendix C, Resource Protection Study Steep Slope Waiver

## TRANSPORTATION/TRAFFIC

**Significant Effects** - The Project would result in significant but mitigable impacts related to the level of service (LOS) of several intersections and/or roadway segments, Impacts TR-2a through TR-7 and TR-10, as described below.

**Project Design Features:** Traffic-related PDFs also have been incorporated into the Project. These include preparation and approval of a Traffic Control Plan for use during construction, and operational design features related to implementation of bicycle spaces conforming to County Zoning Ordinance standards as well as widening Country Club Drive similar to a “Public Enhanced Residential Collector” by including three minimum 12-feet lanes. Absent these design features, construction and operation impacts could be significant. The PDFs are included as Project conditions, and implementation is ensured as discussed above. Permit issuance is conditioned upon completion of the PDFs. The Traffic Control Plan PDF applies to all off-site roadways with Project improvements.

**Significant Effect - Impact TR-2a and 2b:** Under Existing Plus Project and Existing Plus Cumulative Plus Project conditions, significant direct (LOS D to LOS F) and cumulative impacts (LOS D to LOS F) would occur at the Country Club Drive/Harmony Grove Road intersection (LOS F during the p.m. peak hour).

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

**M-TR-2a and 2b:** This mitigation measure specified in the FEIR has been imposed upon the Project as a condition of approval. Prior to occupancy of 23 Project units, the Project shall widen the northbound approach of Country Club Drive to Harmony Grove Road to provide one left-turn, one through lane, and one dedicated right-turn lane with an overlap phase in order to mitigate this direct and cumulative impact to the Harmony Grove Road Country Club intersection. In addition, the Project shall make a payment toward the County of San Diego Transportation Impact Fee (TIF) Program.

**Rationale:** To mitigate the direct impact, the northbound approach would be widened to provide left- and right turn lanes (as well as through lanes). The implementation of the direct improvements would occur prior to occupancy of 23 Project units, thereby reducing Project effects on the intersection to less than significant levels, as well as the cumulative effect.

Mitigation for cumulative traffic impacts requires participation in the Transportation Impact Fee (TIF) program. The County Board of Supervisors adopted the TIF ordinance, specifically designed to address cumulative issues (i.e., incremental Project effects which, when combined with the incremental adverse effects of other area-wide projects, reach a level of impact requiring mitigation). The TIF program provides a mechanism for the County to obtain funding to mitigate anticipated cumulative transportation/circulation impacts, by requiring payment of an impact fee designated in the ordinance. It identifies transportation facilities needed to address cumulative impacts within designated areas of the County (TIF Areas) and then provides for payment of fees to cover a project’s “fair share” of the cost. TIF fees are segregated by TIF

Area, Region, State Highway, and Ramps, and are used to help fund transportation improvements within those identified locations.

The TIF program covers all cumulative impacts within the unincorporated area for General Plan conforming projects to support adequate circulation through Year 2030. The TIF is paid at time of building permit issuance; with funds collected from projects coming on line in order to collect fees to cover costs of those improvements when implemented. Because the TIF Program was designed to address cumulative concerns and the associated appropriate payment for specified improvements, participation in the TIF Program constitutes effective and adequate mitigation for Project cumulative impacts when the facility needed to address the impact is identified as a “TIF-eligible Facility” in the 2012 *County of San Diego TIF Transportation Needs Assessment Report*.

The County last updated the TIF Program in December 2012. The Board of Supervisors regularly approves the County’s TIF Program updates. Because the Project (and other projects approved since 2012) proposes a GPA, an update to the TIF program to cover the changes in land use will occur. The Project will be required to contribute funding on a fair-share basis toward an update to the TIF program to include the Project and its increased density.

As noted above, the required improvements addressing the direct impact would lessen the cumulative effect. In addition, Project payment into the TIF Program will reduce cumulative effects to a less than significant level by supporting County regional road improvements as needed.

**Significant Effect - Impact TR-3:** Under Existing Plus Cumulative Plus Project conditions, significant cumulative impacts (LOS D to LOS E) would occur along Country Club Drive from Hill Valley Drive to Kauana Loa Drive (LOS E).

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

**M-TR-3:** This mitigation measure specified in the FEIR has been imposed upon the Project as a condition of approval. Prior to occupancy of 80 Project units, the Project shall widen Country Club Drive at the Country Club Drive/Eden Valley Lane intersection to provide a dedicated northbound left-turn lane onto Eden Valley Lane.

**Rationale:** The provision of the left-turn lane at the Country Club Drive/Eden Valley Lane intersection would provide a refuge lane for left-turning vehicles. This would improve the flow of northbound through traffic on Country Club Drive between Hill Valley Drive and Kauana Loa Drive, and reduce the potential for vehicular conflict due to the slowing of northbound traffic. Implementation of this mitigation measure is expected to reduce this cumulative impact to less than significant.

**Significant Effect - Impact TR-4:** Under Existing Plus Cumulative Plus Project conditions, significant cumulative impacts (LOS D to E) would occur along Harmony Grove Road from Country Club Drive to Harmony Grove Village Parkway (LOS E).

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

**M-TR-4:** This mitigation measure specified in the FEIR has been imposed upon the Project as a condition of approval. The Project shall make a payment toward the County of San Diego TIF program to address cumulative impacts to the segment of Harmony Grove Road between Country Club Drive and Harmony Grove Village Parkway.

**Rationale:** Please refer to general TIF Program information provided under the Rationale for Impacts TR-2a and 2b. This segment is a TIF-eligible facility. Project impacts for this segment will be addressed through payment toward the County TIF Program, which will mitigate the cumulative impact at these locations to below a level of significance.

**Significant Effect - Impact TR-5:** Under Existing Plus Cumulative Plus Project conditions, significant cumulative impacts (LOS D to LOS E) would occur along Harmony Grove Road from Harmony Grove Village Parkway to Kauana Loa Drive (LOS E)

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

**M-TR-5:** This mitigation measure specified in the FEIR has been imposed upon the Project as a condition of approval. The Project shall make a payment toward the County of San Diego TIF program to address cumulative impacts to the segment of Harmony Grove Road between Harmony Grove Village Parkway and Kauana Loa Drive.

**Rationale:** Please refer to general TIF Program information provided under the Rationale for Impacts TR-2a and 2b. This segment is a TIF-eligible facility. Project impacts for this segment will be addressed through payment toward the County TIF Program, which will mitigate the cumulative impact at these locations to below a level of significance.

**Significant Effect - Impact TR-6:** Under Existing Plus Cumulative Plus Project conditions, significant cumulative impacts (LOS F and would continue LOS F) would occur along Harmony Grove Road from Kauana Loa Drive to Enterprise Street (LOS F).

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

**M-TR-6:** This mitigation measure specified in the FEIR has been imposed upon the Project as a condition of approval. Project payment toward the County of San Diego TIF program as part of mitigation provided under M-TR-10, below, will mitigate impacts to this segment of Harmony Grove Road between Kauana Loa Drive and Enterprise Street.

**Rationale:** Harmony Grove Road between Kauana Loa Drive and Enterprise Street is not a part of the General Plan roadway network and is an unclassified roadway on the Mobility Element. Therefore, it does not have any planned improvements beyond its existing configuration.

Regardless, the segment is bound by two intersections, Harmony Grove Road/Kauana Loa Drive in the County and Harmony Grove Road/Enterprise Street in Escondido. The County intersection (Harmony Grove Road/Kauana Loa Drive) is located within the portion of Harmony Grove Road that is classified as a TIF-eligible facility (Harmony Grove Road from Harmony Grove Village Parkway to Kauana Loa Drive). Therefore, the TIF payment for TR-10 will improve this intersection as part of the TIF eligible facility upgrades associated with segment improvements. This would improve traffic flow through the intersection, thereby easing congestion on the adjacent segments. In other words, implementation of mitigation measure M-TR-10 would also reduce this cumulative impact to less than significant.

**Significant Effect - Impact TR-7:** Under Existing Plus Cumulative Plus Project conditions, significant cumulative impacts (LOS D to LOS E) would occur along Harmony Grove Village Parkway from Harmony Grove Road to Citracado Parkway (LOS E).

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

**M-TR-7:** This mitigation measure specified in the FEIR has been imposed upon the Project as a condition of approval. Prior to occupancy of 135 Project units, the Project shall provide a northbound to eastbound right-turn overlap phase at the Harmony Grove Road/Harmony Grove Village Parkway signalized intersection.

**Rationale:** Harmony Grove Village Parkway from Harmony Grove Village Road to Citracado Parkway segment is currently built to Community Collector standards providing 16,200 ADT of capacity. It is classified in the Mobility Element to be improved to a Community Collector providing additional capacity to 19,000 ADT, but the segment is not currently included as a TIF-eligible facility.

The segment is bound by two intersections: Harmony Grove Road/Harmony Grove Village Parkway in the County and Avenida Del Diablo/Citracado Parkway in Escondido. Both of these intersections are calculated to operate at LOS C or better during peak hours through cumulative project traffic volumes. As such, this segment also would be expected to operate at correspondingly acceptable LOS. Nonetheless, the cumulative contribution exceeds the County's threshold and a cumulative impact is identified.

Even though the intersection at Harmony Grove Road/Harmony Grove Village Parkway is calculated to operate at LOS C or better during peak hours with both Project and cumulative project traffic volumes, the construction of the northbound to eastbound right-turn overlap phase at this intersection would provide additional improvements to both a.m. and p.m. peak hour delays by 1.3 and 2.1 seconds, respectively. Where intersections operate at acceptable LOS, their adjoining segments also operate at acceptable LOS because the intersections control the system. Considering that the adjacent intersections currently operate acceptably, the intersection improvements would reduce this cumulative impact to less than significant.

**Significant Effect - Impact TR-10:** Under Existing Plus Cumulative Plus Project conditions, significant cumulative impacts (LOS D both a.m. and p.m. to LOS E and F, respectively) would occur at the Harmony Grove Road/Kauana Loa Drive unsignalized intersection (LOS E and F during the a.m. and p.m. peak hours, respectively).

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

**M-TR-10:** This mitigation measure specified in the FEIR has been imposed upon the Project as a condition of approval. The Project shall make a payment toward the County of San Diego TIF program to address cumulative impacts to the Harmony Grove Road/Kauana Loa Drive unsignalized intersection.

**Rationale:** Please refer to general TIF Program information provided under the Rationale for Impacts TR-2a and 2b. This intersection is located within the portion of Harmony Grove Road (between Harmony Grove Village Parkway and Kauana Loa Drive) that is classified as a TIF-eligible facility and improvements to the intersection would occur as a result of upgrading the Harmony Grove Road segment that terminates at this intersection. Therefore, payment toward the County TIF program would mitigate this cumulative intersection impact to below a level of significance.

**Evidence Supporting CEQA Findings:** Substantial evidence to support the finding that Impacts TR-2a through TR-7 and TR-10 would be reduced to less than significant levels with the implementation of mitigation, as well as that other potential traffic effects would be reduced to less than significant levels with the implementation of Project design features, is found within the administrative record pertaining to this FEIR; including responses to comments, technical studies and EIR, which are hereby incorporated by reference. Without limitation, please refer to the following documents:

- FEIR Chapter 1.0 and Table 1-2
- FEIR Subchapter 2.2, Sections 2.2.1, 2.2.2, 2.2.3, 2.2.4, 2.2.5, 2.2.6 and 2.2.7
- FEIR Chapter 7.0, Sections 7.1.2 and 7.2.3
- FEIR Appendix D, Traffic Impact Analysis

## C. BIOLOGICAL RESOURCES

**Significant Effects:** The Project would result in significant but mitigable impacts to sensitive biological resources, Impacts BI-1a through BI-9, as detailed below.

**Project Design Features:** A number of routine construction PDFs are incorporated into the Project. These relate to installation of construction fencing to restrict construction personnel and equipment movements from sensitive habitat during construction; brushing, clearing and grading timing and location restrictions during the avian breeding season; compliance with wet weather grading restrictions, and conformance of Project landscaping installation to the Conceptual Landscape Plan, species and spacing, as well as monitoring biologist approval of hydroseed mix. Without these PDFs, construction impacts would have been significant. Implementation of the PDFs is ensured as discussed above. Permit issuance is conditioned upon completion of the PDFs.

Similarly, a number of routine operation PDFs in accordance with County requirements are incorporated into the Project. These include a 200-foot buffer between Resource Protection Ordinance protected riparian areas and proposed residential/commercial/recreational vertical development, separation of BOS and development areas through signed fencing, and surrounding BOS with limited building zones (LBZs) without any structures. Without these PDFs, operational impacts would have been significant. Implementation of the PDFs is ensured as discussed above. Permit issuance is conditioned upon completion of the PDFs.

These PDFs apply to all biological evaluations noted below.

**Significant Effect - Impact BI-1a:** The Project will result in impacts to 10.4 acres of Diegan coastal sage scrub, a sensitive natural community type, which was determined to support a pair of California gnatcatchers .

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

**M-BI-1a:** This mitigation measure specified in the FEIR has been imposed upon the Project as a condition of approval. Prior to issuance of a grading permit, the Project Applicant shall preserve 34.8 acres of on-site Biological Open Space (BOS) determined to support sensitive species and habitat functions and values contiguous with the Del Dios Highland Preserve (DDHP) to the south through the establishment of a conservation easement and the preparation of a Resource Management Plan (RMP) approved by the County and Wildlife Agencies (U.S. Fish and Wildlife Service [USFWS] and California Department of Fish and Wildlife [CDFW]) to address long-term monitoring, maintenance, management, and reporting directives, in perpetuity, by a qualified entity approved by the County and Wildlife Agencies.

The 34.8-acre BOS is depicted on EIR Figures 1-9 and Figure 2.3-5. The habitat types within the BOS are summarized within Table 11 of EIR Appendix E. The RMP shall address the location of the mitigation sites that meet the specific mitigation requirement for the type of habitat (e.g., in-kind habitat preservation, no

net loss, presence of special status species, etc.) within the Project site. The open space easement shall be owned by a conservancy, the County, or other similar, experienced entity subject to approval by the County. Funding shall be provided through a non-wasting endowment, Community Facility District or other finance mechanism approved by the County. Should a regional entity to manage biological open space be formed, the natural habitat areas within the Project site could be dedicated to that entity and managed as part of an overall preserve system for northern San Diego County.

**Significant Effect - Impact BI-1b** A single, breeding pair of coastal California gnatcatchers was determined to occupy portions of the on-site Diegan coastal sage scrub that would be impacted by the Project. Impacts to gnatcatcher individuals; occupied habitat; and foraging, migration and dispersal habitat would result in a potentially significant impact to listed species.

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

**M-BI-1b:** This mitigation measure specified in the FEIR has been imposed upon the Project as a condition of approval. Prior to issuance of a grading permit, mitigation for 10.4 acres of impacts to Diegan coastal sage scrub occupied by coastal California gnatcatcher shall occur at a 2:1 ratio for a total of 20.8 acres of occupied habitat through a combination of on-site preservation of 0.5 acre, on-site restoration and preservation of 1.8 acres, and off-site preservation of 18.5 acres through land acquisition and/or purchase of conservation bank credits, as specified below and approved by the County and Wildlife Agencies as part of the required Habitat Loss Permit (HLP) process.

On-site restoration shall include 1.8 acres of Diegan coastal sage scrub. The restoration shall include preparation and implementation of a restoration plan approved by the County and Wildlife Agencies, to include directives for native container planting and seeding using locally sourced material, temporary irrigation, and monitoring and maintenance for a minimum five-year period until performance standards and success criteria approved by the County and Wildlife Agencies have been met. The 1.8 acres of restored coastal sage scrub shall be placed within a BOS easement, along with the 0.5 acre of avoided coastal sage scrub, and managed in perpetuity in accordance with M-BI-1a.

An additional 18.5 acres of occupied, Intermediate Value or High Value coastal sage scrub, and/or other like-functioning habitat as approved by the County and Wildlife Agencies, shall be provided through one or a combination of the following:

- Off-site preservation of mitigation land, through the recordation of a BOS easement, and preparation of an RMP to address long-term monitoring, maintenance, management, and reporting directives, in perpetuity, approved by the County and Wildlife Agencies. To the extent the land is available for preservation, off-site mitigation shall occur within land designated as Pre-approved Mitigation Area (PAMA) in the Draft Multiple Species Conservation Program (MSCP) North County Plan and located in the Elfin Forest-Harmony Grove Planning Area, northern coastal foothills ecoregion. The location shall be deemed acceptable by the County and Wildlife Agencies. Long-term management shall be funded through a non-wasting endowment in an amount determined through preparation of a Property Assessment Record (PAR) or similar method for determining funding amount. The open space easement shall be owned by a conservancy, the County or other similar, experienced entity subject to approval by the County. Should a regional entity to manage biological open space be formed, the natural habitat areas within the Project site could be dedicated to that entity and managed as part of an overall preserve system for northern San Diego County.
- If demonstrated to the satisfaction of the County and Wildlife Agencies that off-site preservation of mitigation land is not feasible to fulfill all or a portion of mitigation obligations, then the Project

shall include purchase of occupied coastal sage scrub credits at an approved conservation bank, such as the Red Mountain Conservation Bank, Buena Creek Conservation Bank, or other bank deemed acceptable by the County and Wildlife Agencies.

To further prevent inadvertent direct impacts to coastal California gnatcatcher individuals during construction, no grading or clearing shall occur of occupied Diegan coastal sage scrub during the species' breeding season (February 15 to August 31). All grading permits, improvement plans, and the final map shall state the same. If clearing or grading would occur during the breeding season for the gnatcatcher, a pre-construction survey shall be conducted to determine whether gnatcatchers occur within the impact area(s). To avoid take under the federal ESA, impacts to occupied habitat shall be avoided. If there are no gnatcatchers nesting (includes nest building or other breeding/nesting behavior) within that area, grading and clearing shall be allowed to proceed. If, however, any gnatcatchers are observed nesting or displaying breeding/nesting behavior within the area, construction in that area shall be postponed until all nesting (or breeding/nesting behavior) has ceased or until after August 31. (See also M-BI-4 for mitigation for indirect noise effects.)

**Rationale:** The mitigation would be effective as a result of the implementation of the RMP and restoration plan, and the associated preservation of coastal California gnatcatcher habitat.

The RMP shall be prepared by a County-approved biologist in accordance with Attachment E, *Conceptual Biological Resources Management Plan* of the County's *Report Format and Content Requirements for Biological Resources*, which requires implementation of area-specific management directives for the long-term management and protection of biological resources within the BOS, including Diegan coastal sage scrub. Unless otherwise required by the County and/or Wildlife Agencies, at a minimum, management directives to be implemented shall include routine monitoring of sensitive species and habitat; routine inspections for illegal activities (e.g., trespass, dumping, vandalism, etc.); as-needed maintenance for erosion control, non-native invasive species control, and fencing and signage repair; and reporting of management and maintenance activities, to be sent to the County and Wildlife Agencies on an annual basis. The restoration plan shall be prepared by a County-approved restoration specialist in accordance with the County's *Report Format and Content Requirements for Revegetation Plans*, which requires implementation of site-specific restoration directives for site preparation, installation, maintenance, monitoring and financial assurances for the restoration effort. Restoration directives to be implemented shall include, at a minimum, unless otherwise required by the County and Wildlife Agencies, a mandatory plant establishment period (PEP); monthly, quarterly, and annual technical monitoring of the restoration performance, as appropriate, including plant survivorship, non-native species coverage, native species coverage, and photographs; monthly, quarterly, and annual maintenance of the restoration site for plant replacement, irrigation inspection, non-native species control, and trash removal, as appropriate; and reporting of the restoration effort's progress toward achieving performance standards to be sent to the County and Wildlife Agencies on an annual basis, until success criteria are met.

Coastal California gnatcatcher impacts would be mitigated below a level of significance (M-BI-1a and 1b) by: (1) on- and off-site preservation of Diegan coastal sage scrub, and (2) restriction of habitat impacts during the breeding season. The specified habitat mitigation ratios take into consideration the importance of preserving areas necessary to ensure the continued survival of sensitive species. The habitat preservation ratio is effective because through retention of sustainable habitat, sensitive species can continue to thrive. The mitigation would preserve species habitat and foraging grounds, and thus, help ensure survival of these species within the Project site (open space) and within the County. The mitigation ratios utilized for impacts to these species' habitats were developed based upon Natural Community Conservation Planning (NCCP) Guidelines (CDFW and California Resources Agency 1997) intended to accomplish preservation of sensitive species, and the wildlife agencies have reviewed and approved these mitigation ratios. The restriction regarding breeding season activities would ensure that no nest would be directly taken during construction.

**Significant Effect - Impact BI-1c:** Least Bell's vireo has been observed using Project-adjacent riparian habitat for foraging and other non-breeding activities. Because there is a potential for use of the area by a breeding pair and for foraging, the Project could result in a potentially significant impact to listed species.

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

**M-BI-1c:** This mitigation measure specified in the FEIR has been imposed upon the Project as a condition of approval. Prior to issuance of a grading permit, mitigation for impacts to less than 0.01 acre of mule fat scrub and 0.71 acre of southern riparian forest suitable for least Bell's vireo shall occur at a 3:1 ratio through one or a combination of the following: on- and/or off-site establishment, re-establishment, rehabilitation, enhancement and preservation of riparian habitat and/or other like-functioning habitat; and/or off-site purchase of riparian habitat mitigation and/or other like-functioning habitat at an approved mitigation bank in the local area, such as the Brook Forest Mitigation Bank, San Luis Rey Mitigation Bank, or other location deemed acceptable by the County and Regulatory Agencies (U.S. Army Corps of Engineers [USACE], Regional Water Quality Control Board [RWQCB], and CDFW), as applicable. The establishment/creation or re-establishment component must be at least 1:1, while the remaining 2:1 can be restoration and enhancement.

To further prevent inadvertent direct impacts to least Bell's vireo individuals during construction, no grading or clearing shall occur within riparian habitat during the breeding season of the least Bell's vireo (March 15 to September 15). All grading permits, improvement plans, and the final map shall state the same. If clearing or grading would occur during the breeding season for the least Bell's vireo, a pre-construction survey shall be conducted to determine whether vireos occur within the impact area(s). To avoid take under the federal and California ESAs, impacts to occupied habitat shall be avoided. If there are no vireos nesting (includes nest building or other breeding/nesting behavior) within that area, grading and clearing shall be allowed to proceed. If, however, any vireos are observed nesting or displaying breeding/nesting behavior within that area, construction shall be postponed until all nesting (or breeding/nesting behavior) has ceased or until after September 15. (See also M-BI-4 for mitigation for indirect noise effects.)

**Rationale:** Least Bell's vireo mitigation would occur through creation, preservation and enhancement of mule fat scrub and southern willow riparian forest and/or purchase of credits for the same at an approved mitigation bank, as well as through construction period restrictions (or assurance of nesting/breeding behavior through pre-construction surveys. The mitigation ratios are standard ratios that have been applied to projects within the County since PDS developed its most current version of the Guidelines for Determining Significance and Report Format and Content Requirements for Biological Resources (County 2010). The ratio is identified as effective because these reviewing agencies have reached consensus that retention at these ratios will result in sustainable levels of these habitats. If creation, preservation and enhancement of mule fat scrub and southern willow riparian forest occurs rather than purchase of credits at an existing bank, a restoration plan would be developed. The restoration plan shall be prepared by a County-approved restoration specialist in accordance with the County's *Report Format and Content Requirements for Revegetation Plans*, which requires implementation of site-specific restoration directives for site preparation, installation, maintenance, monitoring and financial assurances for the restoration effort. Restoration directives to be implemented shall include, at a minimum, unless otherwise required by the County and Wildlife Agencies, a mandatory PEP; monthly, quarterly, and annual technical monitoring of the restoration performance, as appropriate, including plant survivorship, non-native species coverage, native species coverage, and photographs; monthly, quarterly, and annual maintenance of the restoration site for plant replacement, irrigation inspection, non-native species control, and trash removal, as appropriate; and reporting of the restoration effort's progress toward achieving performance standards to be sent to the County and Wildlife Agencies on an annual basis, until success criteria are met. Completion

and implementation of the restoration plan, or purchase of credits at an existing bank would provide habitat that would support species survival.

**Significant Effect - Impact BI-2a:** The Project would impact seven individuals of summer holly, a County List A plant, and 1,963 wart-stemmed ceanothus, a County List B plant.

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

**M-BI-2a:** This mitigation measure specified in the FEIR has been imposed upon the Project as a condition of approval. Prior to issuance of a grading permit, mitigation for impacts to seven summer holly and 1,963 wart-stemmed ceanothus individuals shall occur at a minimum ratio of 3:1 for summer holly and 1:1 for wart-stemmed ceanothus through the preservation of at least 21 summer holly and 1,963 wart-stemmed ceanothus within the BOS easement (which includes preparation of an RMP and monitoring, maintenance, management, and reporting directives) described above in M-BI-1a.

**Rationale:** The mitigation would be effective as a result of the implementation of the RMP, and the associated preservation of summer holly and wart-stemmed ceanothus.

The RMP shall be prepared by a County-approved biologist in accordance with Attachment E, *Conceptual Biological Resources Management Plan* of the County's *Report Format and Content Requirements for Biological Resources*, which requires implementation of area-specific management directives for the long-term management and protection of biological resources within the BOS, including sensitive plant species. Unless otherwise required by the County and/or Wildlife Agencies, at a minimum, management directives to be implemented shall include routine monitoring of sensitive species and habitat; routine inspections for illegal activities (e.g., trespass, dumping, vandalism, etc.); as-needed maintenance for erosion control, non-native invasive species control, and fencing and signage repair; and reporting of management and maintenance activities, to be sent to the County and Wildlife Agencies on an annual basis. Despite impacts to individual plants, the preservation of summer holly (County List A) and wart-stemmed ceanothus (County List B) at the noted ratios would conserve the on-site population. The mitigation ratios are standard ratios that have been applied to projects within the County since PDS developed its most current version of the Guidelines for Determining Significance and Report Format and Content Requirements for Biological Resources (County 2010). The ratios are identified as effective because these reviewing agencies have reached consensus that retention at these ratios will result in sustainable levels of these species.

**Significant Effect - Impact BI-2b:** A single red-shouldered hawk was observed perching in a tree near Escondido Creek. This species could nest at off-site locations within 500 feet of Project impact areas and may forage over the site. The Project would impact non-native grassland that serves as raptor foraging habitat. A potentially significant impact was assessed to loss of this habitat, which could impact the survival of a local population of Species of Special Concern.

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

**M-BI-2b:** This mitigation measure specified in the FEIR has been imposed upon the Project as a condition of approval. Prior to issuance of a grading permit, mitigation for impacts to 44.2 acres of non-native grassland that provides suitable nesting and foraging habitat for several bird species, including raptors, shall occur at a 0.5:1 ratio through the preservation of 0.2 acre on site within the BOS easement (which includes preparation of an RMP and monitoring, maintenance, management, and reporting directives) as required by M-BI-1a, in addition to one or a combination of the following: off-site preservation of 21.9 acres of grassland habitat and/or other like-functioning habitat through the recordation of a BOS easement, and the preparation of an RMP to address long-term monitoring, maintenance, management, and reporting

directives, in perpetuity, approved by the County and Wildlife Agencies. To the extent the land is available for preservation, off-site mitigation shall occur within land designated as PAMA in the Draft MSCP North County Plan and located in the Elfin Forest-Harmony Grove Planning Area, or northern coastal foothills ecoregion. The location shall be deemed acceptable by the County and Wildlife Agencies. The proposed open space easement shall be owned by a conservancy, the County or other similar, experienced entity subject to approval by the County. Should a regional entity to manage biological open space be formed, the natural habitat areas within the Project site could be dedicated to that entity and managed as part of an overall preserve system for northern San Diego County. If demonstrated to the satisfaction of the County and Wildlife Agencies that off-site preservation of mitigation land is not feasible to fulfill all or a portion of mitigation obligations, then the Project shall include purchase of 21.9 acres of grassland credits or like-functioning habitat at an approved conservation bank such as the Brook Forest Conservation Bank or other location deemed acceptable by the County. (See also M-BI-9 addressing breeding season avoidance.)

**Rationale:** Mitigation would be provided primarily through off-site preservation of non-native grassland or like-functioning habitat. The mitigation would be effective as a result of preservation of both on-site and off-site habitat supporting sensitive species and implementation of the required RMPs. Regardless of whether the RMPs would address on or off-site habitat, they shall be prepared by a County-approved biologist in accordance with Attachment E, *Conceptual Biological Resources Management Plan* of the County's *Report Format and Content Requirements for Biological Resources*, which requires implementation of area-specific management directives for the long-term management and protection of biological resources within the BOS, including non-native grasslands or like-functioning habitat. Unless otherwise required by the County and/or Wildlife Agencies, at a minimum, management directives to be implemented shall include routine monitoring of sensitive species and habitat; routine inspections for illegal activities (e.g., trespass, dumping, vandalism, etc.); as-needed maintenance for erosion control, non-native invasive species control, and fencing and signage repair; and reporting of management and maintenance activities, to be sent to the County and Wildlife Agencies on an annual basis. The specified habitat mitigation ratios take into consideration the importance of preserving areas necessary to ensure the continued survival of sensitive species. The habitat preservation ratio is effective because through retention of sustainable habitat, sensitive species can continue to thrive. The mitigation would preserve species habitat and foraging grounds, and thus, help ensure survival of these species within the Project site (open space) and within the County. The mitigation ratio utilized for impacts to these species' foraging habitat (the non-native grassland) is in accordance with County guidelines.

**Significant Effect - Impact BI-2c:** The Project would result in the significant loss of potential nesting and foraging habitat for yellow-breasted chat, which is designated as State Species of Special Concern and County Group 1 species. A potentially significant impact was assessed to loss of mule fat scrub and willow riparian forest, impacting the survival of a local population of Species of Special Concern.

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

**M-BI-2c:** This mitigation measure specified in the FEIR has been imposed upon the Project as a condition of approval. Prior to issuance of a grading permit, mitigation for impacts to yellow-breasted chat nesting and foraging habitat, including less than 0.01 acre of mule fat scrub and 0.71 acre of southern riparian forest, shall be provided at a 3:1 ratio through implementation of mitigation M-BI-1c. (See also M-BI-9 addressing breeding season avoidance.)

**Rationale:** Mitigation for loss of yellow-breasted chat nesting and foraging habitat would occur through creation, preservation and enhancement of mule fat scrub and southern willow riparian forest and/or purchase of credits for the same at an approved mitigation bank at a 3:1 ratio. This standard ratio has been applied to projects within the County since PDS developed its most current version of the Guidelines for Determining Significance and Report Format and Content Requirements for Biological Resources (County

2010). The ratio is identified as effective because these reviewing agencies have reached consensus that retention at these ratios will result in sustainable levels of these habitats. As noted above, if creation, preservation and enhancement of mule fat scrub and southern willow riparian forest occurs rather than purchase of credits at an existing bank, a restoration plan would be developed. The restoration plan shall be prepared by a County-approved restoration specialist in accordance with the County's *Report Format and Content Requirements for Revegetation Plans*, which requires implementation of site-specific restoration directives for site preparation, installation, maintenance, monitoring and financial assurances for the restoration effort. Restoration directives to be implemented shall include, at a minimum, unless otherwise required by the County and Wildlife Agencies, a mandatory PEP; monthly, quarterly, and annual technical monitoring of the restoration performance, as appropriate, including plant survivorship, non-native species coverage, native species coverage, and photographs; monthly, quarterly, and annual maintenance of the restoration site for plant replacement, irrigation inspection, non-native species control, and trash removal, as appropriate; and reporting of the restoration effort's progress toward achieving performance standards to be sent to the County and Wildlife Agencies on an annual basis, until success criteria are met. Completion and implementation of the restoration plan, or purchase of credits at an existing bank would provide habitat that would support species survival.

**Significant Effect - Impact BI-3a:** The Project would result in loss of 44.2 acres of non-native grassland that serves as potential foraging habitat for the barn owl and white-tailed kite. This loss of habitat could significantly affect long-term survival of County Group 2 Animal Species.

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

**M-BI-3a:** This mitigation measure specified in the FEIR has been imposed upon the Project as a condition of approval. Prior to issuance of a grading permit, mitigation for loss of foraging area that could impact long-term survival of County Group 2 animals shall be provided through implementation of mitigation for impacts to 44.2 acres of non-native grassland at a 0.5:1 ratio, as described in M-BI-2b.

**Rationale:** Mitigation for loss of County Group 2 bird foraging habitat would be provided through off-site preservation of non-native grassland or like-functioning habitat. The specified habitat mitigation ratios take into consideration the importance of preserving areas necessary to ensure the continued survival of sensitive species. The habitat preservation ratio is effective because through retention of sustainable habitat, sensitive species can continue to thrive. The mitigation would preserve species habitat and foraging grounds, and thus, help ensure survival of these species within the Project site (open space) and within the County. The mitigation ratio utilized for impacts to these species' foraging habitat (the non-native grassland) in accordance with County guidelines.

**Significant Effect - Impact BI-3b:** The Project would result in the significant loss of potential nesting and foraging habitat for yellow warbler, which is designated as State Species of Special Concern and County Group 2 species. A potentially significant impact was assessed to loss of mule fat scrub and willow riparian forest, impacting the survival of a local population of Species of Special Concern.

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

**M-BI-3b:** This mitigation measure specified in the FEIR has been imposed upon the Project as a condition of approval. Prior to issuance of a grading permit, mitigation for impacts to yellow warbler nesting and foraging habitat, including less than 0.01 acre of mule fat scrub and 0.71 acre of southern riparian forest at a 3:1 ratio, shall be provided through implementation of mitigation M-BI-1c. (See also M-BI-9 addressing breeding season avoidance.)

**Rationale:** Impacts to yellow warbler potential nesting and foraging habitat would be mitigated through creation, preservation and enhancement of mule fat scrub and southern willow riparian forest and/or purchase of credits for the same at an approved mitigation bank in accordance with the standard mitigation ratio. This standard ratio has been applied to projects within the County since PDS developed its most current version of the Guidelines for Determining Significance and Report Format and Content Requirements for Biological Resources (County 2010). The ratio is identified as effective because these reviewing agencies have reached consensus that retention at these ratios will result in sustainable levels of these habitats.

**Significant Effect - Impact BI-3c:** The Project would result in a significant loss of 44.6 acres of non-native grassland that serves as raptor foraging habitat.

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

**M-BI-3c:** This mitigation measure specified in the FEIR has been imposed upon the Project as a condition of approval. Prior to issuance of a grading permit, mitigation for loss of raptor foraging habitat shall be provided through implementation of mitigation for impacts to 44.2 acres of non-native grassland at a 0.5:1 ratio, as described in M-BI-2b.

**Rationale:** Loss of non-native grassland use for foraging by raptors would be mitigated (M-BI-2b) through off-site preservation of non-native grassland or like-functioning habitat. The specified habitat mitigation ratio takes into consideration the importance of preserving areas necessary to ensure the continued survival of sensitive species. The habitat preservation ratio is effective because through retention of sustainable habitat, sensitive species can continue to thrive. The mitigation would preserve species habitat and foraging grounds, and thus, help ensure survival of these species within the Project site (open space) and within the County. The mitigation ratio utilized for impacts to these species' foraging habitat (the non-native grassland) is in accordance with County guidelines.

**Significant Effect - Impact BI-4:** Construction-related noise (including the use of heavy equipment, potential blasting, potential use of a rock crusher, and potential use of cast-in-drilled holes or a pile driver) may significantly impact sensitive bird species such as coastal California gnatcatcher and least Bell's vireo, as well as raptors, which may be nesting within an area where construction noise at the nest exceeds 60 dBA.

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

**M-BI-4:** This mitigation measure specified in the FEIR has been imposed upon the Project as a condition of approval. If operation of construction dozers, excavators, rock crushers, pile drivers or cast-in-drilled-hole equipment occurs during the breeding seasons for the coastal California gnatcatcher (February 15 to August 31), nesting raptors (January 15 to July 15), or least Bell's vireo (March 15 to September 15), pre-construction survey(s) shall be conducted by a qualified biologist as appropriate prior to issuance of a grading permit, to determine whether these species occur within the areas potentially impacted by noise. If it is determined at the completion of pre-construction surveys that active nests belonging to these sensitive species are absent from the potential impact area, construction shall be allowed to proceed. If pre-construction surveys determine the presence of active nests belonging to these sensitive species, then operation of the following equipment shall not occur within the specified distances from an active nest during the respective breeding seasons: a dozer within 400 feet; an excavator within 350 feet; rock crusher equipment within 1,350 feet; a breaker within 500 feet; a pile driver within 2,600 feet; and cast-in-drilled holes equipment within 350 feet. All grading permits, improvement plans, and the final map shall state the same. Operation of construction dozers, excavators, rock crushers, pile drivers, cast-in-drilled-hole

equipment and other noise-generating activities shall: (1) be postponed until a qualified biologist determines the nest(s) is no longer active or until after the respective breeding season; or (2) not occur until a temporary noise barrier or berm is constructed at the edge of the development footprint and/or around the piece of equipment to ensure that noise levels are reduced to below 60 dBA or ambient. Decibel output will be confirmed by a County-approved noise specialist and intermittent monitoring by a qualified biologist to ensure that conditions have not changed will be required. If pre-construction surveys identify coastal California gnatcatcher, nesting raptors, or least Bell's vireo, blasting will be restricted to the non-breeding season for the identified birds (September 1 to February 14 for coastal California gnatcatcher; July 16 to January 14 for nesting raptors; and September 16 to March 14 for least Bell's vireo) or be completed using wholly chemical means.

**Rationale:** Construction-related noise that may significantly impact nesting coastal California gnatcatcher, least Bell's vireo or raptors if construction noise at the nest exceeds 60 dBA  $L_{EQ}$  would be mitigated below a level of significance through consideration of the noise source, the affected species, and the noise source. Restricting grubbing, clearing, grading, blasting, rock crushing, pile driving, etc. to distances specified in the mitigation measure, or requiring noise attenuation through such methods as baffling or sound barriers, would result in construction noise at active nest not exceeding 60 dBA  $L_{EQ}$ , a distance determined by the wildlife agencies to adequately attenuate the disturbance. Monitoring by a County-approved noise specialist and qualified biologist would be required to confirm the decibel level. These restrictions would protect the noted species from disturbance associated with movement and noise from construction activities during the breeding season. Because the daily activities of the species would not be disrupted, breeding and nesting activities would continue within proposed on-site open space, thus helping to ensure the survival of these species.

**Significant Effect - Impact BI-5a:** The Project would result in significant direct impacts to less than 0.01 acre of mule fat scrub and 0.71 acre of southern willow riparian forest.

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

**M-BI-5a:** This mitigation measure specified in the FEIR has been imposed upon the Project as a condition of approval. Prior to issuance of a grading permit, mitigation for impacts to less than 0.01 acre of mule fat scrub and 0.71 acre of southern riparian forest shall occur at a 3:1 ratio as specified in M-BI-1c, above.

**Significant Effect - Impact BI-5b:** The Project would result in significant direct impacts to 10.4 acres of Diegan coastal sage scrub (including disturbed) which is a sensitive community type.

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

**M-BI-5b:** This mitigation measure specified in the FEIR has been imposed upon the Project as a condition of approval. Prior to issuance of a grading permit, mitigation for 10.4 acres of impacts to occupied Diegan coastal sage scrub shall occur at a 2:1 ratio as specified in M-BI-1a and M-BI-1b, above.

**Significant Effect - Impact BI-5c:** The Project would result in significant direct impacts to 4.2 acres of coastal sage-chaparral transition.

**M-BI-5c:** This mitigation measure specified in the FEIR has been imposed upon the Project as a condition of approval. Prior to issuance of a grading permit, mitigation for 4.5 acres of impacts to coastal sage-chaparral transition shall occur at a 2:1 ratio through one or a combination of the following: off-site preservation of 9.0 acres of coastal sage-chaparral scrub and/or other like-functioning habitat, through the recordation of BOS easement, and the preparation of an RMP to address long-term monitoring,

maintenance, management, and reporting directives, in perpetuity, approved by the County and Wildlife Agencies. To the extent the land is available for preservation, off-site mitigation shall occur within land designated as PAMA in the Draft MSCP North County Plan and located in the Elfin Forest-Harmony Grove Planning Area, or northern coastal foothills ecoregion. The location shall be deemed acceptable by the County and Wildlife Agencies. The open space easement shall be owned by a conservancy, the County or other similar, experienced entity subject to approval by the County. Should a regional entity to manage biological open space be formed, the natural habitat areas within the Project site could be dedicated to that entity and managed as part of an overall preserve system for northern San Diego County. If demonstrated to the satisfaction of the County and Wildlife Agencies that off-site preservation of mitigation land is not feasible to fulfill all or a portion of mitigation obligations, then the Project shall include purchase of 9.0 acres of coastal sage-chaparral scrub credits or like-functioning habitat at an approved mitigation bank such as the Red Mountain Conservation Bank, Buena Creek Conservation Bank, Brook Forest Conservation Bank, or other location deemed acceptable by the County and Wildlife Agencies.

**Significant Effect - Impact BI-5d:** The Project would result in significant direct impacts to 15.6 acres of southern mixed chaparral.

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

**M-BI-5d:** This mitigation measure specified in the FEIR has been imposed upon the Project as a condition of approval. Prior to issuance of a grading permit, mitigation for 15.6 acres of impacts to southern mixed chaparral shall occur at a 0.5:1 ratio through the preservation of a minimum 7.8 acres on site within BOS easement (which shall include preparation and implementation of an RMP and monitoring, maintenance, management, and reporting directives), as required by M-BI-1a.

**Significant Effect - Impact BI-5e:** The Project would result in significant direct impacts to 44.2 acres of non-native grassland.

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

**M-BI-5e:** This mitigation measure specified in the FEIR has been imposed upon the Project as a condition of approval. Prior to issuance of a grading permit, mitigation for 44.2 acres of impacts to non-native grassland shall occur through implementation of M-BI-2b, above.

**Significant Effect - Impact BI-5f:** The Project would result in significant direct impacts to 0.2 acre of coast live oak woodland.

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

**M-BI-5f:** This mitigation measure specified in the FEIR has been imposed upon the Project as a condition of approval. Prior to issuance of a grading permit, mitigation for 0.2 acre of impacts to upland coast live oak woodland shall occur at a 3:1 ratio through the preservation of 0.6 acre on site within BOS easement (which shall include preparation and implementation of an RMP and monitoring, maintenance, management, and reporting directives) as required by M-BI-1a.

**Rationale:** The Project impacts to mule fat scrub, Diegan coastal sage scrub (including disturbed), Diegan coastal sage scrub/chaparral transition, southern mixed chaparral, non-native grassland and coast live-oak woodland, would be mitigated at specified ratios and locations as described in M-BI-5a through 5f. Implementation of these mitigation measures would avoid or substantially reduce the significant effects

because the mitigation ratios for impacts to these habitats were variously developed based on NCCP Guidelines (CDFW and California Resources Agency 1997), and/or the wildlife agencies have reviewed and approved these mitigation ratios, and/or are consistent with County guidelines. Additionally, the mitigation ratios are standard ratios that have been applied to projects within the County since PDS developed its most current version of the Guidelines for Determining Significance and Report Format and Content Requirements for Biological Resources (County 2010). The ratios are identified as effective because these reviewing agencies have reached consensus that retention at these ratios will result in sustainable levels of these species. The mitigation measures specified in M-BI-5a through 5f would be effective as a result of restoration plan and RMP implementation, and the associated preservation of these habitats.

If creation, preservation and enhancement of mule fat scrub and southern willow riparian forest occurs rather than purchase of credits at an existing bank, a restoration plan would be developed. The restoration plan shall be prepared by a County-approved restoration specialist in accordance with the County's *Report Format and Content Requirements for Revegetation Plans*, which requires implementation of site-specific restoration directives for site preparation, installation, maintenance, monitoring and financial assurances for the restoration effort. Restoration directives to be implemented shall include, at a minimum, unless otherwise required by the County and Wildlife Agencies, a mandatory PEP; monthly, quarterly, and annual technical monitoring of the restoration performance, as appropriate, including plant survivorship, non-native species coverage, native species coverage, and photographs; monthly, quarterly, and annual maintenance of the restoration site for plant replacement, irrigation inspection, non-native species control, and trash removal, as appropriate; and reporting of the restoration effort's progress toward achieving performance standards to be sent to the County and Wildlife Agencies on an annual basis, until success criteria are met.

The RMP shall be prepared by a County-approved biologist in accordance with Attachment E, *Conceptual Biological Resources Management Plan* of the County's *Report Format and Content Requirements for Biological Resources*, which requires implementation of area-specific management directives for the long-term management and protection of biological resources within the BOS, including sensitive plant species. Unless otherwise required by the County and/or Wildlife Agencies, at a minimum, management directives to be implemented shall include routine monitoring of sensitive species and habitat; routine inspections for illegal activities (e.g., trespass, dumping, vandalism, etc.); as-needed maintenance for erosion control, non-native invasive species control, and fencing and signage repair; and reporting of management and maintenance activities, to be sent to the County and Wildlife Agencies on an annual basis.

**Significant Effect - Impact BI-6a:** The Project would result in significant direct impacts to 0.31 acre of wetland waters of the U.S./State (southern riparian forest) and 0.03 acre of non-wetland waters of the U.S./State regulated by the USACE and RWQCB.

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

**M-BI-6a:** This mitigation measure specified in the FEIR has been imposed upon the Project as a condition of approval. Prior to issuance of a grading permit, demonstration that regulatory permits from the USACE and RWQCB have been issued or that no such permits are required shall be provided to the County. Impacts to 0.31 acre of USACE/RWQCB-jurisdictional wetland waters of the U.S./State shall be mitigated at a 3:1 ratio as described in M-BI-1c, above, unless otherwise required by the USACE and RWQCB. Impacts to 0.03 acre of USACE/RWQCB-jurisdictional non-wetland waters of the U.S./State shall be mitigated at a 1:1 ratio through the preservation of a minimum 0.03 acre on site within BOS easement (which shall include preparation implementation of an RMP and monitoring, maintenance, management, and reporting directives) as described in M-BI-1a, unless otherwise required by the USACE and RWQCB. If required by the USACE and/or RWQCB during regulatory permitting for the Project, alternative mitigation shall be

provided through purchase of mitigation credits at the Brook Forest Mitigation Bank, San Luis Rey Mitigation Bank, or other location deemed acceptable by the USACE and RWQCB.

**Significant Effect - Impact BI-6b:** The Project would result in significant direct impacts to 0.77 acre of CDFW-jurisdictional, vegetated-streambed comprised of 0.71 acre of southern riparian forest, less than 0.01 acre of mule fat scrub, and 0.05 acre of coast live oak woodland. The Project would also impact 0.04 acre of CDFW-jurisdictional, unvegetated streambed.

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

**M-BI-6b:** This mitigation measure specified in the FEIR has been imposed upon the Project as a condition of approval. Prior to issuance of a grading permit, demonstration that regulatory permits from CDFW have been issued or that no such permits are required shall be provided to the County. Impacts to 0.80 acre of CDFW-jurisdictional areas will be mitigated as follows. Impacts to less than 0.01 acre of mule fat scrub and 0.71 acre of southern riparian forest shall be mitigated at a 3:1 ratio, as described in M-BI-1c, unless otherwise required by CDFW. Impacts to 0.05 acre of CDFW-jurisdictional coast live oak woodland and 0.04 acre of CDFW-jurisdictional streambed shall be mitigated at a 1:1 ratio through the preservation of a minimum 0.05 acre of CDFW-jurisdictional coast live oak woodland and 0.04 acre of CDFW-jurisdictional streambed on site within BOS easement (which shall include preparation of an RMP and monitoring, maintenance, management, and reporting directives) as described in M-BI-1a, unless otherwise required by CDFW. If required by CDFW during regulatory permitting for the Project, alternative mitigation shall be provided through purchase of mitigation credits at the Brook Forest Mitigation Bank,

**Significant Effect - Impact BI-6c:** The Project would result in significant direct impacts to 0.72 acre of County RPO wetlands comprised of 0.71 acre of southern riparian forest, less than 0.01 acre of mule fat scrub, and 0.01 acre of coast live oak woodland associated with Escondido Creek.

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

**M-BI-6c:** This mitigation measure specified in the FEIR has been imposed upon the Project as a condition of approval. Prior to issuance of a grading permit, impacts to 0.72 acre of RPO wetland (less than 0.01 acre of mule fat scrub, 0.71 acre of southern riparian forest, and 0.01 acre of RPO-jurisdictional coast live oak woodland) shall be mitigated at a 3:1 ratio with at least 1:1 creation. Impacts to mule fat scrub and southern riparian forest shall be mitigated as described in M-BI-1c, above. Impacts to 0.01 acre of RPO coast live oak woodland shall be provided through purchase of establishment or re-establishment mitigation credits at the Brook Forest Mitigation Bank, San Luis Rey Mitigation Bank, or other location deemed acceptable by the County.

**Significant Effect - Impact BI-7:** The Project would result in significant impacts to federally protected wetlands.

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

**M-BI-7:** This mitigation measure specified in the FEIR has been imposed upon the Project as a condition of approval. Prior to issuance of a grading permit, impacts to 0.31 acre of federal wetlands shall be mitigated at a 3:1 ratio as described in M-BI-1c, M-BI-5a and M-BI-6a, above, unless otherwise required by USACE.

**Significant Effect - Impact BI-8:** The Project would result in significant impacts to County RPO-protected wetlands.

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

**M-BI-8:** This mitigation measure specified in the FEIR has been imposed upon the Project as a condition of approval. Prior to issuance of a grading permit, impacts to 0.72 acre of RPO wetland shall be mitigated at a 3:1 ratio as described in M-BI-1c, M-BI-5a and M-BI-6c, above.

**Rationale:** Federal, State, and County policies require that projects have a no net loss of wetlands. Impacts to USACE, CDFW, and County RPO wetlands/waters would be mitigated below a level of significance through off-site establishment, rehabilitation and preservation (M-BI-1c, M-BI-6a through M-BI-6c, M-BI-7 and M-BI-8). Implementation of these measures would fully mitigate impacts to these jurisdictional areas, because the typical mitigation ratio for impacts to wetlands is 3:1 (with a minimum 1:1 creation ratio thereby replacing the values of the impacted wetland). Because the Proposed Project would mitigate its impacts to wetlands at a 3:1 ratio, including a minimum 1:1 creation ratio and 2:1 rehabilitation/preservation ratio, no net loss of wetland habitat would occur. Rehabilitation and creation of wetland habitat would mitigate impacts to impacted wetlands because they would benefit both native plant species and animal species that utilize the drainage, and would not alter the function of the wetlands. The mitigation ratio for Waters of the U.S./streambed is 1:1, which is a ratio the resource agencies reviewed and approved. The preservation of 0.03 acre of Waters of the U.S./streambed within the on-site BOS would adequately conserve conveyance functions as it pertains to the receiving water of Escondido Creek.

**Significant Effect - Impact BI-9:** If clearing or grubbing takes place in occupied nesting habitat during the avian breeding season, it could result in a significant killing of migratory birds or destruction of their nests.

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

**M-BI-9:** This mitigation measure specified in the FEIR has been imposed upon the Project as a condition of approval. No grubbing, clearing, or grading shall occur during the general avian breeding season (February 15 to August 31). All grading permits, improvement plans, and the final map shall state the same. If grubbing, clearing, or grading would occur during the general avian breeding season, a pre-construction survey shall be conducted by a qualified biologist to determine if active bird nests are present in the affected areas. If there are no nesting birds (includes nest building or other breeding/nesting behavior) within this area, clearing, grubbing, and grading shall be allowed to proceed. If active nests or nesting birds are observed within the area, the biologist shall flag the active nests and construction activities shall avoid active nests until nesting behavior has ceased, nests have failed, or young have fledged.

**Rationale:** Impacts would be mitigated below a level of significance by not allowing grading or clearing of vegetation during the breeding season of most avian species (February 15 through August 31) without pre-construction surveys showing absence. Nesting migratory bird species would be protected from disturbance associated with movement and noise from construction activities during the breeding season due to cessation of grading or construction activities. Because the daily activities of these species would not be disrupted, breeding and nesting activities would continue within proposed on-site open space, thus helping to ensure the survival of these species.

**Evidence Supporting CEQA Findings:** Substantial evidence to support the finding that Impacts BI-1a through BI-9 would be reduced to less than significant levels with the implementation of mitigation, as well as that other potential biological effects would be reduced to less than significant levels with the implementation of Project design features, is found within the administrative record pertaining to this FEIR;

including responses to comments, technical studies and EIR, which are hereby incorporated by reference. Without limitation, please refer to the following documents:

- FEIR Chapter 1.0 and Table 1-2
- FEIR Subchapter 2.3, Sections 2.3.1, 2.3.2, 2.3.3, 2.3.4, 2.3.5 and 2.3.6
- FEIR Chapter 7.0, Sections 7.1.3, 7.2.5 and 7.2.6
- FEIR Appendix E, Biological Technical Report

## CULTURAL RESOURCES

**Significant Effects:** The Project would result in significant but mitigable impacts to cultural resources, Impacts CR-1 and 2, as detailed below.

**Impact CR-1:** There is a potential for significant direct impacts related to undiscovered buried archaeological resources on or off the Project site during Project-related grading. Impacts to these resources would represent significant environmental effects.

**Impact CR-2:** There is an unlikely but possible potential for significant direct impacts related to discovery of unknown burials on or off the Project site during Project-related grading. Impacts to these resources would represent significant environmental effects.

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

**M-CR-1 and 2:** This mitigation measure specified in the FEIR has been imposed upon the Project as a condition of approval. An archaeological monitoring and data recovery program would be implemented to mitigate potential impacts to undiscovered buried archaeological resources on the Project site to the satisfaction of the Director of PDS. This program shall include, but shall not be limited to, the following actions:

- Pre-Construction
  - Provide evidence that a County approved archaeologist has been contracted to implement the Archaeological Monitoring program.
  - The Project Archaeologist shall contract with a Luiseño Native American monitor.
  - The pre-construction meeting shall be attended by the Project Archaeologist and Luiseño Native American monitor to explain the monitoring requirements.
- Construction
  - Monitoring. Both the Project Archaeologist and Luiseño Native American monitor are to be on site during earth disturbing activities. The frequency and location of monitoring of native soils will be determined by the Project Archaeologist in consultation with the Luiseño Native American monitor. Monitoring of previously disturbed soils will be determined by the Project Archaeologist in consultation with the Luiseño Native American monitor.
  - If cultural resources are identified:

- Both the Project Archaeologist and Luiseño Native American monitor have the authority to divert or temporarily halt ground disturbance operations in the area of the discovery.
- The Project Archaeologist shall contact the County Archaeologist.
- The Project Archaeologist in consultation with the County Archaeologist and Luiseño Native American shall determine the significance of discovered resources.
- Construction activities will be allowed to resume after the County Archaeologist has concurred with the significance evaluation.
- Isolates and non-significant deposits shall be minimally documented in the field. Should the isolates and non-significant deposits not be collected by the Project Archaeologist, the Luiseño Native American monitor may collect the cultural material for transfer to a Tribal curation facility or repatriation program.
- If cultural resources are determined to be significant, a Research Design and Data Recovery Program shall be prepared by the Project Archaeologist in consultation with the Luiseño Native American monitor and approved by the County Archaeologist. The program shall include reasonable efforts to preserve (avoid) unique cultural resources of Sacred Sites; the capping of identified Sacred Sites or unique cultural resources and placement of development over the cap if avoidance is infeasible; and data recovery for non-unique cultural resources. The preferred option is preservation (avoidance).
- Human Remains.
  - The Property Owner or their representative shall contact the County Coroner and the PDS Staff Archaeologist.
  - Upon identification of human remains, no further disturbance shall occur in the area of the find until the County Coroner has made the necessary findings as to origin.
  - If the remains are determined to be of Native American origin, the Most Likely Descendant (MLD), as identified by the Native American Heritage Commission (NAHC), shall be contacted by the Property Owner or their representative in order to determine proper treatment and disposition of the remains.
  - The immediate vicinity where the Native American human remains are located is not to be damaged or disturbed by further development activity until consultation with the MLD regarding their recommendations as required by Public Resources Code Section 5097.98 has been conducted.
  - Public Resources Code §5097.98, CEQA §15064.5 and Health & Safety Code §7050.5 shall be followed in the event that human remains are discovered.
- Rough Grading
  - Upon completion of Rough Grading, a monitoring report shall be prepared identifying whether resources were encountered.

- Final Grading
  - A final report shall be prepared substantiating that earth-disturbing activities are completed and whether cultural resources were encountered.
  - Disposition of Cultural Material.
  - The final report shall include evidence that all prehistoric materials have been curated at a San Diego curation facility or culturally affiliated Tribal curation facility that meets federal standards per 36 CFR Part 79, or alternatively has been repatriated to a culturally affiliated Tribe.
  - The final report shall include evidence that all historic materials have been curated at a San Diego curation facility that meets federal standards per 36 CFR Part 79.

**Rationale:** The Proposed Project would not impact any known significant on- or off-site cultural resources. The mitigation would reduce impacts resulting from the disturbance of potential unknown buried cultural resources to below a level of significance because the site would be avoided, if feasible, or data recovery is required that would allow important information to be obtained prior to removal. The proposed mitigation would ensure that all information contained in the archaeological record, which is important to the understanding of the historical or prehistoric periods, is preserved. The mitigation would also ensure that the archaeological monitor or Luiseño Native American monitor has the authority to halt or divert grading activities in the area of any discoveries.

If human remains are unearthed during grading activities, the County Coroner and the NAHC would be contacted as required to ensure that the proper steps are taken. Based on consultation with the MLD, a determination as to the disposition of the human remains would be made. The proposed mitigation would ensure that any discovered human remains would be preserved for the County Coroner and the MLD.

The ability to halt or divert grading activities followed by evaluation and treatment of the resource would reduce potentially significant impacts to less than significant levels because they would ensure that: (1) relevant information contained in the archaeological record, which is important in understanding prehistory and history, is preserved; and (2) that previously unknown cultural resources would not be lost due to unrestricted and unmonitored grading activities.

**Evidence Supporting CEQA Findings:** Substantial evidence to support the finding that Impacts CR-1 and 2 would be reduced to less than significant levels with the implementation of mitigation, is found within the administrative record pertaining to this FEIR; including responses to comments, technical studies and EIR, which are hereby incorporated by reference. Without limitation, please refer to the following documents:

- FEIR Subchapter 2.4, Sections 2.4.1, 2.4.2, 2.4.3, 2.4.4, 2.4.5 and 2.4.6
- FEIR Chapter 7.0, Section 7.1.4
- FEIR Appendix F, Cultural Resources Technical Report

## NOISE

**Significant Effects:** The Project would result in significant but mitigable impacts to noise, Impacts N-1 through N-6, as detailed below.

**Project Design Features:** Absent coordination to determine preferred method of blasting notifications; 24-hour prior notice of blasting to homes within 0.5 mile; posting of signs to notice blast events near the Country Club Drive/Harmony Grove Road and Country Club Drive/Cordrey Road intersections, as well as along Del Dios Highland Preserve trail seven days prior to blasting; provision of contact information; and use of either cast-in-drilled hole bridge construction rather than pile driving while the park is occupied or not completing pile driving on Saturdays or Sundays so that the equestrian park may remain open, impacts associated with un-noticed blasts or pile driving during weekends could be considered significant. PDFs requiring the blasting contractor to carry out these notices are Project conditions. Implementation of the PDFs is ensured as discussed above. Permit issuance is conditioned upon completion of the PDFs, relevant to the construction blasting impacts below.

**Significant Effect - Impact N-1:** Noise levels could exceed the most restrictive 60 CNEL maximum allowable noise level for two single-family residences that are located in the westernmost portion of the Project site that face Country Club Drive.

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

**M-N-1:** This mitigation measure specified in the FEIR has been imposed upon the Project as a condition of approval. Noise levels at exterior use areas for the proposed residences identified as R9 and R10 on EIR Figure 2.5-1 shall be reduced to the most restrictive County Noise Element threshold of 60 CNEL or below. Noise reduction for on-site exterior traffic noise impacts, which could lead to interior noise impacts, could be accomplished through on-site noise barriers. One 5-foot-high sound wall along the northern perimeter of the affected lot will be installed, with approximately 20-foot long return walls along the western perimeter of the western residence (R9) and the eastern perimeter of the eastern residence (R10).

The sound attenuation fence or wall must be solid. It can be constructed of masonry, wood, plastic, fiberglass, steel, or a combination of those materials, as long as there are no cracks or gaps through or below the wall. Any seams or cracks must be filled or caulked. If wood is used, it can be tongue and groove and must be at least 1-inch total thickness or have a density of at least 3½ pounds per square foot. Where architectural or aesthetic factors allow, glass or clear plastic ⅓ of an inch thick or thicker may be used on the upper portion, if it is desirable to preserve a view. Sheet metal of 18 gauge (minimum) may be used, if it meets the other criteria and is properly supported and stiffened so that it does not rattle or create noise itself from vibration or wind. Any door(s) or gate(s) must be designed with overlapping closures on the bottom and sides and meet the minimum specifications of the wall materials described above. The gate(s) may be of 1-inch thick or better wood, solid-sheet metal of at least 18-gauge metal, or an exterior-grade solid-core steel door with prefabricated doorjambs.

**Rationale:** Implementation of the 5-foot-high sound wall would reduce noise levels at the two single-family residential units to below 60 CNEL and therefore to below a level of significance. This mitigation would reduce impacts to less than significant levels because the noise modeling results indicates the noise attenuation provided by the walls would be adequate to comply with exterior noise standards of the Noise Element.

**Significant Effect - Impact N-2:** The second stories of the two residential units identified for Impact N-1 may be exposed to noise in excess of 60 CNEL. Given a typical exterior to interior attenuation of 15 CNEL, the interior noise levels of these residents may be exposed to noise levels that exceed the 45 CNEL threshold.

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

**M-N-2:** This mitigation measure specified in the FEIR has been imposed upon the Project as a condition of approval. In accordance with standard County requirements, additional exterior-to-interior noise analysis shall be conducted for the residential units identified as R9 and R10 (where exterior noise levels may exceed 60 CNEL within the second stories) prior to issuance of building permits for these lots to demonstrate that interior levels do not exceed 45 CNEL. The information in the analysis shall include wall heights and lengths, room volumes, window and door tables typical for a building plan, as well as information on any other openings in the building shell. With this specific building plan information, the analysis shall determine the predicted interior noise levels at the planned on-site buildings. If predicted noise levels are found to be in excess of 45 CNEL, the report shall identify architectural materials or techniques that could be included to reduce noise levels to 45 CNEL in habitable rooms. Standard measures such as glazing with Sound Transmission Class (STC) ratings from 22 to 60, as well as walls with appropriate STC ratings (34 to 60), should be considered.

Appropriate means of air circulation and provision of fresh air would be provided to allow windows to remain closed for extended intervals of time so that acceptable interior noise levels can be maintained. The mechanical ventilation system would meet the criteria of the International Building Code (Chapter 12, Section 1203.3 of the 2001 California Building Code).

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

**Rationale:** The exterior-to-interior analysis will ensure that interior noise levels would be within stated thresholds. If predicted noise levels are found to be in excess of 45 CNEL, the report shall identify architectural materials or techniques to reduce noise levels to 45 CNEL in habitable rooms, and be implemented through the final building plans. With implementation of this mitigation measure, impacts to on-site interior noise would be less than significant. This mitigation measure would reduce impacts to less than significant because architectural measures have been demonstrated to be effective and feasible through modeling and the noise levels would be reduced to below the Noise Element standard of 45 CNEL.

**Significant Effect - Impact N-4:** If a breaker operates within 125 feet of the nearest noise sensitive land use (NSLU), the noise level would exceed the County's impulsive noise limit of 82 dBA  $L_{MAX}$ .

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

**M-N-4:** This mitigation measure specified in the FEIR has been imposed upon the Project as a condition of approval. If a breaker is required as part of Project construction, then it shall not generate maximum noise levels that exceed 82 dBA  $L_{MAX}$  when measured at the property line for 25 percent of a one-hour period, or be used within 125 feet of the property line for any occupied residence. Material that would require a breaker shall be moved a minimum distance of 125 feet from the nearest residence.

**Significant Effect - Impact N-5:** If a rock crusher operates within 250 feet of the nearest NSLU, the noise level would exceed the County's 8-hour noise level limits of 75 dBA  $L_{EQ}$ .

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

**M-N-5:** This mitigation measure specified in the FEIR has been imposed upon the Project as a condition of approval. If a rock crusher is required as part of Project construction, then it shall not be used within 250 feet of the property line for any occupied residence until a temporary noise barrier or berm is constructed at the edge of the development footprint or around the piece of equipment to reduce noise levels below 75

dBA L<sub>EQ</sub> at the property line for the occupied residences. If a barrier or berm is used, decibel output will be confirmed by a County-approved noise specialist. Otherwise, a rock crusher shall be moved a minimum distance of 250 feet from the nearest residence before use.

**Rationale:** With implementation of M-N-4, breaker noise levels would not exceed the County's impulsive noise level limit as the breaker would not be operated within 125 feet of the nearest property line of any occupied residence. With implementation of M-N-5, rock crusher noise levels would not exceed the County's 8-hour noise level limit as the breaker would not be operated within 250 feet of the nearest NSLU. Implementation of the proposed mitigation would ensure compliance with the County Noise Element standards and Noise Ordinance property line limits and reduce noise to less than significant.

**Significant Effect - Impact N-6:** Because Project-specific details regarding blasting operations are not available at this time, impacts to off-site residences are conservatively assessed as significant.

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

**M-N-6:** This mitigation measure specified in the FEIR has been imposed upon the Project as a condition of approval. The following measures would be implemented to reduce impacts from blasting:

- The number of blasts would be limited to three blasting events per week.
- The Project would also include a blasting management plan due to the blasting that is likely to occur on site. All blast planning must be done by a San Diego County Sheriff approved blaster, with the appropriate San Diego County Sheriff blasting permits, in compliance with the County Consolidated Fire Code Section 96.1.5601.2 (County 2014a), and all other applicable local (including the County Noise Ordinances), state, and federal permits, licenses, and bonding. The blasting contractor or owner must conduct all notifications, inspections, monitoring, and major or minor blasting requirements planning with seismograph reports, as necessary.
- If boulders must be reduced in size with blasting within 200 feet of the closest residence, the use of chemical expansion via a chemical cracking agent shall be performed instead.

**Rationale:** Implementation of M-N-6 would provide proper measures, such as implementation of a blasting management plan and limiting the number of blasting events, so that impacts from blasting would be less than significant. Implementation would ensure compliance with the County Noise Element standards and Noise Ordinance property line limits and reduce noise to less than significant levels.

**Evidence Supporting CEQA Findings:** Substantial evidence to support the finding that Impacts N-1 through N-6 would be reduced to less than significant levels with the implementation of mitigation, as well as that other potential noise effects would be reduced to less than significant levels with the implementation of Project design features, is found within the administrative record pertaining to this FEIR; including responses to comments, technical studies and EIR, including discussion of County standard requirements and Noise Ordinances as disclosed in the documents below, which are hereby incorporated by reference. Without limitation, please refer to the following documents:

- FEIR Chapter 1.0 and Table 1-2
- FEIR Subchapter 2.5, Sections 2.5.1, 2.5.2, 2.5.3, 2.5.4, 2.5.5 and 2.5.6
- FEIR Chapter 7.0, Sections 7.1.5 and 7.2.7

- FEIR Appendix G, Acoustical Analysis Report

## GREENHOUSE GAS EMISSIONS

**Significant Effects** – the Project would result in significant GHG impacts (Impact GHG-1) as described below.

**Project Design Features:** Construction PDFs (as specified in Table 1-2, Subchapter 2.7 and Chapter 7.0) include equipment operations in accordance with the California Air Resource Board's Airborne Toxic Control Measure limiting diesel-fueled commercial motor vehicle idling; use of Tier II or higher construction equipment as defined in Subchapter 2.7; use of diesel equipment fleets exceeding existing emissions standards to the extent practicable and feasible; use of electric and renewable fuel powered construction equipment to the extent practicable and feasible; use of electricity to power appropriate types and categories of construction equipment (e.g., hand tools); Applicant to develop and provide an informative brochure to educate homeowners regarding water conservation measures, recycling, location of electric vehicle (EV) charging stations, and outdoor electric outlets, location of nearby dining and entertainment venues, small commercial centers and civic uses to reduce vehicle miles traveled. The Project shall also prepare a Construction and Demolition Debris Management Plan requiring recycling of 90 percent of inerts and 70 percent of all other materials.

Project operational PDFs as specified in Table 1-2, Subchapter 2.7 and Chapter 7.0, include compliance with the California Title 24 Energy Code in effect at the time of building permit application; eight 19.2 kW Level 2 electric vehicle (EV) charging station (serving two parking spaces), and installation of a Level 2 EV charging station (220-volt chargers) within the garage for each residential unit (453 total); restrictions on use of turf to specific areas and use of drought- tolerant, native and regionally appropriate plants in conformance to the Project Conceptual Landscape Plan and County Water Conservation and Landscape Design Manual, with weather-based irrigation controllers etc.; use of reclaimed water for outdoor irrigation; installation of a photovoltaic solar system to produce a total of 4,165 kW of solar power; reduction in potable water use and wastewater generation by 20 percent; no use of natural gas or wood hearth options in residential units; lack of natural gas line installation on site (Project will be 100 percent electric); provision of designated parking for shared vehicles and clean air vehicles at the Center House and Project parks in compliance with Section 5.106.5.2 of the latest California Green Building Standards Code (CALGreen); provision of bicycle parking and bicycle circulation improvements; marked crosswalks across Country Club Drive at each of the Project entries; compliance with the County's Parking Design Manual to minimize heat island effects; provision of electric outlets in all residential backyards and within common areas of multi-family development areas; provision of storage and collection areas for recyclables and yard waste; installation of a minimum of 2,045 trees; provision of two electrical vehicles sited at the Center House for use by residents; provision of an area reserved for dedication of a transit stop for bus service when a local transit line is extended to serve HGV/HGV South; provision of one rain barrel per every 500 square feet of available roof area provided that appropriate incentives/rebates are available to fund purchase and roof area is available; installation of rooftop solar PV panels on the Center House to the maximum extent feasible based on final design; and provision of informational materials on rideshare programs such as iCommute and the educational brochure developed during the construction effort.

PDFs are Project conditions, which ensures their implementation. Permit issuance is conditioned upon completion of the PDFs.

**Significant Effect – Impact GHG-1:** After analyzing and requiring all reasonable and feasible on-site measures for avoiding or reducing GHG emissions (including the PDFs and strategies recommended by CARB in the Scoping Plan Second Update), the Project's total estimated construction and vegetation

removal GHG emissions would not be fully offset by PDFs identified for Project construction. This is identified as a significant impact.

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

**M-GHG-1:** This mitigation measure specified in the FEIR has been imposed upon the Project as a condition of approval. Prior to issuance of the first grading permit, compliance with M-GHG-1 shall be as follows:

- a. Solar panel(s), capable of generating a total of 1,720 KW, shall be installed on an existing building(s) that does not currently utilize solar energy, located within the County of San Diego, that is not otherwise required by law or regulation through statute, regulation, existing local program, or requirement to install such solar panels. The building shall have an estimated life of at least 30 years as verified by a third-party building inspector. The solar system installation shall be completed by a licensed, bonded and insured installer; and equipped with a monitoring system to notify the property owner upon which the building is located (property owner), the installer, and the HGV South Homeowners Association (HOA) with monitoring data. The solar panels will be registered with an extended warranty for the maximum period of time feasible, not less than 30 years and the panels will be dated at the time of installation. Consistent with the North American Board of Certified Energy Practitioners (NABCEP) standards, the installation company shall have a minimum of three years' experience.
- b. The identified building(s) shall be located within the County boundaries. A Covenant shall be recorded against the property, for the benefit of the Project site, stating that the Project-installed solar panel(s) must remain on the building(s) and operational for a period of 30 years. This Covenant runs with the land, not the owner, and will pass with the parcel in the event of a sale. The Covenant shall also require the property owner to allow the HOA or representative (including the County) to conduct annual baseline maintenance inspections, monitor, repair or replace the system as described in e), below, during that 30-year period. The Covenant shall also include the following provisions:
  - i) the property owner shall allow the HOA or County to access the system if maintenance is indicated by the monitoring system or when issues are otherwise noted by the property owner;
  - ii) the property owner shall notify the HOA and County if any repair or maintenance events become known to the property owner;
  - iii) the property owner shall maintain a policy of insurance (or include the addition of such panels to the coverage limits of the building's current insurance policy) to cover against the repair or replacement of the solar system resulting from physical damage (e.g., caused by severe weather conditions, vandalism, fire and other events) and name the HOA and County as additional insureds;
  - iv) the property owner shall maintain and/or replace such panels with an equivalent or higher rated panel as necessary if the repair work is not completed by the HOA;
  - v) if the identified building is vacated or abandoned, or the building is demolished before the 30-year period, the property owner shall be required to

install an equivalent unit (and provide insurance for the same) on one or more existing buildings that meet the same criteria identified in a); within the County, that would generate an equivalent amount of solar power for the remaining term of the 30-year period. The property owner shall be required to record a Covenant with the same provisions against the property upon which the new building with the replacement solar unit is located, for the remaining term of the 30-year period and notify the HOA and the County of the same, prior to the vacation, abandonment, or demolition of the existing building; and

vi) any new purchaser of the property shall notify the HOA and County that it has acquired the site and acknowledge its obligations under the Covenant, including allowing access for solar panels maintenance for the duration of the 30-year term.

c. The Applicant is required to fund and provide a report to the County that provides the following information:

- i) the address of the specific building(s) upon which the installation of the solar panels required by 2024 M-GHG-1 have been installed;
- ii) evidence that the building(s) is/are not required by law or regulation through statute, regulation, existing local program, or requirement to install such solar panels (i.e., additional);
- iii) the amount of GHG emissions that will be reduced by the installation of such panels;
- iv) a copy of the Covenant recorded against the property that includes the information required by M-GHG-1 b) above;
- v) a copy of the third-party building inspector (verification) that the life of the building be at least 30 years;
- vi) a copy of the Project “Covenants, Conditions, and Restrictions” (CC&Rs or Declaration) of the HOA that include the provisions identified in paragraph e) below, including the HOA’s budget that shows the reserve set aside for the purposes described in paragraph f) below, and
- vii) a copy of the solar installation contract with a licensed and bonded installer, and warranty and insurance policy along with the approved solar permit. The report shall include calculations conducted by a technical GHG expert using County-approved models and/or methodologies.

d. The Applicant shall comply with County Code Section 6954, Solar Energy Systems, and obtain any required permits. The installation of such PV system shall be required to qualify for a CEQA exemption, such as PRC 21080.35 at the time of application for installation.

e. The CC&Rs for the Project shall be submitted to the County for its review prior to the approval of the first grading permit that includes the following provisions:

1. The HOA shall monitor the solar system using the module-level monitoring application described above for a 30-year period that commences from the Project’s

start of operations. The HOA shall keep records of solar power production during this period.

2. If any solar equipment is found to need repair or replacement, the HOA shall be responsible for such work being completed as needed in order to maintain the equivalent amount of solar power generated by such panels. The HOA shall work with the property owner, installation company and/or insurance entity to ensure that the repairs are completed in a timely manner. If the repair work is not covered by the warranty or paid for by the insurance carrier, the HOA shall be responsible for ensuring that the repair work is completed.
3. An annual maintenance and monitoring program shall be conducted by a licensed and bonded solar company (the Covenant requires the property owner to allow this annual inspection). A report shall be prepared by the solar company with the results of the inspection, including whether any repairs are needed and the amount of solar power generated by such panels. The report will be provided to the HOA, property owner, and County.
4. During maintenance, the HOA or representative shall replace (with an equivalent or higher rated panel) or repair any of the solar panels as needed in order to maintain the equivalent amount of solar power generated by such panels.
5. Any revisions to the above-described provisions of the CC&Rs shall be approved by the County, require the consent of 100 percent of the holders of first mortgages or the property owners within the HOA, and require the HOA to retain the same amount of funds set aside by this mitigation measure for the same purposes for the 30-year period.
6. The County shall be named as a party to said Declaration authorizing the County to enforce the terms and conditions of the Declaration in the same manner as the HOA or any owner within the subdivision.
7. The HOA shall maintain the budgeted reserve described in paragraph f) below for the exclusive uses described below. The County may use such funds should it decide to enforce said obligations.
8. These CC&Rs shall be confirmed by the County prior to recording the first subdivision map.

f. Applicant shall submit the initial HOA budget, subject to Department of Real Estate (DRE) rules, for review and approval by the County, that includes a set aside fund of \$300,000.00, for the purpose of repairing or replacing any solar panels (see Appendix J1), should such work not be eligible for reimbursement from the property owner's insurance policy or warranty. The set aside funds may also be used to enforce the provisions of the Covenant and any insurance claim if needed. The amount of the set aside funds shall be adjusted each year by the HOA, based on the annual indexed increases in construction costs and expenses consistent with the California Construction Cost Index or similar construction industry standard index, through a reserve study prepared by a qualified consultant, hired by the HOA as required by the DRE, provided however, in no event shall the reserve fund be increased more than three percent (3 percent) in a given year. This budgeted reserve amount shall be designated and restricted exclusively for the sole purposes set forth herein and may be used by the County should it decide to enforce the obligations of the property owner. If any amount of the set aside is used by the HOA or County for such purposes, the HOA shall replenish the fund in an amount equal to what has been withdrawn.

**Rationale:** CEQA Guidelines recognize that in appropriate situations, off-site actions (measures) may be used to mitigate for GHG emissions. CEQA Guidelines Section 15126.4(c)(2) states that reductions in emissions may result “from a project through implementation of project features, project design, or other measures, …”. Goals in energy conservation include decreasing overall per capita energy consumption, decreasing reliance on fossil fuels such as coal, natural gas and oil, and increasing reliance on renewable energy sources.

The Project Applicant has responded to the California Court of Appeal decision with proposed modifications to the Project’s GHG reduction measures. The Project mitigates GHG emissions associated with construction and operation, including associated vehicular emissions, through production of enough energy through solar power to off-set emissions of carbon dioxide equivalents (CO<sub>2</sub>e). This is possible because all relevant GHG emissions equate to CO<sub>2</sub>e values which may be generated from any source including electrical, area, mobile, waste, water, and generator uses.

The Project would offset 100 percent of the Project’s GHG emissions with the implementation of previously identified PDFs, updated as applicable, and a new mitigation measure (M-GHG-1) consistent with CARB’s 2022 Scoping Plan, Appendix “D” Local Actions. The current Project maximizes on-site GHG reductions (i.e., increased and more efficient photovoltaic solar panels) and any remaining GHG emissions that cannot be fully reduced to zero on site would be mitigated using solar installed on existing facilities off the Project site within San Diego County. The goal is to reduce any Project-generated net increase in GHG emissions with reductions or avoidances in GHG emissions elsewhere in the County based on the requirements specified in the CEQA statute, CEQA Guidelines, CARB’s 2022 Scoping Plan, Appendix “D” Local Actions, and case law – i.e., mitigating at locations not otherwise required (CEQA Guidelines Section 15126.4[c][3]), through enforceable measures (CEQA Guidelines Section 15126.4[a][2]), and supported by substantial evidence, etc.

Off-site solar panel installation will be located within the County, and will be wholly “additional.” (The Applicant is required to substantiate that the building(s) is/are not required by law or regulation through statute, regulation, existing local program, or requirement to install such solar panels.) The mitigation measure contains enforceable detail regarding property qualifications, funding, maintenance, necessary covenants and deed restrictions, as well as insurance, to be included in a report prepared for the County prior to the issuance of the first grading permit; Measures such as funding, notice requirements, insurance and covenants allow for the County’s continued participation/oversight. The mitigated Project would not generate GHG emissions that may have a significant impact on the environment because the mitigated Project would have no net increase in construction-period GHG emissions, as compared to the existing environmental setting (CEQA Guidelines Section 15064.4[b][1]). Because the mitigated Project would have no net increase in the GHG emissions level, the mitigated Project would not make a cumulatively considerable contribution to global GHG emissions.

**Evidence Supporting CEQA Findings:** Substantial evidence to support the finding that Impact GHG-1 would be reduced to less than significant levels with the implementation of mitigation, as well as that other potential greenhouse gas effects would be reduced to less than significant levels with the implementation of PDFs, is found within the administrative record pertaining to the 2018 and 2025 FEIRs; including responses to comments, technical studies and EIR, which are hereby incorporated by reference. Without limitation, please refer to the following documents:

- FEIR Chapter 1.0 and Table 1-2
- FEIR Subchapter 2.7, Sections 2.7.1, 2.7.2, 2.7.3, 2.7.4, 2.7.5 and 2.7.6 as recirculated in 2024
- FEIR Chapter 7.0, Sections 7.1.7, 7.2.10 and 7.2.11
- FEIR Appendices J1, Global Climate Change Report and D, Traffic Impact Analysis



## Section B

### **Potentially Significant Impacts that cannot be Mitigated Below a Level of Significance (CEQA Guidelines Section 15091[A][2])**

Pursuant to Section 15091(a)(2) of the State CEQA Guidelines, the County of San Diego Board of Supervisors finds that, for each of the following significant effects as identified in the FEIR, changes or alterations which would avoid or substantially lessen these significant effects are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. The significant effects (impacts) and mitigation measures are stated fully in the FEIR. The following text provides brief explanations of the identified impact, proposed mitigation, and rationale for this finding for each impact. At the end of the technical topic, there are two additional categories of information; PDFs applicable to the overall topic, and summary Evidence Supporting CEQA Findings citations.

#### **AIR QUALITY**

**Significant Effects:** The Project would result in significant impacts to air quality, Impacts AQ-1a and AQ-1b, as detailed below.

**Project Design Features:** PDFs are identified for both construction and operation periods that would reduce emissions in general. For construction, and in accordance with SDAPCD Rule 55, PDFs include watering a minimum of twice daily, or as needed to control dust (including at locales such as concrete removal, etc.); terminating construction activities until dust clears if visible emissions exceed the property line for specified periods; termination of grading if winds exceed 25 mph; utilization of paving, chip sealing or chemical stabilization of internal roadways after completion of grading; enforcement of a 15-mph speed limit on unpaved surfaces; covers or 2 feet of freeboard on trucks hauling dirt, sand, soil or other loose materials; use of low volatile organic compound (VOC) coatings during construction and maintenance; development of a Construction and Demolition Debris Management Plan requiring specified percentages of material recycling; appropriate re-use of non-hazardous construction debris; and hydroseeding, landscaping or development, as well as stabilization of dirt storage piles, and minimization of visible roadway dust. Construction PDFs (as specified in Table 1-2, Subchapter 2.7, and Chapter 7.0) also include equipment operations in accordance with the California Air Resource Board's Airborne Toxic Control Measure limiting diesel-fueled commercial motor vehicle idling; and use of Tier II or higher construction equipment all as specified in Table 1-2 and Chapter 7.0.

For operation, the Project is required to submit for County approval a D-Designator Site Plan prior to permit issuance for development of any units within the Project site. The D-Designator Site Plan must comply with the energy efficiency requirements set forth in the regulations and standards described in the Specific Plan for such D-Designated property and the PDFs (as specified in Table 1-2, Subchapter 2.7, and Chapter 7.0. These energy efficiency measures include the following: Title 24 standards current at the time of building permit application per the 2025 FEIR, and verified prior to sale and occupancy, installation of electrical outlets in all residential backyards and within common areas of multi-family development areas, lack of natural gas use; installation of eight 19.2 kW Level 2 EV charging stations serving two parking spaces in the Center House parking area, installation of a Level 2 EV charging station (220-volt chargers) within the garage of each residential unit (453 total); use of energy efficient fixtures and bulbs in all common outdoor areas; as well as a series of measures to control odor release at the WTWRF (e.g., misting systems, chemical additives or activated carbon to control odors, covered/housing of WTWRF facilities, misting systems with odor neutralizing liquids, active odor control units to manage gases, and bio filters to capture odor-causing compounds).

The construction and operation PDFs requiring these construction and operation elements are Project conditions and are specific requirements of the Project's underlying D-Designator and are as set forth in the Specific Plan and Chapters 1.0 and 7.0 of the FEIR. Implementation of the PDFs is ensured as discussed above. Permit issuance is conditioned upon compliance with the PDFs.

**Significant Effect - Impact AQ-1a:** The Proposed Project would consist of a more intense land use than is currently allowed under the County General Plan. As the Proposed Project would contribute to local population growth, employment growth, and associated VMT on local roadways, the Proposed Project is not considered accounted for in the SIP and RAQS. The County has not achieved buildout intensity levels assumed under the RAQS and SIP, and this, in conjunction with the Project's less than significant emissions, is not expected to result in obstruction of the implementation with local air quality plans. The lack of inclusion of the Project in the RAQS and SIP is identified as a significant conflict relative to plan non-conformance. The provision of housing information (M-AQ-1) would assist SANDAG in revising the housing forecast and therefore assist SDAPCD in revising the RAQS and SIP; however, until the anticipated growth is included in the emission estimates of the RAQS and the SIP, the direct impacts would remain significant and unavoidable.

**Significant Effect - Impact AQ-1b:** As described above, the Proposed Project would not conform to the RAQS. As a result, the Project is considered to have a significant cumulative impact. Therefore, until the anticipated growth is included in the emission estimates of the RAQS and the SIP, cumulative impacts related to consistency with applicable air quality plans would also be significant and unavoidable.

**M-A Q-1:** This mitigation measure specified in the FEIR has been imposed upon the Project as a condition of approval. The County shall provide a revised housing forecast to SANDAG that results in revisions to the population and employment projections used by the SDAPCD in updating the RAQS and SIP, which will accurately reflect anticipated growth due to the Proposed Project.

**Rationale:** The RAQS is based in part by growth projections compiled by SANDAG, as well as air pollutant emissions models prepared by CARB. The growth projections prepared by SANDAG are based on the land use plans developed by the County and other cities within the SANDAG within their respective general plans. Projects that propose general plan amendments or changes of a zoning designation may increase a property's planned intensity of use. An increase in a property's planned intensity of use would potentially result in increased stationary area source emissions and/or increased mobile source emissions due to higher traffic volumes, when compared to the assumptions used in the RAQS. In such a case, a potential conflict with the RAQS and SIP would occur.

Implementation of the Proposed Project would be inconsistent with the current RAQS and SIP because the density proposed is greater than what was included in the RAQS. Although the County has not achieved buildout intensity levels assumed under the RAQS and SIP, the conflict with the current RAQS and SIP resulting from the density proposed for the Proposed Project being inconsistent with current General Plan and SANDAG housing forecasts is conservatively identified as representing a significant impact as a planning document conflict. SANDAG provides those forecasts to the San Diego Air Pollution District, which prepares the RAQS and the 8-Hour Ozone Attainment Plan and provides those to the State California Air Resources Board. These are ongoing and routine programs that are beyond the purview of the County to manage or direct. Upon its inclusion and incorporation into regional modeling, this impact will be addressed. Until the anticipated growth is included in the emission estimates of the RAQS and the SIP by the SDAPCD, however, the direct and cumulative impacts (Impacts AQ-1a and AQ-1b) would remain significant and unmitigable. SANDAG regularly updates its growth projections based on the General Plan land uses of each jurisdiction within the County as amended from time to time. Thus, future updates to the RAQS and SIP would account for the Project's expected population. The APCD uses those forecasts as metrics in the RAQS and SIP. These agencies are required to update these documents, as they are part of the agency mandates. Once a future update that is reflective of the Project's planned increase in intensity

on site would occur, the Project would then be consistent with the RAQS and SIP. While identified as a significant plan consistency impact until an update is completed, the Project emissions of criteria pollutants do not exceed threshold criteria, and there would be no significant impact to human health or the environment from the Project's emissions.

**Evidence Supporting CEQA Findings:** Substantial evidence to support the finding that mitigation for Impacts AQ-1a and 1b is within the jurisdiction of another agency to implement, and until the anticipated growth is included in the emission estimates of the RAQS and the SIP, the direct and cumulative impacts would remain significant and unavoidable. Without limitation, please refer to the following documents:

- FEIR Chapter 1.0 and Table 1-2
- FEIR Subchapter 2.6, Sections 2.6.1, 2.6.2, 2.6.3, 2.6.4, 2.6.5 and 2.6.6
- FEIR Chapter 7.0, Sections 7.1.6, 7.2.8 and 7.2.9
- FEIR Appendix H, Air Quality Analysis Report and Supplemental Data

## TRANSPORTATION/TRAFFIC

**Significant Effects:** The Project would result in significant to transportation/traffic, Impacts TR-1a, 1b, 8 and 9, as detailed below.

CEQA requires identification of possible mitigation measures for significant impacts. Although the County cannot ensure mitigation occurring within a separate CEQA lead agency's jurisdiction (the City of Escondido), potential mitigation measures adequate to lower significant impacts to less than significant levels have been developed and were included within the circulated Draft EIR. As noted, however, the lead agency for Escondido impacts is the City. The County has no jurisdiction to ensure that the mitigation is implemented, and therefore these mitigation measures are identified as significant and unavoidable and are infeasible. The Applicant will coordinate with the City regarding these mitigation measures, and should these mitigation measures be approved by the City, they will be implemented as described.

**Project Design Feature:** Absent approval of a Traffic Control Plan, short-term construction impacts in the City of Escondido would be significant, and this PDF is included as a Project condition. Implementation of the PDF is ensured as discussed above. Permit issuance is conditioned upon completion of the PDF. This PDF applies to all discussion of impacts in the City of Escondido.

**Significant Effects - Impacts TR-1a and TR-1b:** Under Existing Plus Project and Existing Plus Cumulative Plus Project conditions, significant direct (LOS C to LOS D) and cumulative impacts (LOS E to LOS F) would occur along Country Club Drive from Auto Park Way to Hill Valley Drive (LOS D, Direct, and LOS F, Cumulative) in the City of Escondido.

**Finding:** Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes can and should be adopted by such other agency.

**Mitigation Measures M-TR-1a/1b:** Prior to occupancy of 80 Project units, Country Club Drive shall be widened to provide a paved width of 36 feet consisting of two travel lanes and a 10-foot striped center turn lane starting 220 feet southwest of Auto Park Way for a length of approximately 830 feet. Improvements will include connecting the existing sidewalk along the northern side of this roadway section with a 5-foot sidewalk complete with a 6-inch curb and gutter and providing a 4-foot decomposed granite pathway along the south side of this segment with a 6-inch asphalt berm. With the additional 12 feet added to the paved width, the roadway capacity of this Local Collector would increase to 15,000 ADT.

**Rationale:** If approved by the City of Escondido, the direct and cumulative impacts to the segment of Country Club Drive from Auto Park Way to Hill Valley Drive in the City of Escondido would be mitigated through the widening of Country Club Drive paved width to 36 feet consisting of two travel lanes and a 10-foot striped center turn lane starting 220 feet southwest of Auto Park Way for a length of approximately 830 feet. With the additional 12 feet added to the paved width, the roadway capacity of this Local Collector would increase to 15,000 ADT. These measures would improve traffic flow by providing improved intersection operations with re-striped traffic lanes. The mitigation would improve Country Club Drive operations in the City of Escondido and allow it to operate more efficiently compared to pre-Project conditions. Non-vehicular Improvements would connect the existing sidewalk along the northern side of this roadway section with a 5-foot sidewalk complete with a 6-inch curb and gutter and providing a 4-foot decomposed granite pathway along the south side of this segment with a 6-inch asphalt berm. Prior to recordation of the Final Map, the Applicant or its designee shall coordinate with the City of Escondido regarding implementation of the proposed mitigation measure.

Implementation of the roadway improvements in the City of Escondido could adequately mitigate the impacts. Therefore, once implemented, the Proposed Project's contribution to these direct and cumulative impacts could be reduced to a less than significant level; however, because the City of Escondido is a lead agency under CEQA for impacts within their jurisdiction it is Escondido, and not the County, that has responsibility for approval/assurance of implementation of those improvements. As such, the County cannot guarantee ultimate implementation or timing of City of Escondido-approved mitigation and this mitigation is therefore identified as infeasible. Impacts will remain significant and unavoidable.

**Significant Effect - Impact TR-8:** Under Existing Plus Cumulative Plus Project conditions, significant cumulative impacts (LOS C to LOS D) would occur at Auto Park Way/Country Club Drive (LOS D during the a.m. peak hour)

**Finding:** Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes can and should be adopted by such other agency.

**M-TR-8:** Prior to occupancy of 293 Project units, the Project shall restripe the eastbound approach of the Auto Park Way/Country Club Drive intersection to provide one left-turn lane, one shared left-turn/through lane, and one right-turn lane with a signal timing modification to change the east/west approach to "split" phasing.

**Rationale:** If approved by the City of Escondido, the intersection improvements would lower Project-level direct effects. Implementation of the improvements to Country Club Drive identified as part of M-TR-1a and 1b would also mitigate the cumulative impact at this intersection in the City of Escondido to less than significant. The described improvements would lower forecasted LOS operations at this intersection to better than pre-Project conditions. Prior to recordation of the Final Map, the Applicant or its designee shall coordinate with the City of Escondido regarding implementation of the mitigation measure.

Please refer to text under Rationale for Impact TR-1a and 1b, above regarding City of Escondido being the lead agency. As such, the County cannot guarantee ultimate implementation or timing of City of Escondido-approved mitigation, and this mitigation is therefore identified as infeasible. Impacts remain significant and unavoidable.

**Significant Effect - Impact TR-9:** Under Existing Plus Cumulative Plus Project conditions, significant cumulative impacts (LOS D and remains LOS D) would occur at the Valley Parkway/Citracado Parkway intersection (LOS D during the a.m. peak hour) in the City of Escondido.

**Finding:** Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes can and should be adopted by such other agency.

**M-TR-9:** Prior to occupancy of 54 Project units, the Project shall pay a fair share toward the approved Citracado Parkway Extension Project, which would improve the intersection operations with an additional through lane in the southbound direction.

**Rationale:** Within the City of Escondido, a fair share payment toward future improvements is required where the addition of project traffic is cumulative to the overall LOS D or worse pre-project conditions. If approved by the City of Escondido, payment of a fair share toward the proposed future intersection improvements would support implementation of an additional through lane in the southbound direction and would mitigate this cumulative impact to below a level of significance. (Consideration also was given to an alternate proposal; the provision of an eastbound to southbound right-turn overlap phase to improve the a.m. LOS and reduce the cumulative impacts. The City has a right-turn restriction for this movement during the a.m. peak hour, however, which makes this improvement infeasible.) Prior to recordation of the Final Map, the Applicant or its designee shall coordinate with the City of Escondido regarding implementation of the mitigation measure.

Please refer to text under Rationale for Impact TR-1a and 1b, above regarding City of Escondido being the lead agency. As such, the County cannot guarantee ultimate implementation or timing of City of Escondido-approved mitigation and no feasible mitigation measure is available. Impacts are identified as significant and unavoidable.

**Evidence Supporting CEQA Findings:** Substantial evidence to support the finding that CEQA-required potential mitigation to mitigate Impacts TR-1a, 1b, 8 and 9 has been identified. There is also substantial evidence regarding the mitigation being within the jurisdiction of another agency to implement and therefore beyond the ability of the County to implement. Implementation of the mitigation therefore remains infeasible, and impacts remain significant and unmitigated. Other short-term construction traffic impacts that require the approval of the City of Escondido is identified but beyond the jurisdiction of the County to implement and therefore remains infeasible and significant and unmitigated. Substantial evidence for all of these findings is found within the administrative record pertaining to this FEIR; including responses to comments, technical studies and EIR, which are hereby incorporated by reference. Without limitation, please refer to the following documents:

- FEIR Chapter 1.0 and Table 1-2
- FEIR Subchapter 2.2 Sections 2.2.1, 2.2.2, 2.2.3, 2.2.4, 2.2.5, 2.2.6 and 2.2.7
- FEIR Chapter 7.0, Sections 7.1.2 and 7.2.3
- FEIR Appendix D, Traffic Impact Analysis

## Section C

### **Potentially Significant Impacts that cannot be Mitigated Below a Level of Significance (CEQA Guidelines Section 15091[A][3])**

Pursuant to Section 15091(a)(3) of the State CEQA Guidelines, the Board of Supervisors finds that, for the following significant effects identified in the FEIR, specific economic, legal, social, technological, or other considerations make the mitigation measures or project alternatives infeasible<sup>1</sup>:

#### **AESTHETICS**

**Significant Effect – Impact AE-2:** Visual effects during and following the Project construction period related to vegetation removal, grading, bridge construction and vertical development would be substantial until buildout occurs and all vegetation is installed and reaches visual maturity in approximately 10 years.

**Finding:** PDFs will be implemented to substantially lessen Impact AE-2; but not to a level of less than significant. No other feasible mitigation measures have been identified or proposed that would mitigate Impact AE-2 to below a level of significance. Specific economic, legal, social, technological, or other considerations make the project alternatives identified in the FSEIR infeasible for the reasons set forth below. Thus, the impact is considered to be significant and unavoidable. This unavoidable impact is overridden by project benefits as set forth in the Statement of Overriding Considerations in Section E, below.

**Project Design Features:** A number of PDFs have been specified for the Project. These include landscape plans (including specified container/box sizes and timing of installation), a Project footprint consistent with TM 5600, grading following the general rise and fall of the site, incorporation of open space corridors and parks, set aside of biological open space, trails/pathways with equestrian fencing and/or landscaping as specified, varied roofline elements, restriction of non-habitable roofline elements to no more than five percent, use of dark roofs, screening of trash dumpsters/compactors/receptacles, screening of rooftop equipment where distinguishable, use of varied exterior building materials, use of architectural elements to reduce apparent size, bulk and scale of buildings; and lighting and signage specifications as identified on Table 1-2 and in Chapter 7.0. Implementation of these PDFs is assured, and permit issuance is conditioned upon completion of the PDFs. They all contribute to ultimate Project aesthetics impacts being less than significant. They do not, however, adequately reduce construction-period related visual effects to less than significant.

**Mitigation for Impact AE-2:** No mitigation beyond Project design features already incorporated is feasible.

**Rationale:** Construction-period/initial installation visual impacts would be adverse. These impacts relate to the combination of raw valley and slope soils during the construction period, the potential presence of rock crushing activities (with the industrial appearing crusher) and other construction equipment moving about the site, and increased lighting being visible immediately following Proposed Project construction. Ultimately, as indicated above, the landscaping installed within each constructed phase—with prioritization of manufactured slopes and areas edging Country Club Drive—would lessen adverse visual impacts of raw slopes and new buildings, and vegetation maturity would be visually attained in approximately 10 years. At that point, raw soil would be covered with Project improvements, and street trees and internal landscaping would buffer the homes from views to the Proposed Project from off site, softening sharp edges, unifying the Project, and shading Project lighting and glare. The entire site must be graded during a

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<sup>1</sup> Public Resources Code Section 21061.1 defines “feasible” to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

single effort so that connected and intertwined underground utilities can be installed, grading can be balanced on site, and overall disturbance will take the shortest feasible time period. Regardless, the existing site topography ensures that (where visibility to the site is available and particularly from a distance) views to the site largely contain the same northern portion of the site, with disturbance at any location being visible. While temporary in nature and ultimately addressed through Project design and landscaping over the long-term, short-term adverse visual impacts would be significant and unmitigable.

Potential alternatives to the Project are evaluated in the FEIR, with specific review of long-term aesthetic effects. For reasons explained in Section D of these Findings, attenuation of the significant effect through alternative design is not feasible. In addition to this CEQA Guidelines 15091(a)(3) finding, a separate Statement of Overriding Considerations is being adopted to address how the Project benefits outweigh this temporary, significant unavoidable adverse environmental effect.

**Evidence Supporting CEQA Findings:** Substantial evidence to support the finding that for Impact AE-2, specific economic, legal, technological or other considerations make the mitigation measures, PDFs and/or alternatives identified in the FEIR infeasible, is found within the administrative record pertaining to this FEIR; including responses to comments, technical studies and EIR, which are hereby incorporated by reference. Without limitation, please refer to the following documents:

- FEIR Chapter 1.0, and Table 1-2
- FEIR Subchapter 2.1, Sections 2.1.1, 2.1.2, 2.1.3, 2.1.4, 2.1.5 and 2.1.6
- FEIR Chapter 4.0, Subchapters 4.2. 4.3, 4.4, 4.5, and 4.6
- FEIR Chapter 7.0, Sections 7.1.1, 7.2.1, and 7.2.2
- FEIR Appendix B, Visual Impact Analysis
- FEIR Appendix C, Resource Protection Study Steep Slope Waiver

## **SECTION D**

### **Findings Regarding Alternatives**

CEQA Guidelines Section 15126.6(a) requires an EIR to discuss “a reasonable range of alternatives to a project, or the location of a project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives.” CEQA Guidelines Section 15364 defines feasibility as being “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.”

Six alternatives to the Proposed Project were evaluated, including the No Project/No Development Alternative, four full build alternatives, and one alternative that presents varied sewage treatment scenarios that could be incorporated into the Proposed Project, or any of the full build alternatives not assuming septic. The alternatives are:

- No Project/No Development Alternative
- General Plan Consistent with Septic Alternative
- General Plan Consistent with Sewer Alternative
- Senior Care Traffic Reduction Alternative
- Biologically Superior Alternative
- Off-site and Combined On-/Off-site Sewer Options Alternative

As previously detailed, these Findings incorporate the Off-Site Connection to the HGV WRF Alternative.

Pursuant to Section 15091(a)(3) of the State CEQA Guidelines, the Board of Supervisors finds that, for each of the Project alternatives identified in the FEIR, specific economic, legal, social, technological, or other considerations make the project alternatives infeasible. The following provides a summary of each alternative analyzed in Chapter 4.0 of the FEIR, compares their impacts with those of the Proposed Project, reviews their ability to meet the basic objectives of the Proposed Project, and provides a rationale as to why each alternative has been rejected as infeasible.

Project Objectives include:

1. Efficiently develop property in close proximity to an existing village consistent with the Community Development Model to create one complete and vibrant community that would enhance and support the economic and social success of the village and Project by increasing the number and diversity of residential opportunities.
2. Contribute to the establishment of a community that encourages and supports multi-modal forms of transportation, including walking and bicycling, by locating near regional employment and transit centers.
3. Preserve and enhance sensitive biological resources, habitats, and landforms in dedicated open space easements.
4. Provide a variety of passive and active recreational opportunities in support of the County’s goals to encourage healthy and active lifestyles through the creation of public and private parks, pathways, and trails that provide connectivity to the area’s preserved natural lands and nearby village uses.

5. Provide a mix of residential uses that will provide a broad range of housing choices which support a diversity of resident and land uses within the Project.
6. Create a mixed-use development that is compatible with existing and planned development in the immediate vicinity of the property while optimizing the operational effectiveness of public facilities and services of the Project and the existing village by increasing the number and diversity of residents within the Project.
7. Create a destination gathering place that provides a variety of land uses that encourage walkability, social interaction and economic vitality for the Project, and with the existing village and the surrounding areas.
8. Encourage adaptive grading, whenever feasible, that utilizes grading techniques such as selectively placing development in a manner that visually and physically responds to the site's physical variables (such as steep slopes, views, streams, etc.), preserving significant topographic features and taking advantage of existing site features.

#### **A. NO PROJECT/NO DEVELOPMENT ALTERNATIVE**

##### **1. No Project/No Development Alternative Description**

Under the No Project/No Development Alternative, the Project site would remain in its current condition. The native and non-native habitat throughout the site would remain intact. The above-ground transmission line that currently bisects the property, the paved and dirt roads providing access to single-family residential uses east of the Project, and the unimproved trail access to DDHP, would continue to exist. Some encroachment into the property by abutting parcels along Cordrey Drive, with related uncontrolled runoff into Escondido Creek, also would be likely to continue.

The Proposed Project residential and commercial uses would not be constructed; nor would supporting infrastructure such as improved road elements, the WTWRF, and other utility upgrades. In addition, the Project-proposed BOS preserve, and HOA-maintained landscaped areas (as well as larger community serving amenities such as pathway and trail connections and the destination gathering location at the Center House and multiple park areas) would not be created.

##### **2. Impact Comparison -- Proposed Project and No Project/No Development Alternative**

Under the No Project/No Development Alternative, the Project site would continue to appear as a primarily undeveloped area. Significant and unmitigable short-term adverse visual impacts would be avoided under this alternative. In addition, potentially significant but mitigable aesthetic impacts related to fresh-cut rock would not occur.

No existing trips are associated with the existing parcel, and therefore no significant transportation/traffic impacts would occur. This alternative would thus avoid the significant and unmitigable direct and cumulative transportation impacts identified for the Proposed Project in the City of Escondido and the significant and mitigable impacts within the County.

The No Project/No Development Alternative would be expected to generally retain biological resources in their existing condition; Specific biological impacts identified for the Proposed Project which would be avoided by this alternative include: (1) loss of sensitive habitats including Diegan coastal sage scrub (supporting one California coastal gnatcatcher nest), southern mixed chaparral (including some wart-stemmed ceanothus), coast live oak woodland, southern [willow] riparian forest, and non-native grassland; (2) potential loss of least Bell's vireo birds/habitat; (3) loss of habitat for raptors (foraging habitat); (4)

potential for substantial noise impacts during construction that could significantly impact coastal California gnatcatcher, least Bell's vireo and raptors; (5) loss of USACE, CDFW and County RPO wetlands/waters; and (6) displacement of nesting migratory birds during their breeding season.

Unknown subsurface resources could be present, but because no grading activities (which might uncover unknown resources) at all would occur on the Project site with the No Project/No Development Alternative, no significant impacts to cultural resources would occur.

No significant noise effects would occur as a result of the No Project/No Development Alternative, and the alternative would avoid the potentially significant but mitigable noise impacts projected to occur during on-site Project construction (associated with potential blasting and noticing issues). It also would avoid the mitigable operational impacts identified for the site relative to potential noise associated with the WTWRF generator, and relative to transportation noise in one location (Lots 123 and 124). Noise effects associated with bridge construction over Escondido Creek currently would not be expected to occur, eliminating potentially significant noise associated with construction of bridge supports.

The site would remain empty, and would therefore not have homes placed upon it that would exceed projections in the 2011 General Plan. Significant and unmitigated air quality impacts associated with exceedance of the 2016 RAQS due to proposed placement of more lots on site than are currently anticipated under the adopted General Plan would not occur.

Similarly, the elimination of development on, or new uses of, the Project site would result in no new GHG emissions impacts. As described for the Proposed Project, however, all impacts associated with Project emissions would be mitigated to net zero through on-site reductions and implementation of M-GHG-1 (addressing both construction- and operational-period emissions). Because no impacts would occur under the No Project Alternative, and because the Project would be mitigated to carbon neutral net zero (equivalent to No Project), when compared to the Proposed Project, GHG emissions impacts would be similar under this alternative.

### 3. Findings

#### Finding

The County finds that this alternative would avoid all significant environmental impacts identified in the FEIR. Accordingly, this alternative would be environmentally superior to all other alternatives considered (CEQA Guidelines § 15126.6[e][2]).<sup>22</sup> The County finds that specific economic, legal, social, technological, or other considerations, make this alternative infeasible (PRC Section 21081[a][3], Guidelines Section 15091[a][3]).

The County identifies the following specific economic, legal, social, technological or other considerations make this alternative infeasible. The County finds that each of these reasons, standing alone, renders this alternative infeasible:

- The County finds that this alternative is infeasible because it would fail to meet all of the Project objectives.
- The County also finds that this alternative is infeasible for social and “other considerations” because it would not fulfill the General Plan’s stated strategies, goals, and policies that call for additional housing completed in accordance with smart growth policies.

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<sup>2</sup> Consistent with CEQA Guidelines § 15126.6[e][2], where the No Project is the environmentally superior alternative, the EIR must identify another environmentally superior alternative among the other alternatives. For this Project, that is the General Plan Consistent with Sewer Alternative, discussed in Section iii, below.

- The County also finds that this alternative for social and “other considerations” is infeasible because it fails to assist the County in maximizing construction jobs, fulfilling its regional housing needs allocation, and improving housing affordability increased housing supply in the region.

### Facts in Support of the Finding

The No Project/No Development Alternative would avoid significant impacts associated with the Proposed Project, including: (1) significant and unmitigated aesthetics impacts; (2) significant but mitigated impacts related to aesthetics, biological resources, cultural resources, and noise within the County, and (3) significant and unmitigated air quality and transportation/traffic impacts within the jurisdiction of another agency.

The No Project/No Development Alternative would fail to meet all of the Proposed Project objectives, however, relative to provision of housing and support of facilities and services provided by HGV, provision of mixed residential uses to support diversity of resident and land uses, or creation of a mixed-use development (Objectives 1, 5 and 6, respectively). It also would not provide any of the amenities offered to the community at large relative to support of multi-modal transportation options, provision of a variety of passive and active recreational opportunities, or provision of a destination gathering place for the Project and surrounding areas (Objectives 2, 4 and 7, respectively). Permanent set aside of important and managed biological resources that would contribute to the block of preserved habitat located in the DDHP and the Elfin Forest Recreational Reserve (EFRR), also would not occur, contrary to Objective 3. Specifically, the long-term preservation of resources could not be assured as would occur under the Project, which would include dedication of land in permanent open space. Also, the management of conservation values including large segments of coast live oak woodland and southern mixed chaparral (containing wart-stemmed ceanothus), that would result from the permanent preservation of open space on the site, would not occur under this alternative. Improvements to potential wildlife movement by Project implementation of the bridge over Escondido Creek (allowing wildlife to pass under the bridge rather than crossing the vehicular travel way), as well as improvements to creek water quality resulting from removal of the at-grade crossing and underlying culverts and re-creation of a free-flowing creek bed, also would not be expected to occur. In addition, improvement of Country Club Drive roadbed and pathway and related improvement of emergency access to areas south of the creek would not occur, and off-sets to the north and south approaches to the Harmony Grove Road and Country Club Drive intersection would continue, retaining this awkward formation.

Project benefits that would not occur include: on-site legally protected conservation of environmental resources (34.8 acres of the Project would be preserved in open space, including Diegan coastal sage scrub, non-native grassland, Coast live oak woodland, and chaparral habitats), as well as permanent managed preservation of off-site habitats, including substantial blocks of Diegan coastal sage scrub, and non-native grassland or like functioning habitat; rehabilitation and enhancement of wetland habitat along Escondido Creek at percentages exceeding the direct impact; upgrades to the Country Club Drive/Harmony Grove Road intersection and installation of a bridge over the creek as well as improvements to Country Club Drive south of the creek, and improvements to the Country Club Drive/Auto Park Way intersection (also addressing the roadway segment), and limited commercial opportunities that complement existing elements of HGV and contribute to the overall functioning of the village as a whole. Each of these would benefit the environment and/or community beyond the Project. Project TIF fees would also support improvements to roadways in the vicinity, benefiting all users of the associated roadways. The provision of trails/pathways linking on- and off-site land uses, would benefit all users, including the larger community. Similarly, the alternative would not implement the public parks, or a community destination gathering location proposed by the Project.

Overall, this alternative also doesn't support County General Plan goals related to smart growth and focusing development in areas adjacent to employment opportunities, primary access routes and necessary infrastructure.

Among other considerations contributing to the infeasibility of this alternative is that as noted in 2018<sup>3</sup>, the County was only projected to issue building permits for 26 percent of the 22,412 units allocated to it by the state in its Regional Housing Needs Allocation process by 2020. The study further noted that as of May 2017, the average home price in the San Diego region was \$612,500 and the average monthly rental price was \$1,432, meaning that 41 percent of homeowners were spending 30 percent or more of their income on mortgage payments and more than 57 percent of renters were spending 30 percent or more of their income on rent. As noted in the March 2025 General Plan & Housing Element Annual Progress Report, however, the County is still short of meeting its current RHNA commitment within unincorporated areas. This lack of housing supply is contributing to scarcity and high housing prices that put a strain on the general welfare of County residents. An accepted metric of housing affordability is when a person need not spend 30 percent or more of their income on housing because it generally leaves sufficient funds for meeting a household's other food, medical, transportation and other needs. Accordingly, in the present circumstance of widespread regional housing scarcity, the County finds it is proper to promote construction of denser projects in accordance with the goals and principles of the General Plan in order to increase housing supply, particularly where a project includes affordable housing.

As explained in the Statement of Overriding Considerations (which are separate and independent from these Findings), the County has determined that the benefits of the Proposed Project outweigh any environmental impacts that are avoided by the No Project/No Development Alternative. The County adopts and incorporates by reference herein the analysis in the FEIR with regard to the Project and Project alternatives.

## ii. GENERAL PLAN CONSISTENT WITH SEPTIC ALTERNATIVE

### 1. General Plan Consistent with Septic Alternative Description

The purpose of this alternative is to provide consistency with the existing general plan land use designation and to reduce traffic and air quality impacts. The General Plan Consistent with Septic Alternative would be consistent with the existing General Plan land use designation of Semi-Rural. This alternative includes 49 single-family residential homes on 1-acre or greater lots. Larger lot sizes are needed in order to meet the County's septic system requirements with respect to the Project's unique geologic/soils characteristics. The residential lots would have approximately 5,000-square foot pads that would be sited throughout the property in a dispersed, rather than consolidated, pattern that is based upon the soils characteristics found on the site. This alternative assumes an advanced on-site wastewater treatment septic system, requiring approximately 3,500 sf per lot.

The manufactured slope located along Country Club Drive south of the WTWRF would not be built, and grading quantities overall are expected to total approximately 660,000 cubic yards (22 percent less than the Proposed Project grading of 850,000 cy). This alternative would initially grade approximately 56 acres (50 percent of the site), and develop on approximately 55 acres (also approximately 50 percent of the site) would be placed into open space set-aside containing some steep slopes and biological resources associated with each lot. This open space would not be placed into a preserve managed by an independent land manager, but would be restricted in use on each individual lot.

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<sup>3</sup> Incorporated herein by this reference and available for public review at: <http://www.sdchamber.org/wp-content/uploads/2017/03/Housing-Score-Card.pdf>

This alternative would not include any commercial, parks, or other recreational uses, including a community gathering locale, given the small number of residential units on site. While there are fewer homes under this alternative, larger lots spread over the entire site would still require an extensive road system and utility lines (e.g., potable water).

## **2. Impact Comparison -- Proposed Project and General Plan Consistent with Septic Alternative**

The alternative would grade individual residence pads, and place structures in general consistency with the underlying topography. The lot sizes would be compatible with some immediately abutting parcels to the west and east, and less compatible with HGV development patterns to the north. The views to this alternative would show fewer, and more widely spaced individual structures than would occur under the Proposed Project. There would be a range of structure size, with some being larger and some being smaller than under the Proposed Project. Because the units are dispersed throughout the site, however, some lots would be located at higher elevations than the Proposed Project, thereby increasing the potential to alter distant off-site views.

The General Plan Consistent with Septic Alternative would reduce grading quantities and initial visible surface disturbance compared to the Project. This alternative would therefore conform more closely to existing site topography than the Proposed Project (i.e., the smaller amount of soil movement would allow for greater retention of existing topography). The alternative would ultimately place 50 percent of the site into lots and streets, however, compared with 29 percent of the site being in lots and streets under the Proposed Project. Therefore, the alternative would not be perceived as visibly having less grading, and would appear to modify a greater part of the site. The dispersed development pattern of the alternative would site building pads closer to the southern Project boundary with the DDHP, and would introduce additional grading for pads and roads, with associated removal of native habitat, into a portion of the site identified for BOS under the Proposed Project.

Visual open space connecting to DDHP without pads and homes interspersed within it would be less than under the Proposed Project, where 34.8-acres of habitat south of the development footprint would be protected. Although a substantial amount of the site (approximately 55 acres) would be placed into open space easements under the alternative, the fragmentation of the habitat would result in additional visual changes to the southern slope that would not occur under the Project. The placement of the easement on those parcels also would result in the extent of the residential development remaining visible over the long term. Even if substantial landscaping/vegetative screening is provided on the pad, the requirement to maintain the interspersed open space in its natural state would result in homes being placed within areas of low-growing scrub habitats, and therefore always remaining highly visible. This would be visually consistent with development in the area, but also would minimize the perception of topographic feature preservation, and would encroach further into the feature of existing site open space preserved under the Project.

Similar to the Proposed Project, this alternative would be anticipated to result in significant short-term visual effects related to the construction period and for some years of Project use. The intensity of those adverse effects could be greater when compared to the Proposed Project, because the placement of a number of lots would be at a higher elevation than the Proposed Project and therefore more visible. Similar to the Proposed Project, there would not be significant long-term impacts.

Relative to traffic, this alternative assumes 12 daily trips per residence, based on SANDAG's 2002 (*Not So*) Brief Guide of Vehicular Traffic Generation Rates for the San Diego Region, which identifies use rates by type of use/density. The 49 units proposed for this alternative, therefore, would generate a total of 588 ADT. This is 87 percent fewer trips than the 4,350 ADT projected for the Proposed Project. Potential transportation/traffic impacts from this alternative would have lower overall a.m. and p.m. peak period volumes and lighter distribution overall to the area roadway system than under the

Proposed Project.

Seven transportation impacts identified for the Proposed Project (four segments, and two signalized as well as one unsignalized intersections) would not occur under this alternative, including one segment and two intersection impacts identified within the City of Escondido. The remaining (cumulative) impacts would all occur within County jurisdiction. The two segments impacted would occur along Harmony Grove Road between Country Club Drive and Harmony Grove Village Parkway, and between Kauana Loa Drive and Enterprise Street. Mitigation is available, and cumulative impacts would be addressed through payment into the TIF program and/or direct improvements, as described in Section A of these Findings. An impact at the Country Club Drive and Harmony Grove Road signalized intersection that would be less than significant with incorporation of M-TR-2a (incorporated into Project design for the Proposed Project), would be addressed through a similar mitigation measure requiring a new lane and dedicated right-turn lane with an overlap phase, as described for the Project. The cumulative impact would be addressed through M-TR-2b, TIF payment, and that would also be required for this alternative.

Due to reduced grading and surface disturbance, the General Plan Consistent with Septic Alternative would impact fewer acres of biological habitat than the Proposed Project. It would include lots farther to the south than the Proposed Project, however, would result in additional impacts towart-stemmed ceanothus and potentially coast live oak woodland, and would bring residential units closer to DDHP. This alternative would result in a greater level of fragmentation to preserved open space than the Proposed Project. This is because the retained habitats would contain dispersed housing and roads to access them, resulting in fingers of preserve being located within and throughout the alternative development scenario. These interspersed preserve areas would be subject to greater levels of edge effects than under the Proposed Project, where the BOS would consist of contiguous open space abutting development on only one side, and that limited to the southern extent of the development bubble.

Off-site impacts to Escondido Creek jurisdictional wetlands would be similar to the Proposed Project because a bridge would be installed over Escondido Creek. Construction-period effects also would occur due to potential for on-site blasting in non-rippable areas during grading and potential for pile-driving requirements at the Escondido Creek bridge.

Although habitat would be subject to fewer direct impacts, the increased fragmentation of that habitat, however, would result in reduced biological function and an overall assessment of greater biological impact when compared to the Proposed Project.

Although considered unlikely, there is potential for significant direct impacts related to discovery of unknown buried archaeological resources or burials. As with the Proposed Project, impacts to cultural resources under this alternative would be reduced below a level of significance through applicable mitigation measures requiring an archaeological monitoring and data recovery program, described under M-CR-1 and 2 in Section A of these Findings.

Relative to noise, although there would be a reduced amount of grading required for this alternative, the further encroachment to the south could require additional blasting. Construction noise associated with potential blasting in non-rippable areas could result in significant construction-period noise impacts, similar to the Proposed Project. If such activities are identified within these thresholds during final design, design considerations as described in EIR Chapters 1.0 and 7.0, and mitigation as described in Section A of these Findings, which would lower these construction-period noise effects to less than significant levels. Noise effects associated with bridge construction over Escondido Creek would remain. Overall, this alternative would have reduced impacts to noise when compared to the Proposed Project due to reduced traffic trips and a reduction in off-site noise impacts.

Off site, the reduction in number of residences associated with this alternative would result in a related smaller number of vehicle trips due to the reduced generation of vehicle trips per day, leading to a decrease in traffic-related noise impacts to two on-site residences. Potential operational effects associated with the Proposed Project WTWRF would not occur as sewage would be dealt with on the individual lots, further reducing impacts related to noise.

Short-term construction-related air quality impacts associated with the General Plan Consistent with Septic Alternative would be less than the (less than significant) effects associated with the Proposed Project, because of the reduced amount of required grading. Impacts also would be less than the (less than significant) Proposed Project's operations, due to fewer associated vehicular trips. In addition, the significant and unmitigable air quality impact associated with the Proposed Project's exceedance of the 2016 RAQS would not occur as the RAQS modeling assumes land uses proposed under the 2011 General Plan and this alternative proposes fewer homes than allowed under the adopted General Plan.

This alternative would have a smaller grading footprint, would not implement an on-site WTWRF, and would have substantially fewer residences with associated vehicular trips. As it is assumed these homes would be built in accordance with the General Plan and compliance with the Climate Action Plan, this alternative would not have a significant impact. As described for the Proposed Project, however, all impacts associated with Proposed Project emissions would be mitigated to carbon neutral net zero through implementation of M-GHG-1 (addressing both construction- and operational-period emissions) as well as on-site reductions and sequestration provided through the landscaping plan. Although initial GHG emissions under the General Plan Consistent with Septic Alternative would be less than those of the Proposed Project, implementation of mitigation identified in Subchapter 2.7 for the Proposed Project would result in similarly less than significant impacts.

### **3. Findings**

#### **Finding**

The County finds that this alternative would not avoid all significant environmental impacts identified in the FEIR, but would substantially reduce traffic loading onto streets and associated air quality emissions, as well as inconsistency with the RAQS. The County also finds that specific economic, legal, social, technological, or other considerations, make this alternative infeasible (PRC Section 21081[a][3], Guidelines Section 15091[a][3]).

The County identifies the following specific economic, legal, social, technological or other considerations make this alternative infeasible. The County finds that each of these reasons, standing alone, renders this alternative infeasible:

- The County finds that this alternative is infeasible for social and “other considerations” because it would not meet the Project objectives to the same extent as the Proposed Project as the 49 single-family residential homes will not enhance and support the economic and social success of the village to the same degree as the Project. While the alternative seeks to efficiently develop the property by placing new development in close proximity to HGV’s existing and planned infrastructure and services, the alternative design does not represent an efficient residential development model that enhances and supports the economic and social success of the village or the surrounding areas to the same extent as does the Project (Objective 1).
- The County finds that this alternative is infeasible for social and “other considerations” because it would fail to meet a Project objective to establish a community encouraging and supporting multi-model forms of transportation, including walking and bicycling (Objective 2).
- The County finds that this alternative is infeasible for social and “other considerations” because it would fail to meet a Project objective to provide a variety of passive and active recreational

opportunities in support of County goals to encourage healthy and active lifestyles through creation of public and private parks, pathways and trails providing connectivity to nearby preserved lands and the nearby village to the same extent as the Proposed Project (Objective 4).

- The County finds that this alternative is infeasible for social and “other considerations” because it would fail to meet the Project objectives of providing a mixed-use development with a broad range of housing choices to support a diversity of resident and land uses within the Project, as well as increasing number and diversity of residences within the Project to optimize the operational effectively of public facilities and services of the Project and existing village (Objectives 5 and 6).
- The County finds that this alternative for social and “other considerations” is infeasible because it would fail to meet a Project objective to create a destination gathering place that provides a variety of land uses encouraging walkability, social interaction and economic vitality for the Project, and with the existing village and surrounding areas (Objective 7).
- The County also finds that this alternative for social and “other considerations” is infeasible because it fails to assist the County in maximizing construction jobs, fulfilling its regional housing needs allocation, and improving housing affordability/increased housing supply in the region.
- The County also finds that this alternative is infeasible for social and “other considerations” because impacts to biological habitat function would be greater than under the Proposed Project, and therefore would not preserve and enhance sensitive biological resources to the same extent as the Proposed Project (Objective 3).

### **Facts in Support of the Finding**

The General Plan Consistent with Septic Alternative would result in substantially reduced impacts to transportation/traffic and air quality, and reduced impacts to noise when compared with the Proposed Project. Impacts would be similar for aesthetics and cultural resources. The alternative would reduce grading quantity and initial surface disturbance, resulting in fewer habitat impacts than the Proposed Project. It would result in a greater level of fragmentation to preserved open space, however, than the Proposed Project. This is because the retained habitats would contain dispersed housing and roads to access them, resulting in fingers of preserve being located within and throughout the alternative development scenario. These interspersed preserve areas would be subject to greater levels of edge effects than under the Proposed Project, where the BOS would consist of contiguous open space abutting development on only one side, and that limited to the southern extent of the development bubble. The increased fragmentation of that habitat would result in reduced biological function and an overall assessment of greater biological impact when compared to the Proposed Project.

Although this alternative would reduce some impacts and be consistent with the General Plan, it would not achieve an underlying Project purpose of accommodating a portion of the projected population growth and housing needs in San Diego County by expanding an existing village that will further enhance and support the success of that village. Also, the alternative would not meet the Project objectives to the same degree as the Proposed Project, as indicated above and described below.

The low density, dispersed pattern of development provided in this alternative would limit the ability to fully meet Objective 1 because it would not provide as efficient a development pattern in close proximity to an existing village as the Project. The General Plan Consistent with Septic Alternative has a limited ability to support the economic and social success of the existing village (Objective 1) when compared to the Proposed Project because the substantial decrease in number of residents would not provide the same level of support to HGV’s commercial uses and the alternative would lack the diversity in land uses needed to promote social interaction. Similarly, the General Plan Consistent with Septic Alternative’s land use pattern (dispersed large-lot single-family) does not meet Objectives 5 and 6 because the Project encourages a mix of residential units and a broad range of housing choices which result in a diversity of residents and land uses. The alternative would all be single-family homes on large lots, and would be fairly uniform, rather than diverse. With substantially fewer units, this alternative also would not optimize the operational

effectiveness of public facilities and services of the alternative or the existing village relative to the Proposed Project.

The low density dispersed land use pattern represented in this alternative is contrary to Objective 2 because the auto-dependent development pattern (lacking trail improvements) would not contribute to the establishment of a community that encourages and supports multi-modal transportation including walking or bicycling. Similarly, this alternative would not meet Objective 7 because it would not create a destination gathering place with a variety of land uses, such as the Project's Center House, that encourages walkability, social interaction and economic vitality. When compared to the full range of passive and active recreational opportunities provided by the Proposed Project, this alternative would be less effective in meeting Objective 4. The alternative appears to better realize the Objective 8 goal of physically responding to the site's physical variables through use of less grading, but would encroach into visible areas that would be retained as open space by the Proposed Project as a site feature. On balance, and for different reasons, the alternative is considered to achieve Objective 8 to the same extent as the Project.

Similar to the Proposed Project, the General Plan Consistent with Septic Alternative would meet Objective 3 because it does preserve and enhance biological habitat and landforms in dedicated open space easements. It would not, however, enhance sensitive biological resource function to the same extent as the Proposed Project.

This alternative would not maximize increased density close to the shopping, employment, and transportation centers of Escondido and San Marcos to the same extent as the Proposed Project. These smart growth concepts result in maximizing density near transit corridors to reduce air quality, greenhouse gas impacts, and expensive road construction projects that result when new communities are developed away from existing infrastructure because the needed density was not accommodated in denser projects near existing infrastructure and job centers. This alternative does not maximize housing relative to the Proposed Project.

Also, this reduced scale project that would provide fewer or shorter jobs in the construction industry than the Proposed Project. Facilitating economic prosperity by creating more and longer job opportunities in the construction industry is a worthwhile goal for the County. Although certainly not required, it is likely, under normal business practice for contractors to hire local workers (this workforce is familiar with local jurisdictional requirements and saves a potential out-of-town contractor from having to pay to bring in outside workers and pay per diem). Another consideration contributing to the infeasibility of this alternative is that it would not maximize the County's ability to facilitate more housing opportunities for its residents. As described in the No Project Alternative above in more detail, the lack of housing supply is contributing to scarcity and high housing prices that put a strain on the general welfare of County residents. Accordingly, in the present circumstance of widespread regional housing scarcity, the County finds it is proper to promote construction of denser projects in accordance with the goals and principles of the General Plan in order to increase housing supply, particularly where a project contains affordable housing.

Therefore, the General Plan Consistent with Septic Alternative is rejected because while it meets the Project objective relative to habitat preservation and responsiveness to site topography (Objective 8), it fails to attain Objectives 2, 5, 6 and 7; fails to attain others to the same extent as the Proposed Project (Objectives 1, 3 and 4); and fails to provide the significant public benefits associated with implementation of the Proposed Project.

Project benefits lost include: connections to existing trails, as well as provision of additional trails, that would both non-vehicular transportation (including equestrian uses) well as allow for alternative transportation through the site; public parks and a community destination gathering location proposed by the Project; limited commercial opportunities that complement existing elements of HGV and contribute to the overall functioning of the village as a whole; and improvements to Country Club Drive south of the creek, and improvements to the Country Club Drive/Auto Park Way intersection (also addressing the

roadway segment), each of which would benefit the community beyond the Project. Project TIF fees would also support improvements to roadways in the vicinity, benefitting all users of the associated roadways. Benefits accruing to County goals to implement smart growth policies also would not be attained to the same extent as under the Proposed Project.

As explained in the Statement of Overriding Considerations, which are separate and independent from these Findings, the County has determined that the benefits of the Proposed Project outweigh any environmental impacts that are avoided by the General Plan Consistent with Septic Alternative. The County adopts and incorporates by reference herein the analysis in the FEIR with regard to the Project and Project alternatives.

### **iii. GENERAL PLAN CONSISTENT WITH SEWER ALTERNATIVE**

#### **1. General Plan Consistent with Sewer Alternative Description**

The purpose of this alternative would be to avoid or reduce impacts to sensitive resources (steep slopes and biology) in the block of open space surrounded on two sides by DDHP, as well as steep slope impacts in the northeast portion of the alternative, traffic impacts, and aesthetic impacts associated with the Proposed Project. It also would provide consistency with the existing general plan land use designation with a greater number of units through utilization of the Conservation Subdivision Program (CSP) and Planned Development Regulations.

The General Plan Consistent with Sewer Alternative would allow development in accordance with the General Plan Land Use designation of the Semi-Rural Regional Category. Approximately 110 acres is designated Semi-Rural Residential (SR-0.5) and the remaining portion of the Project site is designated Rural Lands (RL-20). This alternative would implement the County's CSP over the 110 acres designated as SR-0.5 in conjunction with Planned Development Regulations. The remaining approximately 1 acre would remain outside the CSP and be maintained as open space.

The intent of the CSP is to encourage residential subdivision design that improves the preservation of sensitive environmental resources and community character. Planned Development Regulations allow for reductions in lot size and other design restrictions for conservation subdivisions when a certain percentage of open space is provided. Under Planned Development regulations, all properties within SR designations must contain a minimum of 40 percent of conservation/group open space. In addition, each lot must contain a minimum of 1,000 s.f. of private usable open space.

The CSP and PD Regulations would apply to the 110 acres designated as SR-0.5. This alternative would yield 119 single-family homes constructed on minimum 6,500-s.f. lots and sited to preserve sensitive biological resources and steep slopes. Some lots in the north of the alternative, all along the eastern and southern extents, and along the western site boundary south of the curve in Country Club Drive, would be larger, ranging from approximately 0.5 acre to 2.0 acres in size. Approximately 738,000 cy of cut and fill soil would be required for this alternative. This is approximately 13 percent less than the 850,000 cy assumed for the Proposed Project. This alternative would grade approximately 62 acres (59 percent of the site) and develop approximately 49 acres (approximately 44 percent). Approximately 44 percent of the site (49 acres of open space) also would be dedicated for conservation/preservation, and each of the lots would be required to include 1,000 s.f. of private open space. Although steep natural slopes outside the development footprint would be preserved to a greater degree than under the Proposed Project, a waiver for encroachment into insignificant RPO steep slopes as well as an exception for roadways would be required, similar to the Proposed Project.

Due to the fewer number of units, this alternative would not include trails, a community center or commercial mixed use. Six parks would be provided, however, consistent with the County PLDO and Subdivision Ordinance requirements. Benching and retaining walls would be required to support alternative

pads. All internal roadways would be private and would be constructed to the same standard as the Proposed Project.

The General Plan Consistent with Sewer Alternative would require connection to a WRF because the smaller lot sizes make individual septic units infeasible. Because the HGV Specific Plan and Community Plan currently require that HGV's WRF be used only for HGV to provide sewage service to Village homes, this alternative would require a GPA to allow for connection to the HGV sewage treatment facility and also would require an amendment to the HGV Specific Plan and an Elfin Forest/Harmony Grove Community Plan Amendment to allow sewer services to be provided to Semi-rural designated areas beyond the HGV Village boundaries.

## **2. Impact Comparison -- Proposed Project and General Plan Consistent with Sewer Alternative**

Similar to the Proposed Project, implementation of this alternative would introduce structures to the valley floor and slopes of the hills in the northerly portion of the property. This is the area that is most visible from off-site locations, and as such, would contain visible built uses. This alternative would result in fewer residential dwelling units than the Proposed Project. Larger lots (each approximately 0.5 acre in size) would be located within the northern portion of the alternative close to Harmony Grove Road, along most of the western perimeter, and along the southern portion of the development footprint. Lots ranging up to 2.0 acres in size would be aligned along the northeastern portion of the property. These residences would be the closest on-site uses to the estate lots located east of the property in the County. Placing the larger lots along the perimeter would provide a softer transition to adjacent open space and existing residences on abutting parcels. Benching and retaining walls would be required to support alternative lots. Those cut slopes would be potentially steeper and more abrupt than the adaptive grading implemented under the Proposed Project. Their modified nature may remain visible, even after landscaping, due to the more engineered design and the required use of additional retaining walls over those proposed for the Proposed Project. This would somewhat counteract the visual effect provided by the reduced grading along the southern perimeter.

The larger lots also allow for flexibility and avoidance of steep slope impacts related to grading. The alternative is responsive to RPO-protected steep slope avoidance. Where protected slopes cannot be avoided, no more than 10 percent of the lot would be encroached upon, consistent with the ordinance. As a result, portions of steep slopes in the northeastern part of the alternative that the Proposed Project would impact for road right-of-way or residential lots (as part of Lot 2), would be less affected by this alternative. This alternative also would allow a reduction in grading quantity and initial visible footprint of approximately 13 and 8 percent, respectively, when compared to the Proposed Project. The reduced grading quantity and footprint would result in reduced views to modified slopes in certain locations, with smaller amounts of raw soil and broken rock being visible in the short term during project grading. As cut slopes would be fewer than under the Proposed Project, potential issues with raw cut rock could be commensurately less as well. The Proposed Project, however, would only develop on approximately 29 percent of the site, preserving the remaining areas into open space, parks and landscaped areas as compared to this alternative that would develop on approximately 44 percent of the site.

Similar to the Proposed Project, the General Plan Consistent with Sewer Alternative would be anticipated to result in significant short-term visual effects related to the construction period and for some years of Project use. The intensity of those short-term adverse effects would be less when compared to the Proposed Project because of the smaller footprint. Because a bridge would be built over Escondido Creek, the loss of vegetation (and subsequent revegetation) would be expected to be similar for both the Project and this alternative.

In conclusion, balancing the more intensive in-development building pattern, including additional benching and retaining walls, against the fewer number of dwelling units and reduced footprint to the south, and the size of the northeastern residential lots (which may be considered more visually consistent with off-site

single-family residential uses to the east), the aesthetic impacts under this alternative would be incrementally less than the Proposed Project.

Relative to traffic, assuming an ADT of 10 per DU (based on SANDAG's 2002 *(Not So) Brief Guide of Vehicular Traffic Generation Rates for the San Diego Region*, which identifies use rates by type of use/density), this alternative would generate a total of 1,190 ADT, which is approximately 26 percent of the 4,530 ADT that would be generated by the Proposed Project, or a reduction of 74 percent. This would result in lower overall a.m. and p.m. peak period volumes and lighter distribution overall to the area roadway system. Seven significant impacts identified for the Proposed Project would not occur under this alternative. These include four segments impacts including (one segment) direct and cumulative impacts in the City of Escondido and (three segments with) cumulative impacts in the County. Cumulative impacts would still occur to Harmony Grove Road between Country Club Drive and Harmony Grove Village Parkway, and between Kauana Loa Drive and Enterprise Street, both within County jurisdiction. As for the Project, mitigation is available, and cumulative impacts would be addressed through payment into the TIF program and/or direct improvements, as described in Section A of these Findings. Similarly, significant cumulative impacts identified for the Proposed Project would not be triggered at signalized intersections in the City of Escondido; or at the unsignalized County intersection of Harmony Grove Road and Kauana Loa Drive under this alternative. For impacts to the Country Club Drive and Harmony Grove Road intersection, similar mitigation to M-TR-2a would be implemented under this alternative, requiring a new lane and dedicated right-turn lane with an overlap phase. The cumulative impact would be addressed through M-TR-2b, TIF payment, and that would also be required for this alternative.

Due to the reduced grading and initial surface disturbance, this alternative would impact fewer biological resources than the Proposed Project. The grading footprint for this alternative would total approximately 62 acres, less than the Proposed Project at approximately 71 acres. All areas not within lots would be conserved as part of this conservation subdivision, and placed into BOS under this alternative. The solid block of preserved habitat in the southern extent of the property would be larger than that preserved under the Proposed Project at approximately 49 acres (approximately 44 percent of the site) rather than approximately 35 acres.

Impacts to habitat on the east side of the property generally would be the same as for the Proposed Project. This alternative would impact a portion of Intermediate Value Diegan coastal sage scrub habitat known to support one California gnatcatcher breeding pair recorded along the eastern boundary of the site in 2014. These impacts would be significant and would be mitigated through the mitigation identified in Section A of these Findings.

Although homes would be set farther to the west compared to the Project, lessening potential for indirect noise and light impacts, there could be reduced on-site area for wildlife movement. A direct, north-south connection of core scrub and chaparral habitat between DDHP and Escondido Creek does not exist through the Project site due to patchy habitat and some existing development; but areas along the eastern boundary of the site could facilitate north-south movement to and from Escondido Creek. (Areas farther to the east of the site also are less constrained, where a direct connection of scrub and chaparral habitat occurs along West Ridge.) Because the eastern portion of the alternative layout would be in lots commensurate with the larger single-family homes under this alternative, area under the Proposed Project provided as on-site corridor would not occur under this alternative. The existing corridor would continue off site, with a width of approximately 700 feet (compared to approximately 1,000 feet in width under the Proposed Project).

This alternative would provide additional preserved open space along the south side of the development footprint when compared to the Proposed Project. This would allow for increased preservation of chaparral habitat that has notable sensitive plant species, such as wart-stemmed ceanothus and summer holly. The additional acreage in conserved open space would contribute to the open space set-aside that connects directly to the DDHP on both its east and south side, providing a larger block of contiguous habitat next to

this existing preserve. Also, although the Proposed Project would not directly impact on-site (non-RPO) jurisdictional waters, some brush management impacts south of the Project build footprint are anticipated to occur. These would not occur under this alternative, which has a southern development boundary slightly further to the north.

Similar to the Proposed Project, design features identified in EIR Table 1-2 and Chapter 7.0, for biological resources would be applicable to this alternative. Also similar to the Proposed Project, all CEQA-identified biological impacts under this alternative would be reduced below a level of significance through mitigation measures M-BI-1a through M BI-9, detailed in Section A of these Findings. Overall, the biological impacts under this alternative would be generally similar to the Proposed Project. This is based on balancing the similar impacts to Diegan coastal sage scrub and associated species, the increased open space to the south, and the narrower wildlife movement corridor.

Although considered unlikely, there is potential for significant direct impacts related to discovery of unknown buried archaeological resources or burials. As with the Proposed Project, impacts to cultural resources under this alternative would be reduced below a level of significance through applicable mitigation measures requiring an archaeological monitoring and data recovery program, described Section A of these Findings.

Short-term construction-related noise impacts associated with this alternative would be less than those associated with the Proposed Project, because of the reduced amount of grading and smaller footprint. Regardless, construction noise associated with potential blasting in non-rippable areas could result in significant construction-period noise impacts, similar to the Proposed Project. The likelihood of such impacts would be less than for the Proposed Project, because the southern boundary of the construction envelope would be located farther north than under the Proposed Project, and therefore farther away from some existing homes along the western Project parcels. If such activities are identified within these thresholds during final design, design considerations as described in EIR Table 1-2 and Chapter 7.0, and mitigation as described in Section A of these Findings, would be required, which would lower these construction-period noise effects to less than significant levels. Noise effects associated with bridge construction over Escondido Creek would remain. The proposed 119 homes under the alternative generate fewer vehicle trips per day (26 percent of the Proposed Project), with an associated decrease in off-site operations-related traffic-related noise impacts.

Short-term construction-related air quality impacts associated with the General Plan Consistent with Sewer Alternative would be less than the (less than significant) effects associated with the Proposed Project, because of the reduced amount of required grading. Impacts also would be less than the (less than significant) Proposed Project's operations, due to fewer associated vehicular trips. The significant and unmitigated air quality impact associated with exceedance of the 2016 RAQS would not occur for this alternative as the RAQS modeling assumes land uses proposed under the 2011 General Plan and this alternative proposes fewer residential lots than allowed under the adopted General Plan.

This alternative would not implement an on-site WTWRF, and would have substantially fewer residences with associated vehicular trips. As it is assumed these homes would be built in accordance with the General Plan and compliance with the Climate Action Plan, this alternative would not have a significant impact. As described for the Proposed Project, however, all impacts associated with Proposed Project emissions would be mitigated to carbon neutral net zero through implementation of M-GHG-1 (addressing both construction- and operational-period emissions) as well as on-site reductions and sequestration provided through the landscaping plan. Although initial GHG emissions under the General Plan Consistent with Sewer Alternative would be less than those of the Proposed Project, implementation of mitigation identified in Subchapter 2.7 for the Proposed Project would result in similarly less than significant impacts.

### 3. Findings

#### Finding

The County finds that this alternative would not avoid all significant environmental impacts identified in the FEIR, but would substantially reduce impacts to grading, traffic, and RAQS conformance. The County also finds that specific economic, legal, social, technological, or other considerations, make this alternative infeasible (PRC Section 21081[a][3], Guidelines Section 15091[a][3]).

The County identifies the following specific economic, legal, social, technological or other considerations make this alternative infeasible. The County finds that each of these reasons, standing alone, renders this alternative infeasible:

- The County finds that this alternative is infeasible for social and “other considerations” because it would not meet the Project’s objective to the same extent as the Proposed Project because with fewer residential homes it will not enhance and support the economic and social success of the village to the same degree as the Project. While the alternative seeks to efficiently develop the property by placing new development in close proximity to HGV’s existing and planned infrastructure and services, the alternative design does not provide an efficient residential development pattern that enhances established neighborhoods to the same extent as does the Project (Objective 1).
- The County finds that this alternative is infeasible for social and “other considerations” because it would fail to meet a Project objective to establish a community encouraging and supporting multi-model forms of transportation, including walking and bicycling (Objective 2).
- The County finds that this alternative is infeasible for social and “other considerations” because it would fail to meet a Project objective to provide a variety of passive and active recreational opportunities in support of County goals to encourage healthy and active lifestyles through creation of public and private parks, pathways and trails providing connectivity to nearby preserved lands and the nearby village to the same extent as the Proposed Project (Objective 4).
- The County finds that this alternative is infeasible for social and “other considerations” because it would fail to meet the Project objectives of providing a mixed-use development with a broad range of housing choices to support a diversity of resident and land uses within the Project, as well as increasing number and diversity of residences within the Project to optimize the operational effectively of public facilities and services of the Project and existing village (Objectives 5 and 6).
- The County finds that this alternative for social and “other considerations” is infeasible because it would fail to meet a Project objective to create a destination gathering place that provides a variety of land uses encouraging walkability, social interaction and economic vitality for the Project, and with the existing village and surrounding areas (Objective 7).
- The County finds that this alternative for social and “other considerations” is infeasible because it would fail to meet a Project objective to respond to the site’s physical variables, preserving significant topographic features and taking advantage of existing site features, to the same extent as the Proposed Project (Objective 8).
- The County also finds that this alternative for social and “other considerations” is infeasible because it fails to maximize construction jobs, support the County in fulfilling its regional housing needs allocation, and improving housing affordability increased housing supply in the region.

#### Facts in Support of the Finding

The General Plan Consistent with Sewer Alternative would result in less aesthetic, transportation/traffic, air quality, and noise impacts than the Proposed Project. Impacts to biological resources and cultural resources would be similar.

Although this alternative would reduce impacts it does not achieve all of the Project objectives to the same degree as the Proposed Project. The alternative would not meet Objective 1 to the same extent as the Project because it would not provide an efficient development pattern in close proximity to an existing village to the same degree as the Project. This is because the alternative would have fewer homes, and fewer public amenities (no trails, Center House amenities or small commercial component), all of which would augment the uses of HGV and tie the existing and planned extension of the village together. The reduced uses and lower number of residents would not enhance and support the economic and social success of the existing village and the alternative compared to the Proposed Project. The low density single-family pattern represented in this alternative has limited ability to support the economic and social success of the existing village and the alternative because it would not increase the diversity of residents and land uses when compared to the Proposed Project.

The single-family land use pattern represented in this alternative, as evidenced by developing on approximately 44 percent of the site, would be contrary to Objective 2 because the reduced number of units and auto-dependent development pattern (no trails and pathways) would not contribute to the establishment of a community that encourages and supports multi-modal transportation. Similarly, this alternative's land use pattern (single family) is inferior to the Proposed Project in meeting Objectives 5 and 6 which encourage a mix of residential units and a broad range of housing choices which result in a diversity of residents. Also as a result of having substantially fewer units when compared to the Project, this alternative is less effective in optimizing the operational effectiveness of public facilities and services of the existing village. When compared to the full range of passive and active recreational opportunities provided by the Proposed Project, including the Center House community area and multiple parks throughout the Proposed Project, as well as trail heads and trails, the alternative would be less effective in meeting Objective 4. This alternative would not meet Objective 7 because it would not create a destination gathering place with a variety of land uses, such as the Project's Center House, that would encourage walkability, social interaction and economic vitality.

Relative to Objective 8, within the development footprint in the heart of the alternative, the more intensive engineered nature of the grading—with additional benching and retaining walls, and lessened contour/adaptive grading—would not respond to the site's physical variables to the extent of the Proposed Project. Topographic variation and visibility to existing site characteristics would be lessened from that achieved by the Proposed Project. Views to developed lots and streets would be increased under the alternative and sight-lines into the site and between structures afforded by the Proposed Project would be reduced, although balanced somewhat by a reduction in building on steep slopes in the northeastern portion of the property, and the potential for some sight-lines between homes on the larger lots on the central bench.

Overall, this alternative would not be as responsive to Objective 8 as the Proposed Project in selectively placing development in a manner that visually and physically responds to the site's physical variables.

This alternative would meet Objective 3 because it does preserve and enhance biological resources. A larger conservation area adjacent to DDHP would result under this alternative than under the Proposed Project.

This alternative also fails to support County General Plan goals related to smart growth and focusing development in areas adjacent to primary access routes and necessary infrastructure to the same extent as the Proposed Project. A total of 119 residences (74 percent less than the Proposed Project) would be provided in proximity to the Nordahl Transit Station.

Among the other considerations contributing to the infeasibility of this alternative is that it would provide fewer or shorter construction jobs than the larger Proposed Project. Facilitating the economic prosperity of its residents by creating more and longer job opportunities in the construction industry is a worthwhile goal for the County. Aside from those who are employed building the homes, another consideration contributing to the infeasibility of this alternative is that it would not maximize the County's ability to facilitate more

housing opportunities for its residents. As described in the No Project Alternative above in more detail, the lack of housing supply contributes to scarcity and high housing prices that put a strain on the general welfare of County residents. Accordingly, in the present circumstance of widespread regional housing scarcity, the County finds it is proper to promote construction of denser projects in accordance with the goals and principles of the General Plan in order to increase housing supply, particularly where the project incorporates affordable housing.

Therefore, the General Plan Consistent with Sewer Alternative is rejected because while it satisfies a Project objective related to open space set aside, it fails to attain some of the objectives of the Project (Objectives 2, 5, 6 and 7) and fails to attain other Project objectives to the same extent as the Proposed Project (Objectives 1, 4 and 8). Finally, it fails to provide the significant public benefits associated with implementation of the Proposed Project.

Project benefits lost include: connections to existing trails, as well as provision of additional trails/pathways, that would benefit both non-vehicular transportation (including equestrian uses) and health goals; limited commercial opportunities that complement existing elements of HGV and contribute to the overall functioning of the village as a whole; a community destination gathering location proposed by the Project; and improvements to the Country Club Drive/Auto Park Way intersection (also addressing the roadway segment), each of which would benefit the community beyond the Project. Project TIF fees would also support improvements to roadways in the vicinity, benefitting all users of the associated roadways. Benefits accruing to County goals to implement smart growth policies also would not be attained to the same extent as under the Proposed Project.

As explained in the Statement of Overriding Considerations, which are separate and independent from these Findings, the County has determined that the benefits of the Proposed Project outweigh any environmental impacts that are avoided by the General Plan Consistent with Sewer Alternative. The County adopts and incorporates by reference herein the analysis in the FEIR with regard to the Project and Project alternatives.

#### **iv. SENIOR CARE TRAFFIC REDUCTION ALTERNATIVE**

##### **1. Senior Care Traffic Reduction Alternative Description**

The Senior Care Traffic Reduction Alternative is intended to substantially reduce impacts associated with traffic in the context of providing a development pattern that would increase density adjacent to the existing HGV Village through a GPA. This alternative consists of a senior citizen community made up of 266 single-family age-restricted residences and five two-story structures totaling 120 units of managed care facility. The trip generation rates for age-restricted residential units and a managed care facility are substantially less than non-age-restricted residential units. The Proposed Project is projected to result in 4,530 ADT based on 10 trips per residence (based on SANDAG's 2002 *(Not So) Brief Guide of Vehicular Traffic Generation Rates for the San Diego Region*, which identifies use rates by type of use/density). The trip rates for age-restricted and managed care facilities are 4 trips per residence and 2.5 trips per unit, respectively. Using this generation rate, development under the Senior Care Traffic Reduction Alternative would result in 1,364 ADT, or 3,166 (70 percent) fewer trips than the Proposed Project per day.

This alternative would incorporate the unique design requirements for this type of development. All 266 single-family residences would be one story due to the age-related nature of the development. Also, given the demand for security features in such projects, the single-family residential units as well as the managed care units would be clustered into discrete gated neighborhoods. Public pedestrian access between the neighborhoods and provision of a sense of connection between the neighborhoods and HGV would be

provided. Each of the neighborhoods, including the numerous (17) small parks, would be located in a manner that complies with the County's PLDO requirements and allows accessibility to the public.

No commercial uses or community gathering locale would be provided because the fewer number of single-family dwelling units in this alternative would not be able to support such uses on site. This alternative would include an on-site WTWRF and all roads within the community would be private, similar to the Proposed Project. A landscaping plan would be implemented as part of this alternative. Due to the lower-density design (generally single-story residences that appeal to the age-restricted market) the grading footprint would be greater than the Proposed Project. This alternative would grade approximately 82 acres (74 percent of the site), and develop on approximately 66 acres (60 percent) of the site. This alternative also would have greater grading quantities (1,450,000 cy) than the Proposed Project, or approximately 71 percent more than the Proposed Project at 850,000 cy.

Area retained in undisturbed open space would be approximately 30 acres, or 27 percent, of the site. Adding this to the park and other internal open space (approximately 15 acres overall) would result in a total of approximately 45 acres (41 percent of the site) in open space. In order to accommodate the alternative's more dispersed development design, two of the gated neighborhoods would be extended into a small portion of the area that is preserved as open space by the Proposed Project and on the portion of the project that contains insignificant RPO steep slopes; this would extend into a large block of open space in the southern part of the site that would be avoided by the Proposed Project. The alternative would also require a waiver under RPO. Similar to the Proposed Project, the Senior Care Traffic Reduction Alternative would require a GPA, rezone and approval of a Specific Plan.

## **2. Impact Comparison -- Proposed Project and Senior Care Traffic Reduction Alternative**

This alternative would primarily consist of 266 single-family homes of a consistent height. The building heights of these homes would be compatible with existing development in the Project vicinity generally located to the west (generally one story in height) and less so to the east of the site (generally estate housing exceeding one story). The uniform small lots with the individual homes would appear less consistent in lot size with uses to the west, east and north (HGV) of the site; excluding the Harmony Grove Spiritualist Association, approximately 0.25 mile to the west. Although the managed care facility would introduce a different land use to the surrounding area, the 120 units of managed care facility would be located in two-story buildings which would be similar in height to some of the structures located in HGV immediately adjacent to the alternative and with some of the large estate-style homes with multiple stories that surround portions of the project site. These two-story structures would be sited generally more internal to the alternative, with only one structure aligned along nearby Country Club Drive. This alternative would result in increased grading quantity and footprint when compared to the Proposed Project, including homes sited in the area preserved as open space by the Proposed Project, as well as a small increased number of homes on the northeastern knoll. Because a bridge would be built over Escondido Creek, the loss of vegetation (and subsequent revegetation) would be expected to be similar for both the Project and this alternative.

Similar to the Proposed Project, the Senior Care Traffic Reduction Alternative would be anticipated to result in significant short-term and unmitigable visual effects related to construction and for some years of Project use until the landscaping required as part of alternative design reaches maturity. At that time, temporary visual impacts associated with views to raw soil and immature landscaping would be reduced to less than significant levels. Although the CEQA impact would be the same, the intensity of those short-term adverse effects, would be greater for this alternative because of the larger footprint.

The increased grading quantity and footprint also could result in increased views to modified slopes in certain locations, with larger amounts of raw soil and broken rock potentially being visible from certain locales. Potential impacts relative to broken rock would be mitigated similar to the Proposed Project as described in M-AE-1 in Section A of these Findings.

It is expected that upon buildout and full vegetative maturity of both HGV and the alternative, this alternative would blend with the village to the north, similar to the Proposed Project. Overall, this alternative would be similar to the Proposed Project relative to encroachment into steep slopes. The alternative would have a larger grading footprint, and, ultimately, develop more area in long-term lots and streets than the Proposed Project. This alternative would grade approximately 74 percent of the site, and ultimately build approximately 60 percent of the site out in lots and streets, with less space allotted to exterior or interior revegetated slopes. Adding the area retained in undisturbed open space (approximately 30 acres) to the park uses and other internal open space (approximately 15 acres overall) would result in a total of approximately 45 acres (41 percent of the site) in open space; much less than the 75 acres (68 percent of the site) under the Proposed Project.

Structural development would be generally lower (one- versus two-to-three-story structures for single-family residential uses when compared to the limited three- to four-story multi-family uses under the Proposed Project), which could result in some increased visibility over the development to hills southerly of the alternative. The surrounding heights of rimming ridge lines and topographic features to the southeast and south, however, would minimize the visual difference in these heights. The more regular lot layout (more consistent lot sizing and distribution over the site relative to more traditional single-family detached subdivision design and grouped rectangular care units) would not provide open sight lines into the site's interior slopes. This would contrast with the Proposed Project interior slopes, which, due to wider swaths of undeveloped area, would allow for substantial vegetation, and a greater visible link to the underlying topography along these open areas. The amount of topographic variation and visibility to existing site characteristics would be lessened from that achieved by the Proposed Project due to the substantially greater grading quantities, greater acreage allotted to lots and streets under the alternative, the obscuring of site soils with structures, and the reduced sight-lines into the site and between structures afforded by the Proposed Project.

Overall, the alternative would provide greater contiguous structural massing and less visual open space from off-site locations, but the visual effect of the larger footprint would be off-set over the long-term by the lower height of the residences, and implementation of the landscape plan combined with set back of the lots from public Country Club Drive. As a result, the ultimate aesthetic impacts under this alternative overall would be different from, but an equal level to, impacts assessed to the Proposed Project.

Relative to traffic, the Senior Care Traffic Reduction Alternative would result in 1,364 ADT, or 3,166 (70 percent) fewer trips than the Proposed Project per day. The decrease in the numbers of trips would be substantial, and as a result, the related transportation/traffic impacts under this alternative would be anticipated to be substantially less than those of the Proposed Project. There would be lower overall a.m. and p.m. peak period volumes and lighter distribution overall to the area roadway system. Five significant impacts assessed to the Proposed Project would be eliminated. These would include two roadway segment impacts and an unsignalized intersection within the County, and two signalized intersection impacts in the City of Escondido.

Even where significant impacts remain, they would be reduced from the Proposed Project. County segments remaining significant would be mitigated to below a level of significance as described under M-TR-3, -6 and -7 through focused improvements or TIF payments in Section A of these Findings. Similar to the Proposed Project, possible mitigation has been identified for the segment of Country Club Drive within the City of Escondido's jurisdiction, could be mitigated to below a level of significance through physical improvements as described under M-TR-1a and 1b (including widening and re-striping) for direct impacts and through reduced fair-share fees for the cumulative impact as described in Section B of these Findings if implemented by the City. Also similar to the Proposed Project, because implementation of the mitigation is within the power of another CEQA lead agency (the City), and beyond the purview of the County, those impacts are identified as significant and unmitigable.

For impacts to the Country Club Drive and Harmony Grove Road intersection, mitigation similar to M-TR-2a in Section A of these Findings would be implemented, requiring a new lane and dedicated right-turn lane with an overlap phase. The cumulative impact would be addressed through M-TR-2b, TIF payment, and that would also be required for this alternative (also as described in Section A of these Findings).

Due to increased grading and surface disturbance, the Senior Care Traffic Reduction Alternative would impact more biological resources than the Proposed Project. Although some of the southern portion of the site would be avoided by this alternative and placed in BOS, the alternative's dispersed development plan would result in the need for a greater grading footprint than the Proposed Project; resulting in an impact to the large block of open space in the southern part of the Project area that would be avoided by the Proposed Project. This area includes a number of resources, including chaparral containing numerous sensitive wart-stemmed ceanothus and limited San Diego sagewort. Although some areas containing wart-stemmed ceanothus and ashy spike-moss would be avoided under the alternative that would be impacted by the Proposed Project, the alternative would impact other areas preserved under the Proposed Project, and would additionally fragment Project-retained open space as a result of necessary access roads.

This alternative would initially grade approximately 11 acres more than the Proposed Project, and also would preserve associated less acreage than the Proposed Project in open space. For the Proposed Project, 34.8 acres, or 31 percent of the site would be placed into BOS. For the alternative, approximately 30 acres, or 27 percent of the site, would be placed into open space containing BOS and steep slopes.

Similar to the Proposed Project, this alternative would impact intact Diegan coastal sage scrub habitat where a coastal California gnatcatcher breeding pair was observed in 2014. Also similar to the Proposed Project, this alternative would require design features such as open space set-aside containing wart-stemmed ceanothus and other construction and operational measures identified in EIR Table 1-2 and Chapter 7.0, as well as mitigation measures M-B-1a through M-B-9 in Section A of these Findings. Following implementation of the design considerations and mitigation measures, all impacts would be mitigated to less than significant levels, similar to the Proposed Project. Overall, however, the biological impacts under this alternative would be greater than the Proposed Project due to the increased footprint and limited biological resource conservation area, as well as additional fragmentation of open space set aside.

Although considered unlikely, there is potential for significant direct impacts related to discovery of unknown buried archaeological resources or burials. As with the Proposed Project, impacts to cultural resources under this alternative would be reduced below a level of significance through applicable mitigation measures requiring an archaeological monitoring and data recovery program, described in EIR under M-CR-1 and 2 in Section A of these Findings.

Short-term construction-related noise impacts associated with this alternative would be greater than those associated with the Proposed Project, because of the increased amount of grading and larger footprint. Construction noise associated with potential blasting in non-rippable areas could result in significant construction-period noise impacts, similar to the Proposed Project. The likelihood of such impacts would be greater than for the Proposed Project, because the southern boundary of the construction envelope would be located farther south than under the Proposed Project, and therefore closer to some existing homes along the western Project boundary. If such activities are identified within these thresholds during final design, design considerations as described in EIR Table 1-2 and Chapter 7.0, and mitigation as described in Section A of these Findings for M-N-4 through -6 related to rock breaking and blasting, would lower these construction-period noise effects to less than significant levels. Noise effects associated with bridge construction over Escondido Creek would remain.

As noted, the proposed 266 homes and managed care facility under this alternative would generate 3,166 fewer vehicle trips per day. The reduced trip generation would result in a decrease in off-site traffic-related

noise impacts, which would eliminate need for the on-site sound wall. Similar to the project, interior noise levels would comply with Title 24 standards, and be documented through interior testing. Operational noise effects associated with the WTWRF would be similar and also would be addressed through implementation of M-N-3 as discussed for the Proposed Project in Section A of these Findings. Overall, the noise impacts for this alternative would be less than the Proposed Project because the potentially greater construction noise impacts would be short term and the lesser vehicular noise impacts would be long term.

Although grading emissions would be restricted per day and would be less than significant, short-term construction-related air quality impacts associated with the Senior Care Traffic Reduction Alternative would be greater than the less-than-significant effects associated with the Proposed Project, because of the additional amount of required grading. Operational impacts would be less than the (less than significant) Proposed Project, due to fewer associated vehicular trips. The significant and unmitigated air quality impact associated with exceedance of the 2016 RAQS also would occur for this alternative as the RAQS modeling includes the 2011 General Plan assumptions for site development (approximately 220 lots), but not the GPA associated with the Project or the alternative. Ultimately, it is expected that mitigation as identified in Section B of these Findings under M-AQ-1, followed by updates to the RAQS and SIP would lower this impact to less than significant levels.

This alternative would have substantially fewer residences and a population with fewer associated vehicular trips. It would, however, exceed the General Plan development assumptions for the property. Nonetheless, as described for the Proposed Project, all impacts associated with Proposed Project emissions would be mitigated to carbon neutral net zero through implementation of M-GHG-1 (addressing both construction- and operational-period emissions) as well as on-site reductions and sequestration provided through the landscaping plan. Although initial GHG emissions under the Senior Care Reduced Traffic Alternative would be less than those of the Proposed Project, implementation of mitigation identified in Subchapter 2.7 for the Proposed Project would result similar less than significant impacts as both the Project and the alternative would be mitigated to net zero. When compared to the Proposed Project, impacts to GHG emissions would be similar under this alternative.

### **3. Findings**

#### **Finding**

The County finds that this alternative would not avoid all significant environmental impacts identified in the FEIR but would substantially reduce traffic and air quality impacts. The County also finds that specific economic, legal, social, technological, or other considerations, make this alternative infeasible (PRC Section 21081[a][3], Guidelines Section 15091[a][3]).

The County identifies the following specific economic, legal, social, technological or other considerations make this alternative infeasible. The County finds that each of these reasons, standing alone, renders this alternative infeasible:

- The County finds that this alternative is infeasible for social and “other considerations” because it would fail to meet the Project objective of efficient development in close proximity to an existing village through increasing number and diversity of residences (Objective 1). The alternative lacks diversity in residential opportunities and the fewer number of homes will not enhance and support the economic and social success of the village to the same degree as the Project. While the alternative seeks to efficiently develop the property by placing new development in close proximity to HGV’s existing and planned infrastructure and services, the alternative’s more dispersed design and the gated neighborhoods do not provide an efficient residential development pattern that would contribute towards creating a vibrant neighborhood while still preserving valuable open space areas to the same extent as the Project.
- The County finds that this alternative is infeasible for social and “other considerations” because it

would fail to meet a Project objective to establish a community encouraging and supporting multi-model forms of transportation, including walking and bicycling (Objective 2).

- The County finds that this alternative is infeasible for social and “other considerations” because it would fail to meet a Project objective to preserve and enhance sensitive biological resources, habitats in dedicated open space easements to the same extent as the Proposed Project (Objective 3).
- The County finds that this alternative is infeasible for social and “other considerations” because it would fail to meet a Project objective to provide a variety of passive and active recreational opportunities in support of County goals to encourage healthy and active lifestyles through creation of pathways and trails providing connectivity to nearby preserved lands and the nearby village to the same extent as the Proposed Project (Objective 4).
- The County finds that this alternative is infeasible for social and “other considerations” because it would fail to meet the Project objectives of providing a mixed-use development with a broad range of housing choices to support a diversity of resident and land uses within the Project, as well as increasing number and diversity of residences within the Project to optimize the operational effectiveness of public facilities and services of the Project and existing village (Objectives 5 and 6).
- The County finds that this alternative for social and “other considerations” is infeasible because it would fail to meet a Project objective to create a destination gathering place that provides a variety of land uses encouraging walkability, social interaction and economic vitality for the Project, and with the existing village and surrounding areas (Objective 7).
- The County finds that this alternative for social and “other considerations” is infeasible because it would fail to meet a Project objective to respond to the site’s physical variables, preserving significant topographic features and taking advantage of existing site features, to the same extent as the Proposed Project (Objective 8).

### **Facts in Support of the Finding**

Overall, the Senior Care Traffic Reduction Alternative reduces several impacts, but also increases several impacts, in comparison to the Proposed Project. The alternative would generate substantially less transportation/traffic, which would result in related decreases in noise, and reduced air quality emissions, from the Proposed Project. (Air quality impacts would be increased during the construction period, but reduced over the long-term compared to the Proposed Project.) Biological resources impacts would be greater than the Proposed Project. Cultural resources and aesthetic impacts would be similar for this alternative in comparison to the Proposed Project.

The Senior Care Traffic Reduction Alternative does not achieve all of the Project objectives to the same degree as the Proposed Project. The alternative would not fully meet Objective 1. The alternative would not provide the most efficient development pattern in close proximity to an existing village because of its dispersed development pattern. Also, although providing a new residential type for the valley, when compared to the Proposed Project, the alternative offers a substantially fewer number of units and a singular product type, which limits the ability to fully support the economic and social success of the existing village and this alternative. Although the alternative would be located near regional employment and transit centers, the lower density and dispersed land use pattern represented in this alternative would not meet Objective 2. The auto-dependent development pattern proposed by this alternative would not contribute to the establishment of a community that encourages and supports multi-modal transportation through walking and bicycling. Similarly, the alternative’s limited product offering would not meet Objectives 5 and 6, which encourage a mix of residential units and a broad range of housing choices. The alternative would not support a greater diversity of residents or provide a wider range of housing opportunities to complement the adjacent village’s land uses. Also, with substantially fewer units, the alternative is less effective in optimizing the operational effectiveness of public facilities and services of the existing village. When compared to the full range of passive and active recreational opportunities provided by the Proposed

Project, this alternative also is less effective in meeting Objective 4. The increased grading footprint for the alternative is inferior to the Proposed Project in achieving Objective 3 because there would be reduced preservation and enhancement of biological resources, as well as increased fragmentation of that open space when compared to the Proposed Project.

This alternative would not meet Objective 7 because it would not create a destination gathering place with a variety of land uses, such as the Project's Center House, that would encourage walkability, social interaction and economic vitality. Finally, relative to Objective 8, the alternative would require modification of 600,000 cy of soil more than the Proposed Project, have a larger grading footprint, and, ultimately, result in more area developed long-term in lots and streets than the Proposed Project. As a result, the amount of topographic variation and visibility to existing site characteristics would be lessened from that achieved by the Proposed Project due to the greater acreage allotted to lots and streets under the alternative, the obscuring of site soils with structures, and the reduced sight-lines into the site and between structures afforded by the Proposed Project.

This alternative also fails to support County General Plan goals related to smart growth and focusing development in areas adjacent to primary access routes and necessary infrastructure to the same extent as the Proposed Project. A total of 386 residences (15 percent less than the Proposed Project) would be provided in proximity to the Nordahl Transit Station.

With this reduced project, it also would provide fewer or shorter construction jobs for its residents employed in the construction industry than would the larger Proposed Project. Facilitating the economic prosperity of its residents by creating more and longer job opportunities in the construction industry is a worthwhile goal for the County. This is balanced, however, by the fact that jobs associated with elder care (anticipated to require both skilled nursing and other workers) would be provided under this alternative. Additionally, it is noted that an accepted metric of housing affordability is when a person need not spend 30 percent or more of their income on housing because it generally leaves sufficient funds for meeting a household's other food, medical, transportation and other needs. The lack of housing supply is contributing to scarcity and high housing prices that put a strain on the general welfare of County residents. Relative to this alternative, however, the County finds that although the alternative would not maximize the County's ability to provide more housing numbers for its residents, this is balanced by the opportunity to provide housing for a specialized segment of its residents – the increasing population of elderly residents who may require assisted living facilities.

In conclusion, the Senior Care Traffic Reduction Alternative is rejected because it fails to attain some objectives of the Project (Objectives 2, 5, 6 and 7), and fails to attain others to the same extent as the Proposed Project (Objectives 1, 3, 4 and 8). It also fails to provide the significant public benefits associated with implementation of the Proposed Project.

Project benefits lost include: connections to existing trails, as well as provision of additional trails/pathways, that would benefit both non-vehicular transportation (including equestrian uses) and health goals; and a community destination gathering location proposed by the Project; each of which would benefit the community beyond the Project. Limited commercial opportunities that complement existing elements of HGV and contribute to the overall functioning of the village as a whole also would be lost. Project TIF fees would also support improvements to roadways in the vicinity, benefitting all users of the associated roadways.

As explained in the Statement of Overriding Considerations, which are separate and independent from these Findings, the County has determined that the benefits of the Proposed Project outweigh any environmental impacts that are avoided by the Senior Care Traffic Reduction Alternative. The County adopts and incorporates by reference herein the analysis in the FEIR with regard to the Project and Project alternatives.

## v. BIOLOGICALLY SUPERIOR ALTERNATIVE

### **1. Biologically Superior Alternative Description**

This alternative utilizes the densities of the Village designation while addressing the issues relative to Diegan coastal sage scrub and Diegan coastal sage scrub-dependent species that were raised by the wildlife agencies during Project batching meetings and an on-site meeting held in 2015. The alternative does not extend the development footprint as far to the east as the Proposed Project, and would preserve a larger portion of Diegan coastal sage scrub than would be preserved by the Proposed Project.

In order to accommodate the densities of the Village designation within a restricted development footprint, the Biologically Superior Alternative would locate 425 multi-family residential units within 54 three-story buildings. The westernmost of the buildings would be sited closer to Country Club Drive than the Proposed Project. Particularly along the northern portion of the Project, there would be a correspondingly lesser breadth of landscaping between the public street and alternative structures. All of the 54 buildings would be similar in height to the tallest buildings in the Proposed Project. An HOA building (including a pool and small structure) is located in the center of the development footprint and would only be available to the residents of the alternative. Landscaping would be provided throughout the alternative site. Public parks would be located within this alternative, and would be consistent with the County PLDO and Subdivision Ordinance, but no public destination gathering space would be provided because of the lack of space afforded this development footprint. All internal roads would be private, the same as the Proposed Project. Assumptions for the WTWRF and off-site utilities also would be the same as for the Proposed Project. Approximately 46.5 acres of BOS (approximately 42 percent of the site) would be permanently preserved under this alternative.

This alternative would also reduce steep slope impacts from those of the Proposed Project due to the footprint eliminating some northeastern portions of the Project, and generally being north of most on-site RPO steep slope areas. Despite this, a waiver for encroachment into insignificant RPO steep slopes as well as an exception for roadways would be required, similar to the Proposed Project. Grading would require cut and fill of approximately 710,000 cy (approximately 16 percent less than the Proposed Project). This alternative would grade approximately 65 acres (59 percent of the site), and develop approximately 50 acres (45 percent) of the site. Under this alternative, specific development locales would be additionally graded to provide the most efficient use of the limited development footprint on the site. As a result, topographic variation would remain, but not to the same extent as under the Proposed Project. Although this alternative could additionally modify more steep slopes within the development footprint than the Project, the encroachment per lot could be restricted to 10 percent. Similar to the Proposed Project, this alternative would require a GPA, rezone and approval of a Specific Plan.

### **2. Impact Comparison -- Proposed Project and Biologically Superior Alternative**

In order to be able to accommodate the 425 residential units in a smaller footprint, this alternative would place fewer but more uniform structures within the development area, all of which would be similar in massing and height. The consistent height and uniform massing of structures under this alternative and their proximity to public roadway would directly contrast with the existing community as well as the variable height and massing of the homes proposed under the Proposed Project.

This alternative would allow a reduction in grading quantity and surface disturbance of approximately 16 and 5 percent, respectively, when compared to the Proposed Project. It would be graded to provide for a more efficient use of the limited footprint and specific areas, however, and would not conform to the existing site topography to the same level as the Proposed Project. This is because within the development footprint, larger building pads of uniform elevation would be graded to support the larger structures. However, the overall reduced grading quantity and footprint would result in reduced views to modified

slopes in certain locations, with smaller amounts of raw soil and broken rock being visible in the short term during alternative grading. As cut slopes would be minimized from the Proposed Project, potential issues with raw cut rock could be commensurately minimized as well. Because a bridge would be built over Escondido Creek, the loss of vegetation (and subsequent revegetation) would be expected to be similar for both the Project and this alternative.

Similar to the Proposed Project, this alternative would result in significant short-term and unmitigable visual effects related to construction and for some years of Project use until the landscaping required as part of alternative design reaches visual maturity. At that time, temporary visual impacts associated with views to raw soil and immature landscaping would be reduced to less than significant levels. Although the CEQA impact would be the same, the intensity of those adverse effects could be lesser for the alternative because of the smaller footprint.

The long-term more dominant massing of the alternative's structures could seem more visually consistent with the regimented and tight village core design and geometric grid layout of HGV that are visible from elevated viewpoints to the south. It would, however, have a notable difference from the Proposed Project's visual continuity with the existing less dense development to the west and east of the site. Under the Proposed Project, single-family residences would be placed so as to transition into the less dense existing development to the west and east. "Feathering" would also be accomplished through the use of open space swaths within the Project, providing notable swaths of landscaped area between housing groupings. The Biologically Superior Alternative would not provide the same feathering as the Proposed Project because of the consistent massing created by its three-story structures. Therefore, aesthetic impacts to existing development to the east and west of the site would be slightly greater than the Project. The alternative also would be less consistent with HGV than the Proposed Project, due to the uniform nature of all alternative structures. Long-term visual impacts also would be increased from those of the Proposed Project due to structural massing sited adjacent to a public roadway (Country Club Drive) at grade, and the thinner swaths of intervening landscaping along this area.

The increase in developed area (lots and streets) under this alternative over the acreage allotted to development by the Proposed Project (respectively, approximately 45 percent versus 29 percent) would render the alternative less visually open than the Proposed Project. Although landscaping controls would soften the visual impacts of these alternative structures, limitations on the type and placement of landscaping in this area would affect the ability of the alternative to visually shield the developed areas. The lack of massing variation between structures, the limited landscaping area, and the need to provide spacing between canopies and plants within a narrow band that does not allow for shielding through depth of planting, would result in greater long-term aesthetic impacts relative to the dominance, scale and diversity as viewed from the public roadway than compared to the Proposed Project.

Relative to traffic, the Proposed Project is projected to result in 4,530 ADT based on 10 trips per residence (based on SANDAG's 2002 *(Not So) Brief Guide of Vehicular Traffic Generation Rates for the San Diego Region*, which identifies use rates by type of use/density). Using this same generation rate, the Biologically Superior Alternative would result in 4,250 ADT, or 280 fewer trips per day (six percent less) than the Proposed Project. Distributed over the roadway network, the decrease in the number of trips would be negligible. The transportation/traffic impacts associated with this alternative would be similar to the Proposed Project, resulting in one direct and five cumulative impacts to five roadway segments, one direct and one cumulative impact at a signalized intersection, and one cumulative impact at an unsignalized intersection, within the County.

For impacts to the Country Club Drive and Harmony Grove Road intersection, mitigation similar to M-TR-2a in Section A of these Findings would be implemented, requiring a new lane and dedicated right-turn lane with an overlap phase. The cumulative impact would be addressed through M-TR-2b, TIF payment, and that would also be required for this alternative (also as described in Section A of these Findings). All

remaining impacts within County jurisdiction would be cumulative in nature and would be mitigated to less than significant levels through payment of the TIF or through focused road improvements (M-TR-3 through -7, and M-TR-10).

Similar to the Project, one direct and cumulative segment impact, as well as two cumulative intersection impacts, would occur in the City of Escondido. Mitigation has been identified for each of these impacts in Section B of these Findings, which, upon approval by the City and implemented, would lower the impacts to less than significant levels. Also similar to the Proposed Project, however, because implementation of the mitigation is within the power of another CEQA lead agency (the City), and beyond the purview of the County, those impacts are identified as significant and unmitigable.

Due to reduced grading and surface disturbance, this alternative would impact fewer biological resources than the Proposed Project. Based on comments received from CDFW and USFWS, the alternative was specifically designed to protect a stand of Intermediate Value habitat (sage scrub) in the eastern portion of the site that included one breeding pair of California Gnatcatchers found along the eastern boundary of the site in 2014. Therefore, differences between this alternative and the Proposed Project primarily focus on upland habitat impacts, and specifically to the Intermediate Value habitat (sage scrub), in the eastern portion of the site. The alternative also provides a broader on-site corridor for wildlife movement as described below. Impacts to Escondido Creek jurisdictional wetlands would be similar because a bridge would be installed over Escondido Creek. Approximately 46.5 acres (42 percent) would be placed in permanently preserved and managed BOS under this alternative, as opposed to approximately 34.8 acres, or 31 percent of the Project under the Proposed Project.

The Biologically Superior Alternative would have the same impact neutral (areas where impacts are not assessed, but the area cannot be included as mitigation or to off-set impacts) and off-site impacts as the Proposed Project. On-site impacts, however, would be lessened. On-site impacts would total 64.6 acres: 0.1 acre of coast live oak woodland, 2.7 acres of coastal sage-chaparral transition, 7.3 acres of Diegan coastal sage scrub, 3.0 acres of disturbed habitat, 8.7 acres of southern mixed chaparral, 41.1 acres of non-native grassland, 0.8 acre of non-native vegetation, and 0.8 acre of urban/developed.

Approximately 6.3 acres of on-site Diegan coastal sage scrub is identified as being of Intermediate Value because it is characterized by intact stands and a portion was confirmed to be used for breeding by a single pair of gnatcatcher. It also facilitates dispersal and movement functions, along with the surrounding scrub and chaparral located along the eastern edge of the site and additional habitat extending off site to the east. Although the Project site overall is located in a disturbed area, this alternative would preserve 3.5 acres of the Intermediate Value sage scrub habitat in this eastern area, and would avoid impacts to a portion of the habitat supporting the gnatcatcher nest location and surrounding foraging and dispersal habitat. The Biologically Superior Alternative would impact 4.1 acres of coastal sage scrub, most of which consists of small, fragmented and isolated stands.

As noted, the Proposed Project identifies a significant impact for loss of Diegan coastal sage scrub supporting the nesting pair. Implementation of mitigation measure M-BI-1b in Section A of these Findings would reduce that impact to less than significant levels. This alternative would reduce impacts to on-site Diegan coastal sage scrub in this same area by approximately 66 percent (2.8 acres impacted versus 6.3 acres) from those expected under the Proposed Project. Remaining impacts would be mitigated through the mitigation identified in Section A of these Findings.

Similar to the Proposed Project, the Biologically Superior Alternative would separate open space from the homes by cut slopes that would discourage the residents from approaching the open space, and would be protected by fencing and signage. The Biologically Superior Alternative could improve wildlife movement along the northeastern boundary by providing an additional 200 feet of on-site BOS (i.e., up to 500 feet

wide as opposed to 300 feet wide under the Proposed Project); including the majority of the chaparral, coastal sage scrub, and coastal sage-chaparral habitat on that side of the site.

Core habitat for gnatcatcher does not exist on or in the vicinity of the Project. Previous human activity eliminated much of the coastal sage scrub, and the upland habitat that remains is mostly chaparral and grassland. The limited number and scattered locations of documented gnatcatcher occurrences in the area would indicate that the area does not support a critical, self-sustaining population of gnatcatchers, and that gnatcatcher movement through the area is limited because there is not an abundance of coastal sage scrub habitat to support multiple breeding territories. Also, a direct, north-south connection of core habitat between DDHP and Escondido Creek does not exist through the Project site due to the large area of non-native grassland, which serves as an exposed break in the scrub and chaparral. Areas along the eastern boundary of the site could facilitate north-south movement to and from Escondido Creek, although the habitat is patchy and constrained by existing development. Areas along further to the east of the site are less constrained, where a direct connection of scrub and chaparral habitat occurs along West Ridge. By preserving the coastal sage-chaparral habitat found along the slopes in BOS, however, the alternative could provide an additional 200 feet for gnatcatcher movement between the DDHP and Escondido Creek, relative to the Proposed Project. (The corridor would be about 1,200 feet wide at the widest point, versus 1,000 feet with the Proposed Project.)

Similar to the Proposed Project, design features identified in EIR Table 1-2 and Chapter 7.0 for biological resources would be applicable to this alternative. Also similar to the Proposed Project, all CEQA-identified biological impacts under this alternative would be reduced below a level of significance through mitigation measures M-BI-1a through M BI-9, as described in Section A of these Findings. The biological impacts under this alternative would be less than the Proposed Project due to the reduced footprint relative to Diegan coastal sage scrub and associated California gnatcatcher impacts and wider wildlife movement corridors.

Although considered unlikely, there is potential for significant direct impacts related to discovery of unknown buried archaeological resources or burials. As with the Proposed Project, impacts to cultural resources under this alternative would be reduced below a level of significance through applicable mitigation measures requiring an archaeological monitoring and data recovery program (CR-1 and 2), described in Section A of these Findings.

Short-term construction-related noise impacts associated with this alternative would be less than those associated with the Proposed Project, because the smaller footprint would result in a reduced amount of grading and associated rock breaking. Regardless, construction noise associated with potential blasting in non-rippable areas could result in significant construction-period noise impacts, similar to the Proposed Project. The likelihood of such impacts would be less than for the Proposed Project, because the eastern boundary of the construction envelope would be located farther west than under the Proposed Project, and therefore farther away from some existing homes near the northeastern Project boundary. Design considerations as described in EIR Table 1-2 and Chapter 7.0, and mitigation as described for M-N-4 through -6 relative to rock breaking and blasting in Section A of these Findings, would be implemented if required, which would lower these construction-period noise effects to less than significant levels, similar to the Proposed Project. Noise effects associated with bridge construction would remain. The construction noise impacts under this alternative would be less than the Proposed Project due to the reduced footprint.

Because the alternative would build multi-family housing, the threshold for CEQA-significant exterior noise impacts would be higher (65 dBA CNEL as opposed to 60 dBA CNEL for single-family residences.) The higher threshold would not be attained because the number of trips that would be generated by this alternative would result in six percent fewer trips per day less than the Proposed Project. Therefore, no long-term operational effects to exterior use areas would occur. Title 24 interior noise levels, however, would still require confirmation and mitigation, resulting in a similar mitigation measures for interior noise effects related to vehicular noise and WTWRF noise. These impacts would be mitigated to less than

significant (similar to the Proposed Project) through implementation of M-N-2 and 3, respectively as described in Section A of these Findings.

Short-term construction-related air quality impacts associated with the Biologically Superior Alternative would be less than the less-than-significant effects associated with the Proposed Project, because of the reduced amount of required grading. Operational impacts also would be incrementally less than the (less-than-significant) Proposed Project's operations, due to incrementally fewer associated vehicular trips. The Project's significant and unmitigable air quality impact associated with exceedance of the 2016 RAQS also would occur for this alternative as the RAQS modeling includes the 2011 General Plan assumptions for site development (approximately 220 lots), but not the GPA associated with the Project or the alternative. Ultimately, it is expected that implementation of Findings Section B M-AQ-1 requiring transmittal of a revised forecast to SANDAG, followed by updates to the RAQS and SIP, would lower this impact to less than significant levels.

This alternative would have fewer residences and a smaller grading footprint with additional retained existing vegetation. It would, however, exceed the General Plan development assumptions for the property. Nonetheless, as described for the Proposed Project, all impacts associated with Proposed Project emissions would be mitigated to carbon neutral net zero through implementation of M-GHG-1 (addressing both construction- and operational-period emissions) as well as on-site reductions and sequestration provided through the landscaping plan. Although initial GHG emissions under the Biologically Superior Alternative would be less than those of the Proposed Project, implementation of mitigation identified in Subchapter 2.7 for the Proposed Project would similarly result in less than significant impacts as both the Project and the alternative would be mitigated to net zero. When compared to the Proposed Project, impacts to GHG emissions would be similar under this alternative.

### 3. Findings

#### Finding

The County finds that this alternative would not avoid all significant environmental impacts identified in the FEIR, but would substantially reduce impacts to biological resources. The County also finds that specific economic, legal, social, technological, or other considerations, make this alternative infeasible (PRC Section 21081[a][3], Guidelines Section 15091[a][3]).

The County identifies the following specific economic, legal, social, technological or other considerations make this alternative infeasible. The County finds that each of these reasons, standing alone, renders this alternative infeasible:

- The County finds that this alternative is infeasible for social and “other considerations” because it would fail to meet the Project objective of efficient development in close proximity to an existing village through increasing number and diversity of residences to the same extent as the Proposed Project (Objective 1). The alternative would provide only a singular product type (stacked multi-family flats), with no commercial uses incorporated into the HOA building. Therefore, this alternative would not provide a diversity of residents and land uses that would contribute to creating a complete and vibrant community.
- The County finds that this alternative is infeasible for social and “other considerations” because it would fail to meet a Project objective to establish a community encouraging and supporting multi-model forms of transportation, including walking and bicycling to the same extent as the Proposed Project due to the lack of alternative trails or inclusion of a commercial component into the HOA building providing additional incentives for biking and walking within the community (Objective 2).

- The County finds that this alternative is infeasible for social and “other considerations” because it would fail to meet a Project objective to provide a variety of passive and active recreational opportunities in support of County goals to encourage healthy and active lifestyles through creation of pathways and trails providing connectivity to nearby preserved lands and the nearby village to the same extent as the Proposed Project (Objective 4).
- The County finds that this alternative is infeasible for social and “other considerations” because it is less effective in meeting the Project objectives of providing a mixed-use development with a broad range of housing choices to support a diversity of resident and land uses within the Project, as well as increasing number and diversity of residences within the Project (Objectives 5 and 6).
- The County finds that this alternative for social and “other considerations” is infeasible because it would fail to meet a Project objective to create a destination gathering place that provides a variety of land uses encouraging walkability, social interaction and economic vitality for the Project, and with the existing village and surrounding areas (Objective 7).
- The County finds that this alternative for social and “other considerations” is infeasible because it would fail to meet a Project objective to respond to the site’s physical variables, preserving significant topographic features and taking advantage of existing site features, to the same extent as the Proposed Project. The alternative has less topographic variation and visibility of existing site characteristics than the Proposed Project (Objective 8).

### **Facts in Support of the Finding**

The Biologically Superior Alternative would result in substantially fewer impacts to biological resources, and in fewer impacts to noise and air quality than the Proposed Project. Impacts to cultural resources (unlikely but mitigable if occurring) and transportation/traffic would remain the same. Aesthetic impacts would be greater for this alternative in comparison to the Proposed Project.

The Biologically Superior Alternative would meet Objective 3 because it would preserve and enhance biological resources, and to a greater extent than the Proposed Project.

The Biologically Superior Alternative would not achieve the other Project objectives to the same degree as the Proposed Project. The number of units and clustering provided in this alternative meets Objective 1 to some extent because it would provide an efficient development pattern by utilizing a compact form of development adjacent to an existing village. The alternative also would provide only a singular product type (stacked multi-family flats), with no commercial uses. Therefore, this alternative would not encourage development of a complete and vibrant community that would enhance and support the economic and social success of HGV village and the Project by providing a diversity of residents and land uses to the same extent as the Proposed Project.

The Biologically Superior Alternative may contribute to supporting Objective 2 due to the higher density clustered development pattern, which is one attribute of a community that encourages and supports multi-modal transportation. It would be inferior to the Proposed Project, however, due to the lack of alternative trails or inclusion of a commercial component that would provide additional incentives for biking and walking within the community. This alternative would not meet Objective 5 because it does not provide a mix of residential uses that would encourage a broad range of housing choices to support a diversity of residents and land uses. This alternative may contribute to some extent to Objective 6 by increasing the operational effectiveness of public facilities and services of the existing village through increasing the number of residents, but would not optimize effectiveness when compared to the Proposed Project. The alternative would not meet the Objective 6 element of increasing the diversity of its residents, however, because it would provide only one type of housing product. Nor would it be compatible with existing development to the east and west of the site. The massing created by the alternative’s three-story structures would not provide the same transition into existing uses as the Proposed Project. Long-term visual impacts

also would result due to the structural massing of buildings located immediately adjacent to Country Club Drive that would be visible from the immediate vicinity of the property.

When compared to the full range of passive and active recreational opportunities provided by the Proposed Project (reduced recreation facilities to accommodate the smaller construction footprint), this alternative is less effective in meeting Objective 4. This alternative would not meet Objective 7 because it would not create a destination gathering place with a variety of land uses, such as the Project's Center House, that would encourage walkability, social interaction and economic vitality. Relative to Objective 8, although the alternative would have a smaller footprint than the Proposed Project, the alternative would have less topographic variation and visibility of existing site characteristics than the Proposed Project. This is the result of greater acreage allotted to development under the alternative, the need for focused additional grading to attain the most efficient development pattern within the reduced site envelope, and the reduced sight-lines into the site and between structures. As noted in the alternative description, it would grade approximately 65 acres (59 percent of the site), and develop approximately 50 acres (45 percent) of the site. Under this alternative, specific development locales would be additionally graded to provide the most efficient use of the limited development footprint on the site. As a result, topographic variation would remain, but not to the same extent as under the Proposed Project.

At only six percent less density (425 versus 453 residences), this alternative does come close to supporting the County General Plan goals related to smart growth and focusing development in areas adjacent to existing villages and with primary access routes and necessary infrastructure to the same extent as the Proposed Project. There would be only incrementally minimized opportunities to reduce vehicle miles traveled in comparison with the Proposed Project, with associated incrementally lowered improvements in local and/or regional air quality through emissions reductions.

Therefore, the Biologically Superior Alternative is rejected because while it achieves Objective 3 to an extent greater than the Proposed Project, it fails to attain some of the Project objectives (Objectives 5, 6 and 7), and fails to attain other objectives of the Project to the same extent as the Proposed Project (Objectives 1, 2, 4 and 8). Finally, it fails to provide the significant public benefits associated with implementation of the Proposed connections to existing trails, as well as provision of additional trails/pathways, that would benefit both non-vehicular transportation (including equestrian uses) and health goals; and a community destination gathering location/limited commercial opportunities that complement existing elements of HGV and contribute to the overall functioning of the village as a whole; each of which would benefit the community beyond the Project. Benefits accruing to County goals to implement smart growth policies also would not be attained to the same extent as under the Proposed Project.

As explained in the Statement of Overriding Considerations, which are separate and independent from these Findings, the County has determined that the benefits of the Proposed Project outweigh any environmental impacts that are avoided by the Biologically Superior Alternative. The County adopts and incorporates by reference herein the analysis in the FEIR with regard to the Project and Project alternatives.

## SECTION E

### **Statement of Overriding Considerations**

Pursuant to Public Resources Code Section 21081(b) and Section 15093 of the State CEQA Guidelines, when the lead agency approves a project that may result in significant effects that are identified in the Final Environmental Impact Report (FEIR), but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the FEIR and/or other information in the record.

The County has adopted Findings Regarding Significant Effects for the above project, which identify that certain significant effects of implementing the project are unavoidable even after incorporation of any feasible mitigation measures. The County finds that there is substantial evidence in the administrative record that the remaining unavoidable significant effects are acceptable due to each of the specific economic, legal, social, technological or other benefits which will result from approval and implementation of the project, as listed below. All of these benefits are based on the facts set forth in the CEQA Findings Regarding Significant Effects, the Final EIR, and the record of proceedings for this project. Each of these benefits is a separate and independent basis that justifies approval of the project, so that if a court were to set aside the determination that any particular benefit will occur and justifies project approval, the County determines that it would stand by its determination that the remaining benefits is or are sufficient to warrant project approval.

#### **Overriding Benefits**

Courts have upheld overriding considerations that were based on a variety of policy considerations including, but not limited to new jobs, stronger tax base, and implementation of an agency's economic development goals, growth management policies, redevelopment plans, the need for housing and employment, conformity to community plan, and provision of construction jobs. See *Towards Responsibility in Planning v. City Council* (1988) 200 Cal App. 3d 671; *Dusek v. Redevelopment Agency* (1985) 173 Cal App. 3d 1029; *City of Poway v. City of San Diego* (1994) 15 Cal App. 3d 1037; *Markley v. City Council* (1982) 131 Cal App. 3d 656.

The County finds that the project would have the following substantial, social, environmental and economic benefits. Any one of the reasons for approval cited below is sufficient to justify approval of the Project. The County finds that the proposed Harmony Grove Village South (HGV South) Project would have the following substantial Overriding Benefits:

#### **1) Economic Benefits:**

- **Increased Property Tax Revenue.** The approval of this Project will result in an increased generation of real property tax revenue for the County of San Diego. The County will receive real property tax increment revenues attributable to the increased assessed value of improved real property associated with the rezoning of the property from Limited Agricultural use (A70) and Rural Residential (RR) to Specific Plan Area (S88) and the development of residential and limited commercial uses on the property. Based on the assessed value of the land with implementation of the proposed improvement and standard tax rates, the Project will contribute substantial total property tax dollars. A portion of these property taxes will be paid to the County.

#### **Employment:**

- **Increased Construction Employment.** The construction of the HGV South Specific Plan

will generate substantial revenue to the local economy and provide a significant number of construction-related jobs over the three+ year construction period. Those that would benefit from employment from development under the Project Specific Plan would include skilled tradesmen filling construction positions and professionals filling management and office positions.

**Close-in Employment Relationship.** HGV South is located adjacent to an existing village as well as two cities, a state route, an interstate, and public transit facilities associated with the Nordahl Transit Center. The Project location will facilitate Project residents accessing employment opportunities, and will provide residents of employment age to support long-term jobs within the County as well as adjacent cities.

## **2. Social Benefits**

### **Smart Growth Principles - Support of an Existing Village and Community:**

- **New Population Supports HGV Commercial and Recreational Uses.** HGV South will support the existing HGV by adding additional population to support commercial and recreational uses in the existing Harmony Grove Village.
- **Project Provides A Diverse Mix of Housing in Local Context.** HGV South will add a mix of income diverse housing opportunities to HGV, thereby supporting additional residential options in this part of the County. HGV South provides more residential options in a market that is growing out of reach for many County residents.
- **Project Mixed Use Within 0.5 Mile of HGV Village Core.** Provision of limited retail, including limited overnight accommodations, that would serve both HGV and HGV South residents and their guests. This would strengthen the village function and support County smart growth goals relative to provision of services within 0.5-mile walking distance.
- **Project Mixed Use Serves as a Destination Outside of Village.** Provision of limited retail that would be open to community residents beyond the village as described in the Specific Plan would provide amenities to nearby Harmony Grove Valley neighbors and support the broader community by providing a gathering place for people in the community.
- **Form Based Land Use Patterns.** The Project has designed neighborhoods with compact and multi-dimensional land use patterns that ensure a mix of income diverse housing opportunities and which promotes walking and bicycling, that provides access to employment, education, recreation, entertainment, shopping, and services.
- **Social Health.** The HGV South community will contain a range of social recreational components that will provide and promote social interaction. The Project is designed to include several park locations which also contain additional amenities such as a community garden, recreation center, dog park, basketball court, and children's play area. These park amenities are connected to a network of multi-use trails. These amenities promote walking and exercise, as well as social interaction within the community. All homes are located within a half-mile walk to the HGV diverse uses, which also contain additional amenities.

### **3. Housing Benefits**

- **Long Term Housing Needs.** The Project will help meet a projected long term regional need for housing through the provision of future additional housing. San Diego Association of Governments housing capacity studies indicate that a shortage of housing will occur in the region within the next 20 years. Moreover, as noted in the March 2025 General Plan & Housing Element Annual Progress Report, the County is short of meeting its current RHNA commitment within unincorporated areas. This lack of housing supply contributes to scarcity and high housing prices that put a strain on the general welfare of County residents. The Project could increase the housing stock in the County, including providing a range of housing opportunities that include entry-level and missing middle density housing. Specific to affordable housing, as a condition of approval, the Project will provide 10 percent of the Project's total dwelling units as on-site affordable housing (as defined by California Health and Safety Code Sections 50052.5 and 50053). This will consist of five percent reserved as affordable for low-income households and five percent reserved as affordable for moderate income households which will support the County in delivering affordable housing.
- **Regional Planning.** The Project site is situated in a location that is well suited for regional growth. The Project is fully consistent with the County General Plan – proposing a village extension to HGV to incorporate the Project. The Project site is located close to major travel thoroughfares such as I-15 and SR 78. It is in immediate proximity to recreational amenities provided by the County (community parks), utilities (water lines and the HGV WRF), paved roads, and HGV (additional parks and limited commercial, as well as the above-noted WRF). The Project is located within biking distance of two cities, San Marcos and Escondido, both of which contain shopping, educational and job opportunities, as well as public transit hubs. Palomar Medical Center is located approximately 2 miles to the north and Stone Brewery is located approximately 1.5 miles to the north as a crow flies. The Escondido Research and Technology Center (ERTC), an industrial/commercial, employment and services locus, is located within 1 mile north-northeast of the Project, accessed by Harmony Grove Road. Other opportunities include the large big box uses at Valley Parkway and I-15 and along Auto Park Way. This Project is within 3.0 miles of the Nordahl Transit Station.

### **4. Recreational Benefits:**

- **Park System Complements HGV Uses.** The Project will provide 4.1 acres of parks and recreational facilities, 1.86 acres of which will be dedicated to the County as public park uses.
- **Increased Existing and Planned Regional Trail Connectivity.** The Project includes a public multi-use trail for non-motorized uses (including equestrian, hiking, biking, and jogging uses) throughout the Project and will connect to HGV multi-use trail uses along the portion of Country Club Drive south of Harmony Grove Road. The Project will construct a portion of the trail network as proposed on the County's Community Trails Master Plan (CTMP) and access will be provided from the surrounding neighborhoods. Improvements will be made to a primitive trail accessing the Del Dios Highlands Fire Break to the south and providing a trailhead for future trail use to the east.

## **5. Biological Benefits/Open Space:**

- **Open Space Preserved In Perpetuity.** Approximately 35 acres (34.8 acres, or over 31 percent) of the Project site will be protected within a biological open space easement. This will preserve populations of rare plants and habitat providing wildlife function within the open space and will augment the abutting Del Dios Highlands Preserve, located immediately south and east of Project open space boundaries.
- **New Project Bridge Enhances Environment of Escondido Creek.** The existing at-grade crossing of Escondido Creek currently results in animals sharing roadway where they cross the creek and pavement with vehicular pollutants washing into the creek during storm events. Provision of a bridge at this location with approved heights for wildlife travel underneath would result in a separation of wildlife and vehicular activity. Also, it would result in roadway pollutants being channeled into County storm drain facilities and minimize pollutant runoff into the creek during storm events. Also, implementation of the bridge would result in enhancement of vegetation along this stretch of the creek as well as address existing downstream scour issues immediately west of the crossing resulting from the current culverts located under the roadbed.

## **6. Enhanced Safety:**

- **Improve Accessibility to South of Escondido Creek in Emergency Events.** The existing at-grade crossing of Escondido Creek currently results in existing residents south of the creek being stranded within or outside of their homes during flood events. Implementation of the Project bridge will allow for access over the creek regardless of flood conditions and will also support community integration as isolation during storm events will not occur.
- The existing at-grade crossing of Escondido Creek is very narrow (two lanes approximately 10 feet each), which can result in slowing access or congestion during emergency vehicle access and/or evacuation procedures during events such as wildfires. The provision of the bridge over the creek will raise travelers out of the crossing, which is currently closely edged by overhanging vegetation. The bridge will also provide a third travel lane, which will contribute to vehicle movement during emergencies as further discussed below.
- The existing Country Drive roadbed south of Harmony Grove Road is two lanes. Project improvements will provide three lanes. This third travel lane will provide emergency responders with additional options in moving vehicles in and out of the area as they can identify one, two or three lanes to move in a single direction, and also will have some shoulder availability as well.
- **Increased Emergency Service Fees.** HGV South will pay developer fees to support emergency service providers. These fees will be used by emergency service providers to improve/expand facilities and equipment, number of employees and resultant response times.

## **7. Reduction in Community Use of Non-renewable Resources:**

- **Reduction in Use of Non-renewables.** As San Diego Gas & Electric (SDG&E) adds renewables, the Renewables Portfolio Standard (RPS) achieves increases and SDG&E can reduce reliance on carbon-based system generation sources. Any solar added by the Project would be renewable and would therefore offset nonrenewable sources generated by SDG&E. Since the on-site power generation would be 100 percent renewable and the excess power (amount of electricity exceeding the Project use) would flow into SDG&E's electrical grid as accepted in the Net Energy Metering (NEM) program (SDG&E 2023) per the California Public Utilities Commission (CPUC; 2023), any power generated through on-site solar and in excess of Project need would add renewable energy resources to the electrical grid. This would decrease SDG&E production demand supported by non-renewable sources and provide access to renewable energy to off-site users within the surrounding County community.

## SECTION F

### **Findings Regarding Recirculation of the Draft EIR / 2025 FEIR**

The County of San Diego Board of Supervisors hereby finds that the responses to comments made on the DEIR, and RDEIR (included in the 2018 FEIR), Recirculated Subchapter 2.7 and Associated Documents, and any revisions reflected in the 2025 FEIR merely clarify and amplify the analysis presented in the documents and do not trigger the need to recirculate the EIR under CEQA Guidelines Section 15088.5(b), which provides that “[r]ecirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.”

Pursuant to CEQA Guidelines section 15088.5(a):

*[a] lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification.... New information added to an EIR 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 (including a feasible project alternative) that the project's proponents have declined to implement. “Significant new information” requiring recirculation include, for example, a disclosure showing that:*

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.*
- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.*
- (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it.*
- (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (Mountain Lion Coalition v. Fish and Game Com. (1989) 214 Cal.App.3d 1043)*

Each of these findings that represent “significant new information” as specified in the CEQA Guidelines is addressed below.

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.**

No new significant environmental impacts would result or were identified since circulation of the DEIR, 2018 FEIR, and the 2025 FEIR. This is detailed in Volume III of the FEIR, which includes two global responses to comments specifically addressing this issue: Res Judicata and New Information, as well as Lack of Need for Recirculation. In addition, no new mitigation measures have been proposed that would result in significant environmental impacts since circulation of the 2018 FEIR, 2024 recirculated Subchapter 2.7 and 2025 FEIR. This is documented in Section 2.7.5.1, *Potential Subsequent Environmental Impacts Related to Mitigation Measure Implementation and CEQA Exemption*, as well as in *Global Response: Lack of Need for Recirculation*.

The 2025 FEIR includes revisions to mitigation measures or new measures in response to the Court of Appeal adjudication as described above; however, these mitigation measures reduce significant

impacts to a less-than-significant level. The new measures were circulated for public review and comment in 2024, as appropriate. The 2025 FEIR also incorporates new Project design features. None of these revised measures result in new environmental impacts, but are designed to clarify and/or bolster the requirements of the mitigation measures to further reduce the impacts of the Project. Therefore, the County has determined that no new significant environmental impacts would result from the Proposed Project or from a new mitigation measure proposed to be implemented.

- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.

As previously discussed under the first finding, the FEIR includes revisions to mitigation measures or new measures Court adjudication; however, these mitigation measures reduce significant impacts to a less-than-significant level. None of these revised measures result in new environmental impacts, but are designed to clarify and/or bolster the requirements of the mitigation measures to reduce the impacts of the Project. Therefore, the County finds that the Proposed Project would not result in a substantial increase in the severity of an environmental impact.

- (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it.

The Applicant has not declined to adopt a feasible mitigation measure. Identification of appropriate mitigation measures for GHG emissions comprise part of the 2025 FEIR, and were available for review during public circulation. The DEIR also provided a reasonable range of feasible alternatives in Chapter 4.0. One additional alternative was originally proposed in responses to comments received on the DEIR, and was also alluded to in comments received in 2024, but review and analysis shows that: (1) the reductions in CEQA impacts offered by the alternative are already available through existing EIR alternatives (including a lesser intensity alternative), and (2) the alternative is infeasible based on failure to attain Proposed Project objectives to the same extent as the Project and financial considerations. This is fully explained in the response to comment. Therefore, the County finds that the Proposed Project would not require recirculation pursuant to this finding.

- (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (Mountain Lion Coalition v. Fish and Game Com. (1989) 214 Cal.App.3d 1043)

The County finds that the DEIR, which (excluding supporting figures) includes approximately 760 pages of analysis in Chapters 2.0, 3.0 and 4.0, and the Revised DEIR Greenhouse Gas Emissions Subchapter 2.7, which includes approximately 35 pages of summary analysis, supported by numerous technical reports and expert opinion, in addition to the 2024 recirculated Subchapter 2.7 (approximately 47 pages) and associated documents, including the 2024 Climate Change Report, were not inadequate or conclusory such that the public was deprived of a meaningful opportunity to review and comment on the EIR. Accordingly, the County finds that recirculation is not required pursuant to CEQA.

The County recognizes that new information has been added to the FEIR since circulation of recirculated Subchapter 2.7, but the new information serves simply to clarify or amplify information already found in the noted documents or improve the Proposed Project and its protection of the environment. It does not rise to the level of "significant new information."

Other changes and revisions to the DEIR, 2018 FEIR, and recirculated Subchapter 2.7 that are not specifically described above were also found not to amount to "significant new information" requiring recirculation. They comprise additional clarification statements, typographical corrections, consistency edits

to some FEIR subchapters or sections to make them consistent with the 2024 recirculated Subchapter 2.7 (e.g., insert of the new GHG mitigation measure into the Summary and Chapter 7.0, or deletion of references to natural gas, which is no longer proposed and would additionally lower less than significant impacts), and formatting updates. None of the new information added to the 2025 FEIR raises important new issues about significant adverse effects on the environment. The ultimate conclusions about the Project's significant impacts do not change in light of any new information added to the EIR. Therefore, any new information in the EIR is insignificant for purposes of recirculation, particularly as set forth in Section 15088.5(b) of the CEQA Guidelines.

**FINDINGS REGARDING SIGNIFICANT EFFECTS  
PURSUANT TO STATE CEQA GUIDELINES  
SECTIONS 15090, 15091, 15093, and 15088.5**

**HARMONY GROVE VILLAGE SOUTH SPECIFIC PLAN**

**PDS2015-GPA-15-002 (GPA); PDS2015-SP-15-002 (SP); PDS2015-REZ-15-003 (REZ);  
PDS2018-TM-5626 PDS2018-TM-5626 (TM); PDS2015-MUP-15-008 (MUP),  
PDS2018-STP-18-011, PDS2015-ER-15-08-006 (ER)**

**SCH No. 2015081071**

**July 2025**

## **CEQA FINDINGS CONCERNING MITIGATION OF SIGNIFICANT EFFECTS**

The following Findings are made for the proposed Harmony Grove South Project (Proposed Project, or Project) based on consideration of the alternatives, project objectives, project benefits, environmental impacts, and numerous other factors within the record of proceedings as described below.

### **Procedural History**

The Project Draft Environmental Impact Report (DEIR) was circulated for public review from April 20 to June 20, 2017, with recirculation (Revised DEIR, RDEIR) of the Project Greenhouse Gas (GHG) information from February 20 through April 9, 2018. The County BOS approved entitlements for the Project and certified the Project's FEIR (also referred to as the "2018 FEIR") on July 25, 2018. After several years of litigation, the California Court of Appeal, Fourth Appellate District, Division One found that the 2018 FEIR complied with California Environmental Quality Act (CEQA) except for one issue related to its GHG mitigation measure (Elfin Forest Harmony Grove Town Council et al. v. County of San Diego and RCS, 37-2018-00042927), and in a separate and related case that the Project's Greenhouse Gas (GHG) mitigation measure was insufficient to satisfy the California Environmental Quality Act (CEQA) (Sierra Club v. County of San Diego, 37-2018-00043084.). On October 19, 2022, the trial court issued a revised order ("Revised Order") requiring the County to rescind the Project's entitlements and the 2018 FEIR based on the Appellate decisions. On December 14, 2022, the Board adopted a resolution to comply with the lower court's Revised Order. The County relied on its technical expertise, and information that includes the previous record expert memos, technical reports, and the information provided in the response to comments for its conclusion that recirculation of the entire 2018 FEIR is not required and its determination that most of the changes fall within the scope of the initial environmental review of the 2018 FEIR. Therefore, the County corrected (and recirculated) the portion of the document that was not compliant with CEQA. The 2024 recirculated GHG section wholly replaced 2018 FEIR Subchapter 2.7 and is included in this FEIR; similarly, technical documents included in the 2024 recirculation replace and augment analogous 2018 documents. All other sections of the 2018 FEIR, including the documents specifically described below, are incorporated into and comprise the 2025 Final EIR (FEIR).

### **Record of Proceedings**

For the purposes of CEQA and the findings contained herein, the record of administrative proceedings for the County's decision concerning certification of the FEIR for the Project shall include, but is not limited to, the following documents:

- The DEIR and 2018 FEIR and 2024 recirculated Subchapter 2.7 and Associated Documents, including comments and responses to them received during 2017-2018 and 2024 public circulation periods comprising the 2025 FEIR; including Chapter 7.0, List of Mitigation Measures and Project Design Features; and the Appendices to the FEIR;
- The Notice of Preparation and all other public notices issued by the County in conjunction with the Proposed Project;
- Documents and other materials listed as references and/or incorporated by reference in the DEIR, and FEIR documents, and appendices thereto;
- Findings and resolutions adopted by the County in connection with the Project;
- All documents cited or referred to in the DEIR, FEIR documents, and appendices thereto;
- Reports, studies, memoranda, maps, staff reports, or other publicly available planning documents relating to the Project prepared by County staff and consultants to the Applicant or County;

- Documents and other materials submitted to the County by other public agencies or members of the public in connection with the Project through the close of the public hearing at which the project was approved;
- The minutes, recordings, and transcripts of public hearings held by the County concerning the DEIR, 2018 FEIR, 2025 FEIR, and the Project;
- Documents or other materials submitted to the County at the public hearings concerning the Project;
- Matters of common knowledge to the County;
- Documents expressly cited or referenced in these findings, in addition to those cited above; and
- Other materials required to be included in the record of proceedings by California Public Resources Code § 21167.6(e).

The documents and materials that constitute the record of administrative proceedings are maintained by the County's Planning and Development Services, Project Processing Center, 5510 Overland Avenue Suite 310, San Diego, California, 92123, located at Suite 110.

The environmental effects of the Proposed Project are addressed in the 2025 FEIR.

Pursuant to Section 15132 of the State CEQA Guidelines, the FEIR prepared for the Proposed Project consists of:

- The DEIR; comment letters received on the DEIR; comment letters received on the recirculated Subchapters 2.7 in 2018 and 2024; lists of persons, organizations and public agencies commenting on the documents; and responses to comments and other information provided by the lead agency; and
- A series of 24 volumes containing 24 Technical Appendices to the FEIR.

The FEIR evaluates potentially significant effects for the following environmental areas of potential concern: (1) Aesthetics; (2) Transportation/Traffic; (3) Biological Resources; (4) Cultural Resources and Tribal Cultural Resources; (5) Noise; (6) Air Quality; (7) Greenhouse Gas Emissions (8) Energy; (9) Geology and Soils; (10) Hazards and Hazardous Materials; (11) Hydrology/Water Quality; (12) Land Use and Planning; (13) Paleontological Resources; (14) Population and Housing; (15) Public Services; (16) Recreation; and (17) Utilities and Service Systems. Of these 17 environmental subject areas, the FEIR concludes that Energy, Geology and Soils, Hazards and Hazardous Materials, Hydrology/Water Quality, Land Use and Planning, Paleontological Resources, Population and Housing, Public Services, Recreation, and Utilities and Service Systems will not result in potentially significant impacts. The first seven environmental issues evaluated include potential significant impacts.

CEQA (California Public Resources Code §21000 *et seq.*) and the State CEQA Guidelines (Title 14, California Code of Regulations, §15000 *et seq.*) require that no public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

- (1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effects on the environment;

- (2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been or can or should be adopted by that other agency; or
- (3) Specific economic, legal, social, technological, or other considerations, make infeasible the mitigation measures or alternatives identified in the EIR (CEQA §21081[a]; Guidelines §15091[a]).

For each significant effect identified for the Proposed Project, one of the above three findings applies. Therefore, the discussion of significant impacts and, where possible, mitigation measures, are organized below by finding rather than by environmental subject area. These findings are explained below and supported by substantial evidence in the record of these proceedings as described herein.

Excluding short-term impacts to Aesthetics, all of the identified impacts have potential mitigation identified that would be implemented by the County or required to be implemented by other identified CEQA lead agencies, and are addressed in Sections A and B of these Findings. For the impacts which are within the jurisdiction of another agency, and therefore identified as significant and unmitigated in Section B, as well as the unavoidable short-term aesthetics impact addressed in Section C, a statement of overriding considerations is provided.

## Section A

### **Potentially Significant Impacts where Mitigation is Available to Reduce Impacts to Less Than Significant (CEQA Guidelines Section 15091[A][1])**

Pursuant to Section 21081(A) of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the County of San Diego Board of Supervisors finds that for each of the following significant effects as identified in the FEIR, changes or alterations (mitigation measures) have been required in, or incorporated into, the Proposed Project which avoid or substantially lessen each of the significant environmental effects as identified in the FEIR. The significant effects (impacts) and mitigation measures are stated fully in the FEIR. The following section identifies all issue areas in the FEIR for which changes or alterations (mitigation measures) have been required in, or incorporated into, the Proposed Project which avoid or substantially lessen each of the significant environmental effects as identified in the FEIR. The rationale for this finding follows each impact and mitigation summary.

Where project design features (PDFs) have been incorporated into the Project prior to environmental analysis, they have been specifically incorporated into both Table 1-2, *Project Design Features*, and in Chapter 7.0, *List of Mitigation Measures and Design Features*, of the EIR. Each of the mitigation measures and design features identified in Chapter 7.0 are ensured of implementation. Both mitigation measures and PDFs are made binding upon the Applicant as conditions of project approval that are carried over onto Project plans (e.g., construction specifications or building permit checks), and require sign-off from County staff prior to approval of specified plans or issuance of specified permits.

As noted in the EIR, some PDFs lower potential Proposed Project effects to less than significant levels, some PDFs lower impacts but not to less than significant levels (with mitigation measures still required and proposed), and some impacts are significant and unmitigable even with both PDFs and mitigation measures.

The following discussions present the identified impact assuming PDFs, proposed mitigation measures, and rationale for why the mitigation measure will be effective for each impact. At the end of the technical topic, there are two additional categories of information; PDFs applicable to the overall topic (for Aesthetics, Transportation/Traffic, Biological Resources, Noise, Air Quality and GHGs), and summary of Evidence Supporting CEQA Findings citations for all topics.

#### **AESTHETICS**

**Significant Effect – Impact AE-1:** Landform modification associated with blasting/rock breaking is expected to result in newly exposed rocks and horizontal drainage features across cut slope that would contrast with the adjoining natural hillsides and would be visible from existing and planned trails on and off site.

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

**Project Design Features:** The Project has incorporated the following PDFs, that have been specified for the Project, as more fully described in Table 1-2 and Chapter 7.0: Final landscape (including specified container/box sizes and timing of installation), a Project footprint consistent with TM 5600, grading shall be implemented as designed and will follow the general rise and fall in existing topography, incorporation of open space corridors and parks, set aside of biological open space, trails/pathways with equestrian fencing and/or landscaping as specified, varied roofline elements, restriction of non-habitable roofline elements to no more than five percent, use of dark roofs, screening of trash dumpsters/compactors/receptacles, screening of rooftop equipment where distinguishable, use of varied

exterior building materials, use of architectural elements to reduce apparent size, bulk and scale of buildings; and lighting and signage specifications. Implementation of the PDFs is binding on the Applicant as discussed above. Permit issuance is conditioned upon completion of the PDFs.

**Mitigation Measure M-AE-1:** This mitigation measure specified in the FEIR has been imposed upon the Project as a condition of approval. To the extent that newly exposed rocks or drainage features contrast with weathered natural rock on the same slope face, exposed newly cut rocks and horizontal drainage features shall be stained in earth tones (through spraying or dripping onto fresh rock face) to soften their contrast on Project cut slopes. If the County landscape architect does not identify contrast requiring mitigation following grading, no staining shall be required. Where staining of rock is required, it shall occur following grading, during slope landscape installation and prior to building permits, and shall be in colors that match the surrounding rock. Application of stain shall be overseen by a qualified expert. Before staining, several test sections will be completed on the rock cut to determine the type of stain that will create the best match with the surrounding rock (i.e., pigmented stains, or creation of new color by leaching minerals from the rock or through photo-reactivity). The slope shall be dry and all loose material and vegetation shall be removed before stain is applied. If necessary, the slope face will be pressure-washed to remove fine-grained particles that could inhibit the stain penetration. Horizontal hillside drainage features will contain color-integrated cement as part of the installation.

**Rationale:** Impacts to manufactured slopes with exposed broken rock and horizontal drainage features would be mitigated to less than significant because, with the staining of newly broken and visible rock/incorporation of color into horizontal drainage features, viewers would observe manufactured slopes that appear more similar to nearby slopes with natural weathered rock.

Rock staining is an effective and cost-efficient method of blending the color of fresh or faintly weathered excavated rock faces with that of the surrounding natural rock faces; enhancing both the short- and long-range perspectives. Rock staining products, which are sprayed or dripped onto the fresh rock face, can bring the cut rock to its natural, weathered color within weeks. It is noted that not every stain is compatible with all types of rock, and the final color depends on stain concentration and formulation. As required in the mitigation measure, before staining, test sections would be completed on the rock cut to determine the type of stain that would create the best match with the surrounding rock. Several coats of stain may be required if the fresh and weathered faces look very different. At conclusion, newly cut rock will blend with weathered areas.

**Evidence Supporting CEQA Findings:** Substantial evidence to support the finding that Impact AE-1 would be reduced to less than significant levels with the implementation of mitigation, as well as that other potential visual effects would be reduced to less than significant levels with the implementation of Project design features, is found within the administrative record of proceedings pertaining to this FEIR; including responses to comments, technical studies and EIR, which are hereby incorporated by reference. Without limitation, please refer to the following documents:

- FEIR Chapter 1.0, and Table 1-2
- FEIR Subchapter 2.1, Sections 2.1.1, 2.1.2, 2.1.3, 2.1.4, 2.1.5 and 2.1.6
- FEIR Chapter 7.0, Sections 7.1.1, 7.2.1 and 7.2.2
- FEIR Appendix B, Visual Impact Analysis
- FEIR Appendix C, Resource Protection Study Steep Slope Waiver

## TRANSPORTATION/TRAFFIC

**Significant Effects** - The Project would result in significant but mitigable impacts related to the level of service (LOS) of several intersections and/or roadway segments, Impacts TR-2a through TR-7 and TR-10, as described below.

**Project Design Features:** Traffic-related PDFs also have been incorporated into the Project. These include preparation and approval of a Traffic Control Plan for use during construction, and operational design features related to implementation of bicycle spaces conforming to County Zoning Ordinance standards as well as widening Country Club Drive similar to a “Public Enhanced Residential Collector” by including three minimum 12-feet lanes. Absent these design features, construction and operation impacts could be significant. The PDFs are included as Project conditions, and implementation is ensured as discussed above. Permit issuance is conditioned upon completion of the PDFs. The Traffic Control Plan PDF applies to all off-site roadways with Project improvements.

**Significant Effect - Impact TR-2a and 2b:** Under Existing Plus Project and Existing Plus Cumulative Plus Project conditions, significant direct (LOS D to LOS F) and cumulative impacts (LOS D to LOS F) would occur at the Country Club Drive/Harmony Grove Road intersection (LOS F during the p.m. peak hour).

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

**M-TR-2a and 2b:** This mitigation measure specified in the FEIR has been imposed upon the Project as a condition of approval. Prior to occupancy of 23 Project units, the Project shall widen the northbound approach of Country Club Drive to Harmony Grove Road to provide one left-turn, one through lane, and one dedicated right-turn lane with an overlap phase in order to mitigate this direct and cumulative impact to the Harmony Grove Road Country Club intersection. In addition, the Project shall make a payment toward the County of San Diego Transportation Impact Fee (TIF) Program.

**Rationale:** To mitigate the direct impact, the northbound approach would be widened to provide left- and right turn lanes (as well as through lanes). The implementation of the direct improvements would occur prior to occupancy of 23 Project units, thereby reducing Project effects on the intersection to less than significant levels, as well as the cumulative effect.

Mitigation for cumulative traffic impacts requires participation in the Transportation Impact Fee (TIF) program. The County Board of Supervisors adopted the TIF ordinance, specifically designed to address cumulative issues (i.e., incremental Project effects which, when combined with the incremental adverse effects of other area-wide projects, reach a level of impact requiring mitigation). The TIF program provides a mechanism for the County to obtain funding to mitigate anticipated cumulative transportation/circulation impacts, by requiring payment of an impact fee designated in the ordinance. It identifies transportation facilities needed to address cumulative impacts within designated areas of the County (TIF Areas) and then provides for payment of fees to cover a project’s “fair share” of the cost. TIF fees are segregated by TIF Area, Region, State Highway, and Ramps, and are used to help fund transportation improvements within those identified locations.

The TIF program covers all cumulative impacts within the unincorporated area for General Plan conforming projects to support adequate circulation through Year 2030. The TIF is paid at time of building permit issuance; with funds collected from projects coming on line in order to collect fees to cover costs of those improvements when implemented. Because the TIF Program was designed to address cumulative concerns and the associated appropriate payment for specified improvements, participation in the TIF Program constitutes effective and adequate mitigation for Project cumulative impacts when the facility needed to

address the impact is identified as a “TIF-eligible Facility” in the 2012 *County of San Diego TIF Transportation Needs Assessment Report*.

The County last updated the TIF Program in December 2012. The Board of Supervisors regularly approves the County’s TIF Program updates. Because the Project (and other projects approved since 2012) proposes a GPA, an update to the TIF program to cover the changes in land use will occur. The Project will be required to contribute funding on a fair-share basis toward an update to the TIF program to include the Project and its increased density.

As noted above, the required improvements addressing the direct impact would lessen the cumulative effect. In addition, Project payment into the TIF Program will reduce cumulative effects to a less than significant level by supporting County regional road improvements as needed.

**Significant Effect - Impact TR-3:** Under Existing Plus Cumulative Plus Project conditions, significant cumulative impacts (LOS D to LOS E) would occur along Country Club Drive from Hill Valley Drive to Kauana Loa Drive (LOS E).

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

**M-TR-3:** This mitigation measure specified in the FEIR has been imposed upon the Project as a condition of approval. Prior to occupancy of 80 Project units, the Project shall widen Country Club Drive at the Country Club Drive/Eden Valley Lane intersection to provide a dedicated northbound left-turn lane onto Eden Valley Lane.

**Rationale:** The provision of the left-turn lane at the Country Club Drive/Eden Valley Lane intersection would provide a refuge lane for left-turning vehicles. This would improve the flow of northbound through traffic on Country Club Drive between Hill Valley Drive and Kauana Loa Drive, and reduce the potential for vehicular conflict due to the slowing of northbound traffic. Implementation of this mitigation measure is expected to reduce this cumulative impact to less than significant.

**Significant Effect - Impact TR-4:** Under Existing Plus Cumulative Plus Project conditions, significant cumulative impacts (LOS D to E) would occur along Harmony Grove Road from Country Club Drive to Harmony Grove Village Parkway (LOS E).

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

**M-TR-4:** This mitigation measure specified in the FEIR has been imposed upon the Project as a condition of approval. The Project shall make a payment toward the County of San Diego TIF program to address cumulative impacts to the segment of Harmony Grove Road between Country Club Drive and Harmony Grove Village Parkway.

**Rationale:** Please refer to general TIF Program information provided under the Rationale for Impacts TR-2a and 2b. This segment is a TIF-eligible facility. Project impacts for this segment will be addressed through payment toward the County TIF Program, which will mitigate the cumulative impact at these locations to below a level of significance.

**Significant Effect - Impact TR-5:** Under Existing Plus Cumulative Plus Project conditions, significant cumulative impacts (LOS D to LOS E) would occur along Harmony Grove Road from Harmony Grove Village Parkway to Kauana Loa Drive (LOS E)

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

**M-TR-5:** This mitigation measure specified in the FEIR has been imposed upon the Project as a condition of approval. The Project shall make a payment toward the County of San Diego TIF program to address cumulative impacts to the segment of Harmony Grove Road between Harmony Grove Village Parkway and Kauana Loa Drive.

**Rationale:** Please refer to general TIF Program information provided under the Rationale for Impacts TR-2a and 2b. This segment is a TIF-eligible facility. Project impacts for this segment will be addressed through payment toward the County TIF Program, which will mitigate the cumulative impact at these locations to below a level of significance.

**Significant Effect - Impact TR-6:** Under Existing Plus Cumulative Plus Project conditions, significant cumulative impacts (LOS F and would continue LOS F) would occur along Harmony Grove Road from Kauana Loa Drive to Enterprise Street (LOS F).

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

**M-TR-6:** This mitigation measure specified in the FEIR has been imposed upon the Project as a condition of approval. Project payment toward the County of San Diego TIF program as part of mitigation provided under M-TR-10, below, will mitigate impacts to this segment of Harmony Grove Road between Kauana Loa Drive and Enterprise Street.

**Rationale:** Harmony Grove Road between Kauana Loa Drive and Enterprise Street is not a part of the General Plan roadway network and is an unclassified roadway on the Mobility Element. Therefore, it does not have any planned improvements beyond its existing configuration.

Regardless, the segment is bound by two intersections, Harmony Grove Road/Kauana Loa Drive in the County and Harmony Grove Road/Enterprise Street in Escondido. The County intersection (Harmony Grove Road/Kauana Loa Drive) is located within the portion of Harmony Grove Road that is classified as a TIF-eligible facility (Harmony Grove Road from Harmony Grove Village Parkway to Kauana Loa Drive). Therefore, the TIF payment for TR-10 will improve this intersection as part of the TIF eligible facility upgrades associated with segment improvements. This would improve traffic flow through the intersection, thereby easing congestion on the adjacent segments. In other words, implementation of mitigation measure M-TR-10 would also reduce this cumulative impact to less than significant.

**Significant Effect - Impact TR-7:** Under Existing Plus Cumulative Plus Project conditions, significant cumulative impacts (LOS D to LOS E) would occur along Harmony Grove Village Parkway from Harmony Grove Road to Citracado Parkway (LOS E).

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

**M-TR-7:** This mitigation measure specified in the FEIR has been imposed upon the Project as a condition of approval. Prior to occupancy of 135 Project units, the Project shall provide a northbound to eastbound right-turn overlap phase at the Harmony Grove Road/Harmony Grove Village Parkway signalized intersection.

**Rationale:** Harmony Grove Village Parkway from Harmony Grove Village Road to Citracado Parkway segment is currently built to Community Collector standards providing 16,200 ADT of capacity. It is

classified in the Mobility Element to be improved to a Community Collector providing additional capacity to 19,000 ADT, but the segment is not currently included as a TIF-eligible facility.

The segment is bound by two intersections: Harmony Grove Road/Harmony Grove Village Parkway in the County and Avenida Del Diablo/Citracado Parkway in Escondido. Both of these intersections are calculated to operate at LOS C or better during peak hours through cumulative project traffic volumes. As such, this segment also would be expected to operate at correspondingly acceptable LOS. Nonetheless, the cumulative contribution exceeds the County's threshold and a cumulative impact is identified.

Even though the intersection at Harmony Grove Road/Harmony Grove Village Parkway is calculated to operate at LOS C or better during peak hours with both Project and cumulative project traffic volumes, the construction of the northbound to eastbound right-turn overlap phase at this intersection would provide additional improvements to both a.m. and p.m. peak hour delays by 1.3 and 2.1 seconds, respectively. Where intersections operate at acceptable LOS, their adjoining segments also operate at acceptable LOS because the intersections control the system. Considering that the adjacent intersections currently operate acceptably, the intersection improvements would reduce this cumulative impact to less than significant.

**Significant Effect - Impact TR-10:** Under Existing Plus Cumulative Plus Project conditions, significant cumulative impacts (LOS D both a.m. and p.m. to LOS E and F, respectively) would occur at the Harmony Grove Road/Kauana Loa Drive unsignalized intersection (LOS E and F during the a.m. and p.m. peak hours, respectively).

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

**M-TR-10:** This mitigation measure specified in the FEIR has been imposed upon the Project as a condition of approval. The Project shall make a payment toward the County of San Diego TIF program to address cumulative impacts to the Harmony Grove Road/Kauana Loa Drive unsignalized intersection.

**Rationale:** Please refer to general TIF Program information provided under the Rationale for Impacts TR-2a and 2b. This intersection is located within the portion of Harmony Grove Road (between Harmony Grove Village Parkway and Kauana Loa Drive) that is classified as a TIF-eligible facility and improvements to the intersection would occur as a result of upgrading the Harmony Grove Road segment that terminates at this intersection. Therefore, payment toward the County TIF program would mitigate this cumulative intersection impact to below a level of significance.

**Evidence Supporting CEQA Findings:** Substantial evidence to support the finding that Impacts TR-2a through TR-7 and TR-10 would be reduced to less than significant levels with the implementation of mitigation, as well as that other potential traffic effects would be reduced to less than significant levels with the implementation of Project design features, is found within the administrative record pertaining to this FEIR; including responses to comments, technical studies and EIR, which are hereby incorporated by reference. Without limitation, please refer to the following documents:

- FEIR Chapter 1.0 and Table 1-2
- FEIR Subchapter 2.2, Sections 2.2.1, 2.2.2, 2.2.3, 2.2.4, 2.2.5, 2.2.6 and 2.2.7
- FEIR Chapter 7.0, Sections 7.1.2 and 7.2.3
- FEIR Appendix D, Traffic Impact Analysis

## C. BIOLOGICAL RESOURCES

**Significant Effects:** The Project would result in significant but mitigable impacts to sensitive biological resources, Impacts BI-1a through BI-9, as detailed below.

**Project Design Features:** A number of routine construction PDFs are incorporated into the Project. These relate to installation of construction fencing to restrict construction personnel and equipment movements from sensitive habitat during construction; brushing, clearing and grading timing and location restrictions during the avian breeding season; compliance with wet weather grading restrictions, and conformance of Project landscaping installation to the Conceptual Landscape Plan, species and spacing, as well as monitoring biologist approval of hydroseed mix. Without these PDFs, construction impacts would have been significant. Implementation of the PDFs is ensured as discussed above. Permit issuance is conditioned upon completion of the PDFs.

Similarly, a number of routine operation PDFs in accordance with County requirements are incorporated into the Project. These include a 200-foot buffer between Resource Protection Ordinance protected riparian areas and proposed residential/commercial/recreational vertical development, separation of BOS and development areas through signed fencing, and surrounding BOS with limited building zones (LBZs) without any structures. Without these PDFs, operational impacts would have been significant. Implementation of the PDFs is ensured as discussed above. Permit issuance is conditioned upon completion of the PDFs.

These PDFs apply to all biological evaluations noted below.

**Significant Effect - Impact BI-1a:** The Project will result in impacts to 10.4 acres of Diegan coastal sage scrub, a sensitive natural community type, which was determined to support a pair of California gnatcatchers .

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

**M-BI-1a:** This mitigation measure specified in the FEIR has been imposed upon the Project as a condition of approval. Prior to issuance of a grading permit, the Project Applicant shall preserve 34.8 acres of on-site Biological Open Space (BOS) determined to support sensitive species and habitat functions and values contiguous with the Del Dios Highland Preserve (DDHP) to the south through the establishment of a conservation easement and the preparation of a Resource Management Plan (RMP) approved by the County and Wildlife Agencies (U.S. Fish and Wildlife Service [USFWS] and California Department of Fish and Wildlife [CDFW]) to address long-term monitoring, maintenance, management, and reporting directives, in perpetuity, by a qualified entity approved by the County and Wildlife Agencies.

The 34.8-acre BOS is depicted on EIR Figures 1-9 and Figure 2.3-5. The habitat types within the BOS are summarized within Table 11 of EIR Appendix E. The RMP shall address the location of the mitigation sites that meet the specific mitigation requirement for the type of habitat (e.g., in-kind habitat preservation, no net loss, presence of special status species, etc.) within the Project site. The open space easement shall be owned by a conservancy, the County, or other similar, experienced entity subject to approval by the County. Funding shall be provided through a non-wasting endowment, Community Facility District or other finance mechanism approved by the County. Should a regional entity to manage biological open space be formed, the natural habitat areas within the Project site could be dedicated to that entity and managed as part of an overall preserve system for northern San Diego County.

**Significant Effect - Impact BI-1b** A single, breeding pair of coastal California gnatcatchers was determined to occupy portions of the on-site Diegan coastal sage scrub that would be impacted by the

Project. Impacts to gnatcatcher individuals; occupied habitat; and foraging, migration and dispersal habitat would result in a potentially significant impact to listed species.

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

**M-BI-1b:** This mitigation measure specified in the FEIR has been imposed upon the Project as a condition of approval. Prior to issuance of a grading permit, mitigation for 10.4 acres of impacts to Diegan coastal sage scrub occupied by coastal California gnatcatcher shall occur at a 2:1 ratio for a total of 20.8 acres of occupied habitat through a combination of on-site preservation of 0.5 acre, on-site restoration and preservation of 1.8 acres, and off-site preservation of 18.5 acres through land acquisition and/or purchase of conservation bank credits, as specified below and approved by the County and Wildlife Agencies as part of the required Habitat Loss Permit (HLP) process.

On-site restoration shall include 1.8 acres of Diegan coastal sage scrub. The restoration shall include preparation and implementation of a restoration plan approved by the County and Wildlife Agencies, to include directives for native container planting and seeding using locally sourced material, temporary irrigation, and monitoring and maintenance for a minimum five-year period until performance standards and success criteria approved by the County and Wildlife Agencies have been met. The 1.8 acres of restored coastal sage scrub shall be placed within a BOS easement, along with the 0.5 acre of avoided coastal sage scrub, and managed in perpetuity in accordance with M-BI-1a.

An additional 18.5 acres of occupied, Intermediate Value or High Value coastal sage scrub, and/or other like-functioning habitat as approved by the County and Wildlife Agencies, shall be provided through one or a combination of the following:

- Off-site preservation of mitigation land, through the recordation of a BOS easement, and preparation of an RMP to address long-term monitoring, maintenance, management, and reporting directives, in perpetuity, approved by the County and Wildlife Agencies. To the extent the land is available for preservation, off-site mitigation shall occur within land designated as Pre-approved Mitigation Area (PAMA) in the Draft Multiple Species Conservation Program (MSCP) North County Plan and located in the Elfin Forest-Harmony Grove Planning Area, northern coastal foothills ecoregion. The location shall be deemed acceptable by the County and Wildlife Agencies. Long-term management shall be funded through a non-wasting endowment in an amount determined through preparation of a Property Assessment Record (PAR) or similar method for determining funding amount. The open space easement shall be owned by a conservancy, the County or other similar, experienced entity subject to approval by the County. Should a regional entity to manage biological open space be formed, the natural habitat areas within the Project site could be dedicated to that entity and managed as part of an overall preserve system for northern San Diego County.
- If demonstrated to the satisfaction of the County and Wildlife Agencies that off-site preservation of mitigation land is not feasible to fulfill all or a portion of mitigation obligations, then the Project shall include purchase of occupied coastal sage scrub credits at an approved conservation bank, such as the Red Mountain Conservation Bank, Buena Creek Conservation Bank, or other bank deemed acceptable by the County and Wildlife Agencies.
- To further prevent inadvertent direct impacts to coastal California gnatcatcher individuals during construction, no grading or clearing shall occur of occupied Diegan coastal sage scrub during the species' breeding season (February 15 to August 31). All grading permits, improvement plans, and the final map shall state the same. If clearing or grading would occur

during the breeding season for the gnatcatcher, a pre-construction survey shall be conducted to determine whether gnatcatchers occur within the impact area(s). To avoid take under the federal ESA, impacts to occupied habitat shall be avoided. If there are no gnatcatchers nesting (includes nest building or other breeding/nesting behavior) within that area, grading and clearing shall be allowed to proceed. If, however, any gnatcatchers are observed nesting or displaying breeding/nesting behavior within the area, construction in that area shall be postponed until all nesting (or breeding/nesting behavior) has ceased or until after August 31. (See also M-BI-4 for mitigation for indirect noise effects.)

**Rationale:** The mitigation would be effective as a result of the implementation of the RMP and restoration plan, and the associated preservation of coastal California gnatcatcher habitat.

The RMP shall be prepared by a County-approved biologist in accordance with Attachment E, *Conceptual Biological Resources Management Plan* of the County's *Report Format and Content Requirements for Biological Resources*, which requires implementation of area-specific management directives for the long-term management and protection of biological resources within the BOS, including Diegan coastal sage scrub. Unless otherwise required by the County and/or Wildlife Agencies, at a minimum, management directives to be implemented shall include routine monitoring of sensitive species and habitat; routine inspections for illegal activities (e.g., trespass, dumping, vandalism, etc.); as-needed maintenance for erosion control, non-native invasive species control, and fencing and signage repair; and reporting of management and maintenance activities, to be sent to the County and Wildlife Agencies on an annual basis. The restoration plan shall be prepared by a County-approved restoration specialist in accordance with the County's *Report Format and Content Requirements for Revegetation Plans*, which requires implementation of site-specific restoration directives for site preparation, installation, maintenance, monitoring and financial assurances for the restoration effort. Restoration directives to be implemented shall include, at a minimum, unless otherwise required by the County and Wildlife Agencies, a mandatory plant establishment period (PEP); monthly, quarterly, and annual technical monitoring of the restoration performance, as appropriate, including plant survivorship, non-native species coverage, native species coverage, and photographs; monthly, quarterly, and annual maintenance of the restoration site for plant replacement, irrigation inspection, non-native species control, and trash removal, as appropriate; and reporting of the restoration effort's progress toward achieving performance standards to be sent to the County and Wildlife Agencies on an annual basis, until success criteria are met.

Coastal California gnatcatcher impacts would be mitigated below a level of significance (M-BI-1a and 1b) by: (1) on- and off-site preservation of Diegan coastal sage scrub, and (2) restriction of habitat impacts during the breeding season. The specified habitat mitigation ratios take into consideration the importance of preserving areas necessary to ensure the continued survival of sensitive species. The habitat preservation ratio is effective because through retention of sustainable habitat, sensitive species can continue to thrive. The mitigation would preserve species habitat and foraging grounds, and thus, help ensure survival of these species within the Project site (open space) and within the County. The mitigation ratios utilized for impacts to these species' habitats were developed based upon Natural Community Conservation Planning (NCCP) Guidelines (CDFW and California Resources Agency 1997) intended to accomplish preservation of sensitive species, and the wildlife agencies have reviewed and approved these mitigation ratios. The restriction regarding breeding season activities would ensure that no nest would be directly taken during construction.

**Significant Effect - Impact BI-1c:** Least Bell's vireo has been observed using Project-adjacent riparian habitat for foraging and other non-breeding activities. Because there is a potential for use of the area by a breeding pair and for foraging, the Project could result in a potentially significant impact to listed species.

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or

substantially lessen the significant environmental effect as identified in the FEIR.

**M-BI-1c:** This mitigation measure specified in the FEIR has been imposed upon the Project as a condition of approval. Prior to issuance of a grading permit, mitigation for impacts to less than 0.01 acre of mule fat scrub and 0.71 acre of southern riparian forest suitable for least Bell's vireo shall occur at a 3:1 ratio through one or a combination of the following: on- and/or off-site establishment, re-establishment, rehabilitation, enhancement and preservation of riparian habitat and/or other like-functioning habitat; and/or off-site purchase of riparian habitat mitigation and/or other like-functioning habitat at an approved mitigation bank in the local area, such as the Brook Forest Mitigation Bank, San Luis Rey Mitigation Bank, or other location deemed acceptable by the County and Regulatory Agencies (U.S. Army Corps of Engineers [USACE], Regional Water Quality Control Board [RWQCB], and CDFW), as applicable. The establishment/creation or re-establishment component must be at least 1:1, while the remaining 2:1 can be restoration and enhancement.

To further prevent inadvertent direct impacts to least Bell's vireo individuals during construction, no grading or clearing shall occur within riparian habitat during the breeding season of the least Bell's vireo (March 15 to September 15). All grading permits, improvement plans, and the final map shall state the same. If clearing or grading would occur during the breeding season for the least Bell's vireo, a pre-construction survey shall be conducted to determine whether vireos occur within the impact area(s). To avoid take under the federal and California ESAs, impacts to occupied habitat shall be avoided. If there are no vireos nesting (includes nest building or other breeding/nesting behavior) within that area, grading and clearing shall be allowed to proceed. If, however, any vireos are observed nesting or displaying breeding/nesting behavior within that area, construction shall be postponed until all nesting (or breeding/nesting behavior) has ceased or until after September 15. (See also M-BI-4 for mitigation for indirect noise effects.)

**Rationale:** Least Bell's vireo mitigation would occur through creation, preservation and enhancement of mule fat scrub and southern willow riparian forest and/or purchase of credits for the same at an approved mitigation bank, as well as through construction period restrictions (or assurance of nesting/breeding behavior through pre-construction surveys. The mitigation ratios are standard ratios that have been applied to projects within the County since PDS developed its most current version of the Guidelines for Determining Significance and Report Format and Content Requirements for Biological Resources (County 2010). The ratio is identified as effective because these reviewing agencies have reached consensus that retention at these ratios will result in sustainable levels of these habitats. If creation, preservation and enhancement of mule fat scrub and southern willow riparian forest occurs rather than purchase of credits at an existing bank, a restoration plan would be developed. The restoration plan shall be prepared by a County-approved restoration specialist in accordance with the County's *Report Format and Content Requirements for Revegetation Plans*, which requires implementation of site-specific restoration directives for site preparation, installation, maintenance, monitoring and financial assurances for the restoration effort. Restoration directives to be implemented shall include, at a minimum, unless otherwise required by the County and Wildlife Agencies, a mandatory PEP; monthly, quarterly, and annual technical monitoring of the restoration performance, as appropriate, including plant survivorship, non-native species coverage, native species coverage, and photographs; monthly, quarterly, and annual maintenance of the restoration site for plant replacement, irrigation inspection, non-native species control, and trash removal, as appropriate; and reporting of the restoration effort's progress toward achieving performance standards to be sent to the County and Wildlife Agencies on an annual basis, until success criteria are met. Completion and implementation of the restoration plan, or purchase of credits at an existing bank would provide habitat that would support species survival.

**Significant Effect - Impact BI-2a:** The Project would impact seven individuals of summer holly, a County List A plant, and 1,963 wart-stemmed ceanothus, a County List B plant.

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

**M-BI-2a:** This mitigation measure specified in the FEIR has been imposed upon the Project as a condition of approval. Prior to issuance of a grading permit, mitigation for impacts to seven summer holly and 1,963 wart-stemmed ceanothus individuals shall occur at a minimum ratio of 3:1 for summer holly and 1:1 for wart-stemmed ceanothus through the preservation of at least 21 summer holly and 1,963 wart-stemmed ceanothus within the BOS easement (which includes preparation of an RMP and monitoring, maintenance, management, and reporting directives) described above in M-BI-1a.

**Rationale:** The mitigation would be effective as a result of the implementation of the RMP, and the associated preservation of summer holly and wart-stemmed ceanothus.

The RMP shall be prepared by a County-approved biologist in accordance with Attachment E, *Conceptual Biological Resources Management Plan* of the County's *Report Format and Content Requirements for Biological Resources*, which requires implementation of area-specific management directives for the long-term management and protection of biological resources within the BOS, including sensitive plant species. Unless otherwise required by the County and/or Wildlife Agencies, at a minimum, management directives to be implemented shall include routine monitoring of sensitive species and habitat; routine inspections for illegal activities (e.g., trespass, dumping, vandalism, etc.); as-needed maintenance for erosion control, non-native invasive species control, and fencing and signage repair; and reporting of management and maintenance activities, to be sent to the County and Wildlife Agencies on an annual basis. Despite impacts to individual plants, the preservation of summer holly (County List A) and wart-stemmed ceanothus (County List B) at the noted ratios would conserve the on-site population. The mitigation ratios are standard ratios that have been applied to projects within the County since PDS developed its most current version of the Guidelines for Determining Significance and Report Format and Content Requirements for Biological Resources (County 2010). The ratios are identified as effective because these reviewing agencies have reached consensus that retention at these ratios will result in sustainable levels of these species.

**Significant Effect - Impact BI-2b:** A single red-shouldered hawk was observed perching in a tree near Escondido Creek. This species could nest at off-site locations within 500 feet of Project impact areas and may forage over the site. The Project would impact non-native grassland that serves as raptor foraging habitat. A potentially significant impact was assessed to loss of this habitat, which could impact the survival of a local population of Species of Special Concern.

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

**M-BI-2b:** This mitigation measure specified in the FEIR has been imposed upon the Project as a condition of approval. Prior to issuance of a grading permit, mitigation for impacts to 44.2 acres of non-native grassland that provides suitable nesting and foraging habitat for several bird species, including raptors, shall occur at a 0.5:1 ratio through the preservation of 0.2 acre on site within the BOS easement (which includes preparation of an RMP and monitoring, maintenance, management, and reporting directives) as required by M-BI-1a, in addition to one or a combination of the following: off-site preservation of 21.9 acres of grassland habitat and/or other like-functioning habitat through the recordation of a BOS easement, and the preparation of an RMP to address long-term monitoring, maintenance, management, and reporting directives, in perpetuity, approved by the County and Wildlife Agencies. To the extent the land is available for preservation, off-site mitigation shall occur within land designated as PAMA in the Draft MSCP North County Plan and located in the Elfin Forest-Harmony Grove Planning Area, or northern coastal foothills ecoregion. The location shall be deemed acceptable by the County and Wildlife Agencies. The proposed open space easement shall be owned by a conservancy, the County or other similar, experienced entity subject to approval by the County. Should a regional entity to manage biological open space be formed, the

natural habitat areas within the Project site could be dedicated to that entity and managed as part of an overall preserve system for northern San Diego County. If demonstrated to the satisfaction of the County and Wildlife Agencies that off-site preservation of mitigation land is not feasible to fulfill all or a portion of mitigation obligations, then the Project shall include purchase of 21.9 acres of grassland credits or like-functioning habitat at an approved conservation bank such as the Brook Forest Conservation Bank or other location deemed acceptable by the County. (See also M-BI-9 addressing breeding season avoidance.)

**Rationale:** Mitigation would be provided primarily through off-site preservation of non-native grassland or like-functioning habitat. The mitigation would be effective as a result of preservation of both on-site and off-site habitat supporting sensitive species and implementation of the required RMPs. Regardless of whether the RMPs would address on or off-site habitat, they shall be prepared by a County-approved biologist in accordance with Attachment E, *Conceptual Biological Resources Management Plan* of the County's *Report Format and Content Requirements for Biological Resources*, which requires implementation of area-specific management directives for the long-term management and protection of biological resources within the BOS, including non-native grasslands or like-functioning habitat. Unless otherwise required by the County and/or Wildlife Agencies, at a minimum, management directives to be implemented shall include routine monitoring of sensitive species and habitat; routine inspections for illegal activities (e.g., trespass, dumping, vandalism, etc.); as-needed maintenance for erosion control, non-native invasive species control, and fencing and signage repair; and reporting of management and maintenance activities, to be sent to the County and Wildlife Agencies on an annual basis. The specified habitat mitigation ratios take into consideration the importance of preserving areas necessary to ensure the continued survival of sensitive species. The habitat preservation ratio is effective because through retention of sustainable habitat, sensitive species can continue to thrive. The mitigation would preserve species habitat and foraging grounds, and thus, help ensure survival of these species within the Project site (open space) and within the County. The mitigation ratio utilized for impacts to these species' foraging habitat (the non-native grassland) is in accordance with County guidelines.

**Significant Effect - Impact BI-2c:** The Project would result in the significant loss of potential nesting and foraging habitat for yellow-breasted chat, which is designated as State Species of Special Concern and County Group 1 species. A potentially significant impact was assessed to loss of mule fat scrub and willow riparian forest, impacting the survival of a local population of Species of Special Concern.

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

**M-BI-2c:** This mitigation measure specified in the FEIR has been imposed upon the Project as a condition of approval. Prior to issuance of a grading permit, mitigation for impacts to yellow-breasted chat nesting and foraging habitat, including less than 0.01 acre of mule fat scrub and 0.71 acre of southern riparian forest, shall be provided at a 3:1 ratio through implementation of mitigation M-BI-1c. (See also M-BI-9 addressing breeding season avoidance.)

**Rationale:** Mitigation for loss of yellow-breasted chat nesting and foraging habitat would occur through creation, preservation and enhancement of mule fat scrub and southern willow riparian forest and/or purchase of credits for the same at an approved mitigation bank at a 3:1 ratio. This standard ratio has been applied to projects within the County since PDS developed its most current version of the Guidelines for Determining Significance and Report Format and Content Requirements for Biological Resources (County 2010). The ratio is identified as effective because these reviewing agencies have reached consensus that retention at these ratios will result in sustainable levels of these habitats. As noted above, if creation, preservation and enhancement of mule fat scrub and southern willow riparian forest occurs rather than purchase of credits at an existing bank, a restoration plan would be developed. The restoration plan shall be prepared by a County-approved restoration specialist in accordance with the County's *Report Format and Content Requirements for Revegetation Plans*, which requires implementation of site-specific restoration

directives for site preparation, installation, maintenance, monitoring and financial assurances for the restoration effort. Restoration directives to be implemented shall include, at a minimum, unless otherwise required by the County and Wildlife Agencies, a mandatory PEP; monthly, quarterly, and annual technical monitoring of the restoration performance, as appropriate, including plant survivorship, non-native species coverage, native species coverage, and photographs; monthly, quarterly, and annual maintenance of the restoration site for plant replacement, irrigation inspection, non-native species control, and trash removal, as appropriate; and reporting of the restoration effort's progress toward achieving performance standards to be sent to the County and Wildlife Agencies on an annual basis, until success criteria are met. Completion and implementation of the restoration plan, or purchase of credits at an existing bank would provide habitat that would support species survival.

**Significant Effect - Impact BI-3a:** The Project would result in loss of 44.2 acres of non-native grassland that serves as potential foraging habitat for the barn owl and white-tailed kite. This loss of habitat could significantly affect long-term survival of County Group 2 Animal Species.

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

**M-BI-3a:** This mitigation measure specified in the FEIR has been imposed upon the Project as a condition of approval. Prior to issuance of a grading permit, mitigation for loss of foraging area that could impact long-term survival of County Group 2 animals shall be provided through implementation of mitigation for impacts to 44.2 acres of non-native grassland at a 0.5:1 ratio, as described in M-BI-2b.

**Rationale:** Mitigation for loss of County Group 2 bird foraging habitat would be provided through off-site preservation of non-native grassland or like-functioning habitat. The specified habitat mitigation ratios take into consideration the importance of preserving areas necessary to ensure the continued survival of sensitive species. The habitat preservation ratio is effective because through retention of sustainable habitat, sensitive species can continue to thrive. The mitigation would preserve species habitat and foraging grounds, and thus, help ensure survival of these species within the Project site (open space) and within the County. The mitigation ratio utilized for impacts to these species' foraging habitat (the non-native grassland) in accordance with County guidelines.

**Significant Effect - Impact BI-3b:** The Project would result in the significant loss of potential nesting and foraging habitat for yellow warbler, which is designated as State Species of Special Concern and County Group 2 species. A potentially significant impact was assessed to loss of mule fat scrub and willow riparian forest, impacting the survival of a local population of Species of Special Concern.

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

**M-BI-3b:** This mitigation measure specified in the FEIR has been imposed upon the Project as a condition of approval. Prior to issuance of a grading permit, mitigation for impacts to yellow warbler nesting and foraging habitat, including less than 0.01 acre of mule fat scrub and 0.71 acre of southern riparian forest at a 3:1 ratio, shall be provided through implementation of mitigation M-BI-1c. (See also M-BI-9 addressing breeding season avoidance.)

**Rationale:** Impacts to yellow warbler potential nesting and foraging habitat would be mitigated through creation, preservation and enhancement of mule fat scrub and southern willow riparian forest and/or purchase of credits for the same at an approved mitigation bank in accordance with the standard mitigation ratio. This standard ratio has been applied to projects within the County since PDS developed its most current version of the Guidelines for Determining Significance and Report Format and Content Requirements for Biological Resources (County 2010). The ratio is identified as effective because these

reviewing agencies have reached consensus that retention at these ratios will result in sustainable levels of these habitats.

**Significant Effect - Impact BI-3c:** The Project would result in a significant loss of 44.6 acres of non-native grassland that serves as raptor foraging habitat.

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

**M-BI-3c:** This mitigation measure specified in the FEIR has been imposed upon the Project as a condition of approval. Prior to issuance of a grading permit, mitigation for loss of raptor foraging habitat shall be provided through implementation of mitigation for impacts to 44.2 acres of non-native grassland at a 0.5:1 ratio, as described in M-BI-2b.

**Rationale:** Loss of non-native grassland use for foraging by raptors would be mitigated (M-BI-2b) through off-site preservation of non-native grassland or like-functioning habitat. The specified habitat mitigation ratio takes into consideration the importance of preserving areas necessary to ensure the continued survival of sensitive species. The habitat preservation ratio is effective because through retention of sustainable habitat, sensitive species can continue to thrive. The mitigation would preserve species habitat and foraging grounds, and thus, help ensure survival of these species within the Project site (open space) and within the County. The mitigation ratio utilized for impacts to these species' foraging habitat (the non-native grassland) is in accordance with County guidelines.

**Significant Effect - Impact BI-4:** Construction-related noise (including the use of heavy equipment, potential blasting, potential use of a rock crusher, and potential use of cast-in-drilled holes or a pile driver) may significantly impact sensitive bird species such as coastal California gnatcatcher and least Bell's vireo, as well as raptors, which may be nesting within an area where construction noise at the nest exceeds 60 dBA.

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

**M-BI-4:** This mitigation measure specified in the FEIR has been imposed upon the Project as a condition of approval. If operation of construction dozers, excavators, rock crushers, pile drivers or cast-in-drilled-hole equipment occurs during the breeding seasons for the coastal California gnatcatcher (February 15 to August 31), nesting raptors (January 15 to July 15), or least Bell's vireo (March 15 to September 15), pre-construction survey(s) shall be conducted by a qualified biologist as appropriate prior to issuance of a grading permit, to determine whether these species occur within the areas potentially impacted by noise. If it is determined at the completion of pre-construction surveys that active nests belonging to these sensitive species are absent from the potential impact area, construction shall be allowed to proceed. If pre-construction surveys determine the presence of active nests belonging to these sensitive species, then operation of the following equipment shall not occur within the specified distances from an active nest during the respective breeding seasons: a dozer within 400 feet; an excavator within 350 feet; rock crusher equipment within 1,350 feet; a breaker within 500 feet; a pile driver within 2,600 feet; and cast-in-drilled holes equipment within 350 feet. All grading permits, improvement plans, and the final map shall state the same. Operation of construction dozers, excavators, rock crushers, pile drivers, cast-in-drilled-hole equipment and other noise-generating activities shall: (1) be postponed until a qualified biologist determines the nest(s) is no longer active or until after the respective breeding season; or (2) not occur until a temporary noise barrier or berm is constructed at the edge of the development footprint and/or around the piece of equipment to ensure that noise levels are reduced to below 60 dBA or ambient. Decibel output will be confirmed by a County-approved noise specialist and intermittent monitoring by a qualified biologist to ensure that conditions have not changed will be required. If pre-construction surveys identify coastal

California gnatcatcher, nesting raptors, or least Bell's vireo, blasting will be restricted to the non-breeding season for the identified birds (September 1 to February 14 for coastal California gnatcatcher; July 16 to January 14 for nesting raptors; and September 16 to March 14 for least Bell's vireo) or be completed using wholly chemical means.

**Rationale:** Construction-related noise that may significantly impact nesting coastal California gnatcatcher, least Bell's vireo or raptors if construction noise at the nest exceeds 60 dBA L<sub>EQ</sub> would be mitigated below a level of significance through consideration of the noise source, the affected species, and the noise source. Restricting grubbing, clearing, grading, blasting, rock crushing, pile driving, etc. to distances specified in the mitigation measure, or requiring noise attenuation through such methods as baffling or sound barriers, would result in construction noise at active nest not exceeding 60 dBA L<sub>EQ</sub>, a distance determined by the wildlife agencies to adequately attenuate the disturbance. Monitoring by a County-approved noise specialist and qualified biologist would be required to confirm the decibel level. These restrictions would protect the noted species from disturbance associated with movement and noise from construction activities during the breeding season. Because the daily activities of the species would not be disrupted, breeding and nesting activities would continue within proposed on-site open space, thus helping to ensure the survival of these species.

**Significant Effect - Impact BI-5a:** The Project would result in significant direct impacts to less than 0.01 acre of mule fat scrub and 0.71 acre of southern willow riparian forest.

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

**M-BI-5a:** This mitigation measure specified in the FEIR has been imposed upon the Project as a condition of approval. Prior to issuance of a grading permit, mitigation for impacts to less than 0.01 acre of mule fat scrub and 0.71 acre of southern riparian forest shall occur at a 3:1 ratio as specified in M-BI-1c, above.

**Significant Effect - Impact BI-5b:** The Project would result in significant direct impacts to 10.4 acres of Diegan coastal sage scrub (including disturbed) which is a sensitive community type.

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

**M-BI-5b:** This mitigation measure specified in the FEIR has been imposed upon the Project as a condition of approval. Prior to issuance of a grading permit, mitigation for 10.4 acres of impacts to occupied Diegan coastal sage scrub shall occur at a 2:1 ratio as specified in M-BI-1a and M-BI-1b, above.

**Significant Effect - Impact BI-5c:** The Project would result in significant direct impacts to 4.2 acres of coastal sage-chaparral transition.

**M-BI-5c:** This mitigation measure specified in the FEIR has been imposed upon the Project as a condition of approval. Prior to issuance of a grading permit, mitigation for 4.5 acres of impacts to coastal sage-chaparral transition shall occur at a 2:1 ratio through one or a combination of the following: off-site preservation of 9.0 acres of coastal sage-chaparral scrub and/or other like-functioning habitat, through the recordation of BOS easement, and the preparation of an RMP to address long-term monitoring, maintenance, management, and reporting directives, in perpetuity, approved by the County and Wildlife Agencies. To the extent the land is available for preservation, off-site mitigation shall occur within land designated as PAMA in the Draft MSCP North County Plan and located in the Elfin Forest-Harmony Grove Planning Area, or northern coastal foothills ecoregion. The location shall be deemed acceptable by the County and Wildlife Agencies. The open space easement shall be owned by a conservancy, the County or

other similar, experienced entity subject to approval by the County. Should a regional entity to manage biological open space be formed, the natural habitat areas within the Project site could be dedicated to that entity and managed as part of an overall preserve system for northern San Diego County. If demonstrated to the satisfaction of the County and Wildlife Agencies that off-site preservation of mitigation land is not feasible to fulfill all or a portion of mitigation obligations, then the Project shall include purchase of 9.0 acres of coastal sage-chaparral scrub credits or like-functioning habitat at an approved mitigation bank such as the Red Mountain Conservation Bank, Buena Creek Conservation Bank, Brook Forest Conservation Bank, or other location deemed acceptable by the County and Wildlife Agencies.

**Significant Effect - Impact BI-5d:** The Project would result in significant direct impacts to 15.6 acres of southern mixed chaparral.

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

**M-BI-5d:** This mitigation measure specified in the FEIR has been imposed upon the Project as a condition of approval. Prior to issuance of a grading permit, mitigation for 15.6 acres of impacts to southern mixed chaparral shall occur at a 0.5:1 ratio through the preservation of a minimum 7.8 acres on site within BOS easement (which shall include preparation and implementation of an RMP and monitoring, maintenance, management, and reporting directives), as required by M-BI-1a.

**Significant Effect - Impact BI-5e:** The Project would result in significant direct impacts to 44.2 acres of non-native grassland.

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

**M-BI-5e:** This mitigation measure specified in the FEIR has been imposed upon the Project as a condition of approval. Prior to issuance of a grading permit, mitigation for 44.2 acres of impacts to non-native grassland shall occur through implementation of M-BI-2b, above.

**Significant Effect - Impact BI-5f:** The Project would result in significant direct impacts to 0.2 acre of coast live oak woodland.

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

**M-BI-5f:** This mitigation measure specified in the FEIR has been imposed upon the Project as a condition of approval. Prior to issuance of a grading permit, mitigation for 0.2 acre of impacts to upland coast live oak woodland shall occur at a 3:1 ratio through the preservation of 0.6 acre on site within BOS easement (which shall include preparation and implementation of an RMP and monitoring, maintenance, management, and reporting directives) as required by M-BI-1a.

**Rationale:** The Project impacts to mule fat scrub, Diegan coastal sage scrub (including disturbed), Diegan coastal sage scrub/chaparral transition, southern mixed chaparral, non-native grassland and coast live-oak woodland, would be mitigated at specified ratios and locations as described in M-BI-5a through 5f. Implementation of these mitigation measures would avoid or substantially reduce the significant effects because the mitigation ratios for impacts to these habitats were variously developed based on NCCP Guidelines (CDFW and California Resources Agency 1997), and/or the wildlife agencies have reviewed and approved these mitigation ratios, and/or are consistent with County guidelines. Additionally, the mitigation ratios are standard ratios that have been applied to projects within the County since PDS developed its most current version of the Guidelines for Determining Significance and Report Format and

Content Requirements for Biological Resources (County 2010). The ratios are identified as effective because these reviewing agencies have reached consensus that retention at these ratios will result in sustainable levels of these species. The mitigation measures specified in M-BI-5a through 5f would be effective as a result of restoration plan and RMP implementation, and the associated preservation of these habitats.

If creation, preservation and enhancement of mule fat scrub and southern willow riparian forest occurs rather than purchase of credits at an existing bank, a restoration plan would be developed. The restoration plan shall be prepared by a County-approved restoration specialist in accordance with the County's *Report Format and Content Requirements for Revegetation Plans*, which requires implementation of site-specific restoration directives for site preparation, installation, maintenance, monitoring and financial assurances for the restoration effort. Restoration directives to be implemented shall include, at a minimum, unless otherwise required by the County and Wildlife Agencies, a mandatory PEP; monthly, quarterly, and annual technical monitoring of the restoration performance, as appropriate, including plant survivorship, non-native species coverage, native species coverage, and photographs; monthly, quarterly, and annual maintenance of the restoration site for plant replacement, irrigation inspection, non-native species control, and trash removal, as appropriate; and reporting of the restoration effort's progress toward achieving performance standards to be sent to the County and Wildlife Agencies on an annual basis, until success criteria are met.

The RMP shall be prepared by a County-approved biologist in accordance with Attachment E, *Conceptual Biological Resources Management Plan* of the County's *Report Format and Content Requirements for Biological Resources*, which requires implementation of area-specific management directives for the long-term management and protection of biological resources within the BOS, including sensitive plant species. Unless otherwise required by the County and/or Wildlife Agencies, at a minimum, management directives to be implemented shall include routine monitoring of sensitive species and habitat; routine inspections for illegal activities (e.g., trespass, dumping, vandalism, etc.); as-needed maintenance for erosion control, non-native invasive species control, and fencing and signage repair; and reporting of management and maintenance activities, to be sent to the County and Wildlife Agencies on an annual basis.

**Significant Effect - Impact BI-6a:** The Project would result in significant direct impacts to 0.31 acre of wetland waters of the U.S./State (southern riparian forest) and 0.03 acre of non-wetland waters of the U.S./State regulated by the USACE and RWQCB.

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

**M-BI-6a:** This mitigation measure specified in the FEIR has been imposed upon the Project as a condition of approval. Prior to issuance of a grading permit, demonstration that regulatory permits from the USACE and RWQCB have been issued or that no such permits are required shall be provided to the County. Impacts to 0.31 acre of USACE/RWQCB-jurisdictional wetland waters of the U.S./State shall be mitigated at a 3:1 ratio as described in M-BI-1c, above, unless otherwise required by the USACE and RWQCB. Impacts to 0.03 acre of USACE/RWQCB-jurisdictional non-wetland waters of the U.S./State shall be mitigated at a 1:1 ratio through the preservation of a minimum 0.03 acre on site within BOS easement (which shall include preparation implementation of an RMP and monitoring, maintenance, management, and reporting directives) as described in M-BI-1a, unless otherwise required by the USACE and RWQCB. If required by the USACE and/or RWQCB during regulatory permitting for the Project, alternative mitigation shall be provided through purchase of mitigation credits at the Brook Forest Mitigation Bank, San Luis Rey Mitigation Bank, or other location deemed acceptable by the USACE and RWQCB.

**Significant Effect - Impact BI-6b:** The Project would result in significant direct impacts to 0.77 acre of CDFW-jurisdictional, vegetated-streambed comprised of 0.71 acre of southern riparian forest, less than

0.01 acre of mule fat scrub, and 0.05 acre of coast live oak woodland. The Project would also impact 0.04 acre of CDFW-jurisdictional, unvegetated streambed.

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

**M-BI-6b:** This mitigation measure specified in the FEIR has been imposed upon the Project as a condition of approval. Prior to issuance of a grading permit, demonstration that regulatory permits from CDFW have been issued or that no such permits are required shall be provided to the County. Impacts to 0.80 acre of CDFW-jurisdictional areas will be mitigated as follows. Impacts to less than 0.01 acre of mule fat scrub and 0.71 acre of southern riparian forest shall be mitigated at a 3:1 ratio, as described in M-BI-1c, unless otherwise required by CDFW. Impacts to 0.05 acre of CDFW-jurisdictional coast live oak woodland and 0.04 acre of CDFW-jurisdictional streambed shall be mitigated at a 1:1 ratio through the preservation of a minimum 0.05 acre of CDFW-jurisdictional coast live oak woodland and 0.04 acre of CDFW-jurisdictional streambed on site within BOS easement (which shall include preparation of an RMP and monitoring, maintenance, management, and reporting directives) as described in M-BI-1a, unless otherwise required by CDFW. If required by CDFW during regulatory permitting for the Project, alternative mitigation shall be provided through purchase of mitigation credits at the Brook Forest Mitigation Bank,

**Significant Effect - Impact BI-6c:** The Project would result in significant direct impacts to 0.72 acre of County RPO wetlands comprised of 0.71 acre of southern riparian forest, less than 0.01 acre of mule fat scrub, and 0.01 acre of coast live oak woodland associated with Escondido Creek.

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

**M-BI-6c:** This mitigation measure specified in the FEIR has been imposed upon the Project as a condition of approval. Prior to issuance of a grading permit, impacts to 0.72 acre of RPO wetland (less than 0.01 acre of mule fat scrub, 0.71 acre of southern riparian forest, and 0.01 acre of RPO-jurisdictional coast live oak woodland) shall be mitigated at a 3:1 ratio with at least 1:1 creation. Impacts to mule fat scrub and southern riparian forest shall be mitigated as described in M-BI-1c, above. Impacts to 0.01 acre of RPO coast live oak woodland shall be provided through purchase of establishment or re-establishment mitigation credits at the Brook Forest Mitigation Bank, San Luis Rey Mitigation Bank, or other location deemed acceptable by the County.

**Significant Effect - Impact BI-7:** The Project would result in significant impacts to federally protected wetlands.

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

**M-BI-7:** This mitigation measure specified in the FEIR has been imposed upon the Project as a condition of approval. Prior to issuance of a grading permit, impacts to 0.31 acre of federal wetlands shall be mitigated at a 3:1 ratio as described in M-BI-1c, M-BI-5a and M-BI-6a, above, unless otherwise required by USACE.

**Significant Effect - Impact BI-8:** The Project would result in significant impacts to County RPO-protected wetlands.

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

**M-BI-8:** This mitigation measure specified in the FEIR has been imposed upon the Project as a condition

of approval. Prior to issuance of a grading permit, impacts to 0.72 acre of RPO wetland shall be mitigated at a 3:1 ratio as described in M-BI-1c, M-BI-5a and M-BI-6c, above.

**Rationale:** Federal, State, and County policies require that projects have a no net loss of wetlands. Impacts to USACE, CDFW, and County RPO wetlands/waters would be mitigated below a level of significance through off-site establishment, rehabilitation and preservation (M-BI-1c, M-BI-6a through M-BI-6c, M-BI- 7 and M-BI-8). Implementation of these measures would fully mitigate impacts to these jurisdictional areas, because the typical mitigation ratio for impacts to wetlands is 3:1 (with a minimum 1:1 creation ratio thereby replacing the values of the impacted wetland). Because the Proposed Project would mitigate its impacts to wetlands at a 3:1 ratio, including a minimum 1:1 creation ratio and 2:1 rehabilitation/preservation ratio, no net loss of wetland habitat would occur. Rehabilitation and creation of wetland habitat would mitigate impacts to impacted wetlands because they would benefit both native plant species and animal species that utilize the drainage, and would not alter of the function of the wetlands. The mitigation ratio for Waters of the U.S./streambed is 1:1, which is a ratio the resource agencies reviewed and approved. The preservation of 0.03 acre of Waters of the U.S./streambed within the on-site BOS would adequately conserve conveyance functions as it pertains to the receiving water of Escondido Creek.

**Significant Effect - Impact BI-9:** If clearing or grubbing takes place in occupied nesting habitat during the avian breeding season, it could result in a significant killing of migratory birds or destruction of their nests.

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

**M-BI-9:** This mitigation measure specified in the FEIR has been imposed upon the Project as a condition of approval. No grubbing, clearing, or grading shall occur during the general avian breeding season (February 15 to August 31). All grading permits, improvement plans, and the final map shall state the same. If grubbing, clearing, or grading would occur during the general avian breeding season, a pre-construction survey shall be conducted by a qualified biologist to determine if active bird nests are present in the affected areas. If there are no nesting birds (includes nest building or other breeding/nesting behavior) within this area, clearing, grubbing, and grading shall be allowed to proceed. If active nests or nesting birds are observed within the area, the biologist shall flag the active nests and construction activities shall avoid active nests until nesting behavior has ceased, nests have failed, or young have fledged.

**Rationale:** Impacts would be mitigated below a level of significance by not allowing grading or clearing of vegetation during the breeding season of most avian species (February 15 through August 31) without pre-construction surveys showing absence. Nesting migratory bird species would be protected from disturbance associated with movement and noise from construction activities during the breeding season due to cessation of grading or construction activities. Because the daily activities of these species would not be disrupted, breeding and nesting activities would continue within proposed on-site open space, thus helping to ensure the survival of these species.

**Evidence Supporting CEQA Findings:** Substantial evidence to support the finding that Impacts BI-1a through BI-9 would be reduced to less than significant levels with the implementation of mitigation, as well as that other potential biological effects would be reduced to less than significant levels with the implementation of Project design features, is found within the administrative record pertaining to this FEIR; including responses to comments, technical studies and EIR, which are hereby incorporated by reference. Without limitation, please refer to the following documents:

- FEIR Chapter 1.0 and Table 1-2
- FEIR Subchapter 2.3, Sections 2.3.1, 2.3.2, 2.3.3, 2.3.4, 2.3.5 and 2.3.6

- FEIR Chapter 7.0, Sections 7.1.3, 7.2.5 and 7.2.6
- FEIR Appendix E, Biological Technical Report

## CULTURAL RESOURCES

**Significant Effects:** The Project would result in significant but mitigable impacts to cultural resources, Impacts CR-1 and 2, as detailed below.

**Impact CR-1:** There is a potential for significant direct impacts related to undiscovered buried archaeological resources on or off the Project site during Project-related grading. Impacts to these resources would represent significant environmental effects.

**Impact CR-2:** There is an unlikely but possible potential for significant direct impacts related to discovery of unknown burials on or off the Project site during Project-related grading. Impacts to these resources would represent significant environmental effects.

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

**M-CR-1 and 2:** This mitigation measure specified in the FEIR has been imposed upon the Project as a condition of approval. An archaeological monitoring and data recovery program would be implemented to mitigate potential impacts to undiscovered buried archaeological resources on the Project site to the satisfaction of the Director of PDS. This program shall include, but shall not be limited to, the following actions:

- Pre-Construction
  - Provide evidence that a County approved archaeologist has been contracted to implement the Archaeological Monitoring program.
  - The Project Archaeologist shall contract with a Luiseño Native American monitor.
  - The pre-construction meeting shall be attended by the Project Archaeologist and Luiseño Native American monitor to explain the monitoring requirements.
- Construction
  - Monitoring. Both the Project Archaeologist and Luiseño Native American monitor are to be on site during earth disturbing activities. The frequency and location of monitoring of native soils will be determined by the Project Archaeologist in consultation with the Luiseño Native American monitor. Monitoring of previously disturbed soils will be determined by the Project Archaeologist in consultation with the Luiseño Native American monitor.
  - If cultural resources are identified:
    - Both the Project Archaeologist and Luiseño Native American monitor have the authority to divert or temporarily halt ground disturbance operations in the area of the discovery.
    - The Project Archaeologist shall contact the County Archaeologist.
    - The Project Archaeologist in consultation with the County Archaeologist and Luiseño

Native American shall determine the significance of discovered resources.

- Construction activities will be allowed to resume after the County Archaeologist has concurred with the significance evaluation.
- Isolates and non-significant deposits shall be minimally documented in the field. Should the isolates and non-significant deposits not be collected by the Project Archaeologist, the Luiseño Native American monitor may collect the cultural material for transfer to a Tribal curation facility or repatriation program.
- If cultural resources are determined to be significant, a Research Design and Data Recovery Program shall be prepared by the Project Archaeologist in consultation with the Luiseño Native American monitor and approved by the County Archaeologist. The program shall include reasonable efforts to preserve (avoid) unique cultural resources of Sacred Sites; the capping of identified Sacred Sites or unique cultural resources and placement of development over the cap if avoidance is infeasible; and data recovery for non-unique cultural resources. The preferred option is preservation (avoidance).
  - Human Remains.
    - The Property Owner or their representative shall contact the County Coroner and the PDS Staff Archaeologist.
    - Upon identification of human remains, no further disturbance shall occur in the area of the find until the County Coroner has made the necessary findings as to origin.
    - If the remains are determined to be of Native American origin, the Most Likely Descendant (MLD), as identified by the Native American Heritage Commission (NAHC), shall be contacted by the Property Owner or their representative in order to determine proper treatment and disposition of the remains.
    - The immediate vicinity where the Native American human remains are located is not to be damaged or disturbed by further development activity until consultation with the MLD regarding their recommendations as required by Public Resources Code Section 5097.98 has been conducted.
    - Public Resources Code §5097.98, CEQA §15064.5 and Health & Safety Code §7050.5 shall be followed in the event that human remains are discovered.
  - Rough Grading
    - Upon completion of Rough Grading, a monitoring report shall be prepared identifying whether resources were encountered.
  - Final Grading
    - A final report shall be prepared substantiating that earth-disturbing activities are completed and whether cultural resources were encountered.
    - Disposition of Cultural Material.
      - The final report shall include evidence that all prehistoric materials have been curated at a

San Diego curation facility or culturally affiliated Tribal curation facility that meets federal standards per 36 CFR Part 79, or alternatively has been repatriated to a culturally affiliated Tribe.

- The final report shall include evidence that all historic materials have been curated at a San Diego curation facility that meets federal standards per 36 CFR Part 79.

**Rationale:** The Proposed Project would not impact any known significant on- or off-site cultural resources. The mitigation would reduce impacts resulting from the disturbance of potential unknown buried cultural resources to below a level of significance because the site would be avoided, if feasible, or data recovery is required that would allow important information to be obtained prior to removal. The proposed mitigation would ensure that all information contained in the archaeological record, which is important to the understanding of the historical or prehistoric periods, is preserved. The mitigation would also ensure that the archaeological monitor or Luiseño Native American monitor has the authority to halt or divert grading activities in the area of any discoveries.

If human remains are unearthed during grading activities, the County Coroner and the NAHC would be contacted as required to ensure that the proper steps are taken. Based on consultation with the MLD, a determination as to the disposition of the human remains would be made. The proposed mitigation would ensure that any discovered human remains would be preserved for the County Coroner and the MLD.

The ability to halt or divert grading activities followed by evaluation and treatment of the resource would reduce potentially significant impacts to less than significant levels because they would ensure that: (1) relevant information contained in the archaeological record, which is important in understanding prehistory and history, is preserved; and (2) that previously unknown cultural resources would not be lost due to unrestricted and unmonitored grading activities.

**Evidence Supporting CEQA Findings:** Substantial evidence to support the finding that Impacts CR-1 and 2 would be reduced to less than significant levels with the implementation of mitigation, is found within the administrative record pertaining to this FEIR; including responses to comments, technical studies and EIR, which are hereby incorporated by reference. Without limitation, please refer to the following documents:

- FEIR Subchapter 2.4, Sections 2.4.1, 2.4.2, 2.4.3, 2.4.4, 2.4.5 and 2.4.6
- FEIR Chapter 7.0, Section 7.1.4
- FEIR Appendix F, Cultural Resources Technical Report

## NOISE

**Significant Effects:** The Project would result in significant but mitigable impacts to noise, Impacts N-1 through N-6, as detailed below.

**Project Design Features:** Absent coordination to determine preferred method of blasting notifications; 24-hour prior notice of blasting to homes within 0.5 mile; posting of signs to notice blast events near the Country Club Drive/Harmony Grove Road and Country Club Drive/Cordrey Road intersections, as well as along Del Dios Highland Preserve trail seven days prior to blasting; provision of contact information; and use of either cast-in-drilled hole bridge construction rather than pile driving while the park is occupied or not completing pile driving on Saturdays or Sundays so that the equestrian park may remain open, impacts associated with un-noticed blasts or pile driving during weekends could be considered significant. PDFs requiring the blasting contractor to carry out these notices are Project conditions. Implementation of the PDFs is ensured as discussed above. Permit issuance is conditioned upon completion of the PDFs, relevant to the construction blasting impacts below.

**Significant Effect - Impact N-1:** Noise levels could exceed the most restrictive 60 CNEL maximum allowable noise level for two single-family residences that are located in the westernmost portion of the Project site that face Country Club Drive.

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

**M-N-1:** This mitigation measure specified in the FEIR has been imposed upon the Project as a condition of approval. Noise levels at exterior use areas for the proposed residences identified as R9 and R10 on EIR Figure 2.5-1 shall be reduced to the most restrictive County Noise Element threshold of 60 CNEL or below. Noise reduction for on-site exterior traffic noise impacts, which could lead to interior noise impacts, could be accomplished through on-site noise barriers. One 5-foot-high sound wall along the northern perimeter of the affected lot will be installed, with approximately 20-foot-long return walls along the western perimeter of the western residence (R9) and the eastern perimeter of the eastern residence (R10).

The sound attenuation fence or wall must be solid. It can be constructed of masonry, wood, plastic, fiberglass, steel, or a combination of those materials, as long as there are no cracks or gaps through or below the wall. Any seams or cracks must be filled or caulked. If wood is used, it can be tongue and groove and must be at least 1-inch total thickness or have a density of at least 3½ pounds per square foot. Where architectural or aesthetic factors allow, glass or clear plastic ¾ of an inch thick or thicker may be used on the upper portion, if it is desirable to preserve a view. Sheet metal of 18 gauge (minimum) may be used, if it meets the other criteria and is properly supported and stiffened so that it does not rattle or create noise itself from vibration or wind. Any door(s) or gate(s) must be designed with overlapping closures on the bottom and sides and meet the minimum specifications of the wall materials described above. The gate(s) may be of 1-inch thick or better wood, solid-sheet metal of at least 18-gauge metal, or an exterior-grade solid-core steel door with prefabricated doorjambs.

**Rationale:** Implementation of the 5-foot-high sound wall would reduce noise levels at the two single-family residential units to below 60 CNEL and therefore to below a level of significance. This mitigation would reduce impacts to less than significant levels because the noise modeling results indicates the noise attenuation provided by the walls would be adequate to comply with exterior noise standards of the Noise Element.

**Significant Effect - Impact N-2:** The second stories of the two residential units identified for Impact N-1 may be exposed to noise in excess of 60 CNEL. Given a typical exterior to interior attenuation of 15 CNEL, the interior noise levels of these residents may be exposed to noise levels that exceed the 45 CNEL threshold.

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

**M-N-2:** This mitigation measure specified in the FEIR has been imposed upon the Project as a condition of approval. In accordance with standard County requirements, additional exterior-to-interior noise analysis shall be conducted for the residential units identified as R9 and R10 (where exterior noise levels may exceed 60 CNEL within the second stories) prior to issuance of building permits for these lots to demonstrate that interior levels do not exceed 45 CNEL. The information in the analysis shall include wall heights and lengths, room volumes, window and door tables typical for a building plan, as well as information on any other openings in the building shell. With this specific building plan information, the analysis shall determine the predicted interior noise levels at the planned on-site buildings. If predicted noise levels are found to be in excess of 45 CNEL, the report shall identify architectural materials or techniques that could be included to reduce noise levels to 45 CNEL in habitable rooms. Standard measures such as glazing with

Sound Transmission Class (STC) ratings from 22 to 60, as well as walls with appropriate STC ratings (34 to 60), should be considered.

Appropriate means of air circulation and provision of fresh air would be provided to allow windows to remain closed for extended intervals of time so that acceptable interior noise levels can be maintained. The mechanical ventilation system would meet the criteria of the International Building Code (Chapter 12, Section 1203.3 of the 2001 California Building Code).

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

**Rationale:** The exterior-to-interior analysis will ensure that interior noise levels would be within stated thresholds. If predicted noise levels are found to be in excess of 45 CNEL, the report shall identify architectural materials or techniques to reduce noise levels to 45 CNEL in habitable rooms, and be implemented through the final building plans. With implementation of this mitigation measure, impacts to on-site interior noise would be less than significant. This mitigation measure would reduce impacts to less than significant because architectural measures have been demonstrated to be effective and feasible through modeling and the noise levels would be reduced to below the Noise Element standard of 45 CNEL.

**Significant Effect - Impact N-3:** WTWRF equipment would have the potential to create noise in excess of allowable limits. The piece of WTWRF equipment that would generate the most noise would be the standby diesel generator. The generator would produce noise levels ranging from 90 to 105 dBA at 23 feet, and thus noise levels of 45 dBA (the night-time allowable limit) could be experienced at distances of up to 23,000 feet.

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

**M-N-3:** This mitigation measure specified in the FEIR has been imposed upon the Project as a condition of approval. The WTWRF shall be enclosed by a solid 6-foot high wall. Final design for the WTWRF and the noise wall shall demonstrate that exterior noise levels generated from all stationary WTWRF equipment combined shall not exceed the one-hour exterior noise level of 45 dBA  $L_{EQ}$  at the property line.

The Applicant shall be required to provide a final noise impact analysis as part of the facilities design submittal package for the WTWRF and noise wall prepared by a County-approved noise consultant. The final noise impact analysis shall demonstrate compliance with the County 45 dBA  $L_{EQ}$  property line nighttime limit completed to the satisfaction of the County PDS.

**Rationale:** In order to ensure compliance of the WTWRF with applicable noise regulations, a final noise impact analysis is required as part of the facilities design submittal package for the WTWRF. The final noise impact analysis prepared by a County-approved noise consultant shall demonstrate compliance with the County 45 dBA  $L_{EQ}$  property line nighttime limit. The report shall be completed to the satisfaction of the County PDS. This mitigation would reduce impacts to less than significant because the conditions of approval of the MUP would ensure that the standard would be attained through appropriate equipment/structural noise barriers and proper installation as provided in final design as reflected in the report.

**Significant Effect - Impact N-4:** If a breaker operates within 125 feet of the nearest noise sensitive land use (NSLU), the noise level would exceed the County's impulsive noise limit of 82 dBA  $L_{MAX}$ .

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

**M-N-4:** This mitigation measure specified in the FEIR has been imposed upon the Project as a condition of approval. If a breaker is required as part of Project construction, then it shall not generate maximum noise levels that exceed 82 dBA L<sub>MAX</sub> when measured at the property line for 25 percent of a one-hour period, or be used within 125 feet of the property line for any occupied residence. Material that would require a breaker shall be moved a minimum distance of 125 feet from the nearest residence.

**Significant Effect - Impact N-5:** If a rock crusher operates within 250 feet of the nearest NSLU, the noise level would exceed the County's 8-hour noise level limits of 75 dBA L<sub>EQ</sub>.

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

**M-N-5:** This mitigation measure specified in the FEIR has been imposed upon the Project as a condition of approval. If a rock crusher is required as part of Project construction, then it shall not be used within 250 feet of the property line for any occupied residence until a temporary noise barrier or berm is constructed at the edge of the development footprint or around the piece of equipment to reduce noise levels below 75 dBA L<sub>EQ</sub> at the property line for the occupied residences. If a barrier or berm is used, decibel output will be confirmed by a County-approved noise specialist. Otherwise, a rock crusher shall be moved a minimum distance of 250 feet from the nearest residence before use.

**Rationale:** With implementation of M-N-4, breaker noise levels would not exceed the County's impulsive noise level limit as the breaker would not be operated within 125 feet of the nearest property line of any occupied residence. With implementation of M-N-5, rock crusher noise levels would not exceed the County's 8-hour noise level limit as the breaker would not be operated within 250 feet of the nearest NSLU. Implementation of the proposed mitigation would ensure compliance with the County Noise Element standards and Noise Ordinance property line limits and reduce noise to less than significant.

**Significant Effect - Impact N-6:** Because Project-specific details regarding blasting operations are not available at this time, impacts to off-site residences are conservatively assessed as significant.

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

**M-N-6:** This mitigation measure specified in the FEIR has been imposed upon the Project as a condition of approval. The following measures would be implemented to reduce impacts from blasting:

- The number of blasts would be limited to three blasting events per week.
- The Project would also include a blasting management plan due to the blasting that is likely to occur on site. All blast planning must be done by a San Diego County Sheriff approved blaster, with the appropriate San Diego County Sheriff blasting permits, in compliance with the County Consolidated Fire Code Section 96.1.5601.2 (County 2014a), and all other applicable local (including the County Noise Ordinances), state, and federal permits, licenses, and bonding. The blasting contractor or owner must conduct all notifications, inspections, monitoring, and major or minor blasting requirements planning with seismograph reports, as necessary.
- If boulders must be reduced in size with blasting within 200 feet of the closest residence, the use of chemical expansion via a chemical cracking agent shall be performed instead.

**Rationale:** Implementation of M-N-6 would provide proper measures, such as implementation of a blasting management plan and limiting the number of blasting events, so that impacts from blasting would be less

than significant. Implementation would ensure compliance with the County Noise Element standards and Noise Ordinance property line limits and reduce noise to less than significant levels.

**Evidence Supporting CEQA Findings:** Substantial evidence to support the finding that Impacts N-1 through N-6 would be reduced to less than significant levels with the implementation of mitigation, as well as that other potential noise effects would be reduced to less than significant levels with the implementation of Project design features, is found within the administrative record pertaining to this FEIR; including responses to comments, technical studies and EIR, including discussion of County standard requirements and Noise Ordinances as disclosed in the documents below, which are hereby incorporated by reference. Without limitation, please refer to the following documents:

- FEIR Chapter 1.0 and Table 1-2
- FEIR Subchapter 2.5, Sections 2.5.1, 2.5.2, 2.5.3, 2.5.4, 2.5.5 and 2.5.6
- FEIR Chapter 7.0, Sections 7.1.5 and 7.2.7
- FEIR Appendix G, Acoustical Analysis Report

## GREENHOUSE GAS EMISSIONS

**Significant Effects** – the Project would result in significant GHG impacts (Impact GHG-1) as described below.

**Project Design Features:** Construction PDFs (as specified in Table 1-2, Subchapter 2.7 and Chapter 7.0) include equipment operations in accordance with the California Air Resource Board's Airborne Toxic Control Measure limiting diesel-fueled commercial motor vehicle idling; use of Tier II or higher construction equipment as defined in Subchapter 2.7; use of diesel equipment fleets exceeding existing emissions standards to the extent practicable and feasible; use of electric and renewable fuel powered construction equipment to the extent practicable and feasible; use of electricity to power appropriate types and categories of construction equipment (e.g., hand tools); Applicant to develop and provide an informative brochure to educate homeowners regarding water conservation measures, recycling, location of electric vehicle (EV) charging stations, and outdoor electric outlets, location of nearby dining and entertainment venues, small commercial centers and civic uses to reduce vehicle miles traveled. The Project shall also prepare a Construction and Demolition Debris Management Plan requiring recycling of 90 percent of inerts and 70 percent of all other materials.

Project operational PDFs as specified in Table 1-2, Subchapter 2.7 and Chapter 7.0, include compliance with the California Title 24 Energy Code in effect at the time of building permit application; eight 19.2 kW Level 2 electric vehicle (EV) charging station (serving two parking spaces), and installation of a Level 2 EV charging station (220-volt chargers) within the garage for each residential unit (453 total); restrictions on use of turf to specific areas and use of drought-tolerant, native and regionally appropriate plants in conformance to the Project Conceptual Landscape Plan and County Water Conservation and Landscape Design Manual, with weather-based irrigation controllers etc.; use of reclaimed water for outdoor irrigation; installation of a photovoltaic solar system to produce a total of 4,165 kW of solar power; reduction in potable water use and wastewater generation by 20 percent; no use of natural gas or weed hearth options in residential units; lack of natural gas line installation on site (Project will be 100 percent electric); provision of designated parking for shared vehicles and clean air vehicles at the Center House and Project parks; provision of bicycle parking and bicycle circulation improvements; marked crosswalks across Country Club Drive at each of the Project entries; compliance with the County's Parking Design Manual to minimize heat island effects; provision of electric outlets in all residential backyards and within common areas of multi-family development areas; provision of storage and collection areas for recyclables and yard waste;

installation of a minimum of 2,045 trees; provision of two electrical vehicles sited at the Center House for use by residents; provision of an area reserved for dedication of a transit stop for bus service when a local transit line is extended to serve HGV/HGV South; provision of one rain barrel per every 500 square feet of available roof area provided that appropriate incentives/rebates are available to fund purchase and roof area is available; installation of rooftop solar PV panels on the Center House to the maximum extent feasible based on final design; roof anchors and pre-wiring to allow for PV installation on additional non-residential structures (e.g., the WTWRF if it is approved); and provision of informational materials on rideshare programs such as iCommute and the educational brochure developed during the construction effort.

PDFs are Project conditions, which ensures their implementation. Permit issuance is conditioned upon completion of the PDFs.

**Significant Effect – Impact GHG-1:** After analyzing and requiring all reasonable and feasible on-site measures for avoiding or reducing GHG emissions (including the PDFs and strategies recommended by CARB in the Scoping Plan Second Update), the Project's total estimated construction and vegetation removal GHG emissions would not be fully offset by PDFs identified for Project construction. This is identified as a significant impact.

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

**M-GHG-1:** This mitigation measure specified in the FEIR has been imposed upon the Project as a condition of approval. Prior to issuance of the first grading permit, compliance with M-GHG-1 shall be as follows:

- a. Solar panel(s), capable of generating a total of 1,720 KW, shall be installed on an existing building(s) that does not currently utilize solar energy, located within the County of San Diego, that is not otherwise required by law or regulation through statute, regulation, existing local program, or requirement to install such solar panels. The building shall have an estimated life of at least 30 years as verified by a third-party building inspector. The solar system installation shall be completed by a licensed, bonded and insured installer; and equipped with a monitoring system to notify the property owner upon which the building is located (property owner), the installer, and the HGV South Homeowners Association (HOA) with monitoring data. The solar panels will be registered with an extended warranty for the maximum period of time feasible, not less than 30 years and the panels will be dated at the time of installation. Consistent with the North American Board of Certified Energy Practitioners (NABCEP) standards, the installation company shall have a minimum of three years' experience.
- b. The identified building(s) shall be located within the County boundaries. A Covenant shall be recorded against the property, for the benefit of the Project site, stating that the Project-installed solar panel(s) must remain on the building(s) and operational for a period of 30 years. This Covenant runs with the land, not the owner, and will pass with the parcel in the event of a sale. The Covenant shall also require the property owner to allow the HOA or representative (including the County) to conduct annual baseline maintenance inspections, monitor, repair or replace the system as described in e), below, during that 30-year period. The Covenant shall also include the following provisions:
  - i) the property owner shall allow the HOA or County to access the system if maintenance is indicated by the monitoring system or when issues are otherwise noted by the property owner;
  - ii) the property owner shall notify the HOA and County if any repair or

maintenance events become known to the property owner;

- iii) the property owner shall maintain a policy of insurance (or include the addition of such panels to the coverage limits of the building's current insurance policy) to cover against the repair or replacement of the solar system resulting from physical damage (e.g., caused by severe weather conditions, vandalism, fire and other events) and name the HOA and County as additional insureds;
- iv) the property owner shall maintain and/or replace such panels with an equivalent or higher rated panel as necessary if the repair work is not completed by the HOA;
- v) if the identified building is vacated or abandoned, or the building is demolished before the 30-year period, the property owner shall be required to install an equivalent unit (and provide insurance for the same) on one or more existing buildings that meet the same criteria identified in a); within the County, that would generate an equivalent amount of solar power for the remaining term of the 30-year period. The property owner shall be required to record a Covenant with the same provisions against the property upon which the new building with the replacement solar unit is located, for the remaining term of the 30-year period and notify the HOA and the County of the same, prior to the vacation, abandonment, or demolition of the existing building; and
- vi) any new purchaser of the property shall notify the HOA and County that it has acquired the site and acknowledge its obligations under the Covenant, including allowing access for solar panels maintenance for the duration of the 30-year term.

c. The Applicant is required to fund and provide a report to the County that provides the following information:

- i) the address of the specific building(s) upon which the installation of the solar panels required by 2024 M-GHG-1 have been installed;
- ii) evidence that the building(s) is/are not required by law or regulation through statute, regulation, existing local program, or requirement to install such solar panels (i.e., additional);
- iii) the amount of GHG emissions that will be reduced by the installation of such panels;
- iv) a copy of the Covenant recorded against the property that includes the information required by M-GHG-1 b) above;
- v) a copy of the third-party building inspector (verification) that the life of the building be at least 30 years; and
- vi) a copy of the Project "Covenants, Conditions, and Restrictions" (CC&Rs or Declaration) of the HOA that include the provisions identified in paragraph e) below, including the HOA's budget that shows the reserve set aside for the purposes described in paragraph f) below, and

- vii) a copy of the solar installation contract with a licensed and bonded installer, and warranty and insurance policy along with the approved solar permit. The report shall include calculations conducted by a technical GHG expert using County-approved models and/or methodologies.
- d. The Applicant shall comply with County Code Section 6954, Solar Energy Systems, and obtain any required permits. The installation of such PV system shall be required to qualify for a CEQA exemption, such as PRC 21080.35 at the time of application for installation.
- e. The CC&Rs for the Project shall be submitted to the County for its review prior to the approval of the first grading permit that includes the following provisions:
  - 1. The HOA shall monitor the solar system using the module-level monitoring application described above for a 30-year period that commences from the Project's start of operations. The HOA shall keep records of solar power production during this period.
  - 2. If any solar equipment is found to need repair or replacement, the HOA shall be responsible for such work being completed as needed in order to maintain the equivalent amount of solar power generated by such panels. The HOA shall work with the property owner, installation company and/or insurance entity to ensure that the repairs are completed in a timely manner. If the repair work is not covered by the warranty or paid for by the insurance carrier, the HOA shall be responsible for ensuring that the repair work is completed.
  - 3. An annual maintenance and monitoring program shall be conducted by a licensed and bonded solar company (the Covenant requires the property owner to allow this annual inspection). A report shall be prepared by the solar company with the results of the inspection, including whether any repairs are needed and the amount of solar power generated by such panels. The report will be provided to the HOA, property owner, and County.
  - 4. During maintenance, the HOA or representative shall replace (with an equivalent or higher rated panel) or repair any of the solar panels as needed in order to maintain the equivalent amount of solar power generated by such panels.
  - 5. Any revisions to the above-described provisions of the CC&Rs shall be approved by the County, require the consent of 100 percent of the holders of first mortgages or the property owners within the HOA, and require the HOA to retain the same amount of funds set aside by this mitigation measure for the same purposes for the 30-year period.
  - 6. The County shall be named as a party to said Declaration authorizing the County to enforce the terms and conditions of the Declaration in the same manner as the HOA or any owner within the subdivision.
  - 7. The HOA shall maintain the budgeted reserve described in paragraph f) below for the exclusive uses described below. The County may use such funds should it decide to enforce said obligations.
  - 8. These CC&Rs shall be confirmed by the County prior to recording the first subdivision map.
- f. Applicant shall submit the initial HOA budget, subject to Department of Real Estate (DRE) rules, for review and approval by the County, that includes a set aside fund of \$300,000.00, for the purpose of repairing or replacing any solar panels (see Appendix J1), should such work not be eligible for reimbursement from the property owner's insurance policy or warranty. The set aside funds may also be used to enforce the provisions of the Covenant and any insurance claim if

needed. The amount of the set aside funds shall be adjusted each year by the HOA, based on the annual indexed increases in construction costs and expenses consistent with the California Construction Cost Index or similar construction industry standard index, through a reserve study prepared by a qualified consultant, hired by the HOA as required by the DRE, provided however, in no event shall the reserve fund be increased more than three percent (3 percent) in a given year. This budgeted reserve amount shall be designated and restricted exclusively for the sole purposes set forth herein and may be used by the County should it decide to enforce the obligations of the property owner. If any amount of the set aside is used by the HOA or County for such purposes, the HOA shall replenish the fund in an amount equal to what has been withdrawn.

**Rationale:** CEQA Guidelines recognize that in appropriate situations, off-site actions (measures) may be used to mitigate for GHG emissions. CEQA Guidelines Section 15126.4(c)(2) states that reductions in emissions may result “from a project through implementation of project features, project design, or other measures, …”. Goals in energy conservation include decreasing overall per capita energy consumption, decreasing reliance on fossil fuels such as coal, natural gas and oil, and increasing reliance on renewable energy sources.

The Project Applicant has responded to the California Court of Appeal decision with proposed modifications to the Project’s GHG reduction measures. The Project mitigates greenhouse emissions associated with construction and operation, including associated vehicular emissions, through production of enough energy through solar power to offset emissions of carbon dioxide equivalents (CO<sub>2</sub>e). This is possible because all relevant GHG emissions equate to CO<sub>2</sub>e values which may be generated from any source including electrical, area, mobile, waste, water, and generator uses.

The Project would offset 100 percent of the Project’s GHG emissions with the implementation of previously identified PDFs, updated as applicable, and a new mitigation measure (M-GHG-1) consistent with CARB’s 2022 Scoping Plan, Appendix “D” Local Actions. The current Project maximizes on-site GHG reductions (i.e., increased and more efficient photovoltaic solar panels) and any remaining GHG emissions that cannot be fully reduced to zero on site would be mitigated using solar installed on existing facilities off the Project site within San Diego County. The goal is to reduce any Project-generated net increase in GHG emissions with reductions or avoidances in GHG emissions elsewhere in the County based on the requirements specified in the CEQA statute, CEQA Guidelines, CARB’s 2022 Scoping Plan, Appendix “D” Local Actions and case law – i.e., mitigating at locations not otherwise required (CEQA Guidelines Section 15126.4[c][3]), through enforceable measures (CEQA Guidelines Section 15126.4[a][2]), and supported by substantial evidence, etc.

Off-site solar panel installation will be located within the County, and will be wholly “additional.” (The Applicant is required to substantiate that the building(s) is/are not required by law or regulation through statute, regulation, existing local program, or requirement to install such solar panels.) The mitigation measure contains enforceable detail regarding property qualifications, funding, maintenance, necessary covenants and deed restrictions, as well as insurance, to be included in a report prepared for the County prior to the issuance of the first grading permit; Measures such as funding, notice requirements, insurance and covenants allow for the County’s continued and County participation/oversight. The mitigated Project would not generate GHG emissions that may have a significant impact on the environment because the mitigated Project would have no net increase in construction-period GHG emissions, as compared to the existing environmental setting (CEQA Guidelines Section 15064.4[b][1]). Because the mitigated Project would have no net increase in the GHG emissions level, the mitigated Project would not make a cumulatively considerable contribution to global GHG emissions.

**Evidence Supporting CEQA Findings:** Substantial evidence to support the finding that Impact GHG-1 would be reduced to less than significant levels with the implementation of mitigation, as well as that other potential greenhouse gas effects would be reduced to less than significant levels with the implementation of PDFs, is found within the administrative record pertaining to this FEIR; including responses to

comments, technical studies and 2018 and 2025 FEIRs, which are hereby incorporated by reference. Without limitation, please refer to the following documents:

- FEIR Chapter 1.0 and Table 1-2
- FEIR Subchapter 2.7, Sections 2.7.1, 2.7.2, 2.7.3, 2.7.4, 2.7.5 and 2.7.6, as recirculated in 2024
- FEIR Chapter 7.0, Sections 7.1.7, 7.2.10 and 7.2.11
- FEIR Appendices J1, Global Climate Change Report and D, Traffic Impact Analysis

## SECTION B

### **Potentially Significant Impacts that cannot be Mitigated Below a Level of Significance (CEQA Guidelines Section 15091[A][2])**

Pursuant to Section 15091(a)(2) of the State CEQA Guidelines, the County of San Diego Board of Supervisors finds that, for each of the following significant effects as identified in the FEIR, changes or alterations which would avoid or substantially lessen these significant effects are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. The significant effects (impacts) and mitigation measures are stated fully in the FEIR. The following text provides brief explanations of the identified impact, proposed mitigation, and rationale for this finding for each impact. At the end of the technical topic, there are two additional categories of information; PDFs applicable to the overall topic, and summary Evidence Supporting CEQA Findings citations.

#### **AIR QUALITY**

**Significant Effects:** The Project would result in significant impacts to air quality, Impacts AQ-1a and AQ-1b, as detailed below.

**Project Design Features:** PDFs are identified for both construction and operation periods that would reduce emissions in general. For construction, and in accordance with SDAPCD Rule 55, PDFs include watering a minimum of twice daily, or as needed to control dust (including at locales such as concrete removal, etc.); terminating construction activities until dust clears if visible emissions exceed the property line for specified periods; termination of grading if winds exceed 25 mph; utilization of paving, chip sealing or chemical stabilization of internal roadways after completion of grading; enforcement of a 15-mph speed limit on unpaved surfaces; covers or 2 feet of freeboard on trucks hauling dirt, sand, soil or other loose materials; use of low volatile organic compound (VOC) coatings during construction and maintenance; development of a Construction and Demolition Debris Management Plan requiring specified percentages of material recycling; appropriate re-use of non-hazardous construction debris; and hydroseeding, landscaping or development, as well as stabilization of dirt storage piles, and minimization of visible roadway dust. Construction PDFs (as specified in Table 1-2, Subchapter 2.7 and Chapter 7.0) also include equipment operations in accordance with the California Air Resource Board's Airborne Toxic Control Measure limiting diesel-fueled commercial motor vehicle idling; and use of Tier II or higher construction equipment all as specified in Table 1-2 and Chapter 7.0.

For operation, the Project is required to submit for County approval a D-Designator Site Plan prior to permit issuance for development of any units within the Project site. The D-Designator Site Plan must comply with the energy efficiency requirements set forth in the regulations and standards described in the Specific Plan for such D-Designated property and the PDFs (as specified in Table 1-2, Subchapter 2.7, and Chapter 7.0. These energy efficiency measures include the following: Title 24 standards current at the time of building permit application per the 2025 FEIR, and verified prior to sale and occupancy, installation of electrical outlets in all residential backyards and within common areas of multi-family development areas installation of eight 19.2 dW Level 2 EV charging stations serving two parking spaces in the Center House parking area, installation of a Level 2 EV charging station (220-volt chargers) within the garage of each residential unit (453 total), use of energy efficient fixtures and bulbs in all common outdoor areas, as well as a series of measures to control odor release at the WTWRF (e.g., misting systems, chemical additives or activated carbon to control odors, covered/housing of WTWRF facilities, misting systems with odor neutralizing liquids, active odor control units to manage gases, and bio filters to capture odor-causing compounds).

The construction and operation PDFs requiring these construction and operation elements are Project

conditions and are specific requirements of the Project's underlying D-Designator and are as set forth in the Specific Plan and Chapters 1.0 and 7.0 of the FEIR. Implementation of the PDFs is ensured as discussed above. Permit issuance is conditioned upon compliance with the PDFs.

**Significant Effect - Impact AQ-1a:** The Proposed Project would consist of a more intense land use than is currently allowed under the County General Plan. As the Proposed Project would contribute to local population growth, employment growth, and associated VMT on local roadways, the Proposed Project is not considered accounted for in the SIP and RAQS. The County has not achieved buildout intensity levels assumed under the RAQS and SIP, and this, in conjunction with the Project's less than significant emissions, is not expected to result in obstruction of the implementation with local air quality plans. The lack of inclusion of the Project in the RAQS and SIP is identified as a significant conflict relative to plan non-conformance. The provision of housing information (M-AQ-1) would assist SANDAG in revising the housing forecast and therefore assist SDAPCD in revising the RAQS and SIP; however, until the anticipated growth is included in the emission estimates of the RAQS and the SIP, the direct impacts would remain significant and unavoidable.

**Significant Effect - Impact AQ-1b:** As described above, the Proposed Project would not conform to the RAQS. As a result, the Project is considered to have a significant cumulative impact. Therefore, until the anticipated growth is included in the emission estimates of the RAQS and the SIP, cumulative impacts related to consistency with applicable air quality plans would also be significant and unavoidable.

**M-A Q-1:** This mitigation measure specified in the FEIR has been imposed upon the Project as a condition of approval. The County shall provide a revised housing forecast to SANDAG that results in revisions to the population and employment projections used by the SDAPCD in updating the RAQS and SIP, which will accurately reflect anticipated growth due to the Proposed Project.

**Rationale:** The RAQS is based in part by growth projections compiled by SANDAG, as well as air pollutant emissions models prepared by CARB. The growth projections prepared by SANDAG are based on the land use plans developed by the County and other cities within the SANDAG within their respective general plans. Projects that propose general plan amendments or changes of a zoning designation may increase a property's planned intensity of use. An increase in a property's planned intensity of use would potentially result in increased stationary area source emissions and/or increased mobile source emissions due to higher traffic volumes, when compared to the assumptions used in the RAQS. In such a case, a potential conflict with the RAQS and SIP would occur.

Implementation of the Proposed Project would be inconsistent with the current RAQS and SIP because the density proposed is greater than what was included in the RAQS. Although the County has not achieved buildout intensity levels assumed under the RAQS and SIP, the conflict with the current RAQS and SIP resulting from the density proposed for the Proposed Project being inconsistent with current General Plan and SANDAG housing forecasts is conservatively identified as representing a significant impact as a planning document conflict. SANDAG provides those forecasts to the San Diego Air Pollution District, which prepares the RAQS and the 8-Hour Ozone Attainment Plan and provides those to the State California Air Resources Board. These are ongoing and routine programs that are beyond the purview of the County to manage or direct. Upon its inclusion and incorporation into regional modeling, this impact will be addressed. Until the anticipated growth is included in the emission estimates of the RAQS and the SIP by the SDAPCD, however, the direct and cumulative impacts (Impacts AQ-1a and AQ-1b) would remain significant and unmitigable. SANDAG regularly updates its growth projections based on the General Plan land uses of each jurisdiction within the County as amended from time to time. Thus, future updates to the RAQS and SIP would account for the Project's expected population. The APCD uses those forecasts as metrics in the RAQS and SIP. These agencies are required to update these documents, as they are part of the agency mandates. Once a future update that is reflective of the Project's planned increase in intensity on site would occur, the Project would then be consistent with the RAQS and SIP. While identified as a

significant plan consistency impact until an update is completed, the Project emissions of criteria pollutants do not exceed threshold criteria, and there would be no significant impact to human health or the environment from the Project's emissions.

**Evidence Supporting CEQA Findings:** Substantial evidence to support the finding that mitigation for Impacts AQ-1a and 1b is within the jurisdiction of another agency to implement, and until the anticipated growth is included in the emission estimates of the RAQS and the SIP, the direct and cumulative impacts would remain significant and unavoidable. Without limitation, please refer to the following documents:

- FEIR Chapter 1.0 and Table 1-2
- FEIR Subchapter 2.6, Sections 2.6.1, 2.6.2, 2.6.3, 2.6.4, 2.6.5 and 2.6.6
- FEIR Chapter 7.0, Sections 7.1.6, 7.2.8 and 7.2.9
- FEIR Appendix H, Air Quality Analysis Report and Supplemental Data

## TRANSPORTATION/TRAFFIC

**Significant Effects:** The Project would result in significant to transportation/traffic, Impacts TR-1a, 1b, 8 and 9, as detailed below.

CEQA requires identification of possible mitigation measures for significant impacts. Although the County cannot ensure mitigation occurring within a separate CEQA lead agency's jurisdiction (the City of Escondido), potential mitigation measures adequate to lower significant impacts to less than significant levels have been developed and were included within the circulated Draft EIR. As noted, however, the lead agency for Escondido impacts is the City. The County has no jurisdiction to ensure that the mitigation is implemented, and therefore these mitigation measures are identified as significant and unavoidable and are infeasible. The Applicant will coordinate with the City regarding these mitigation measures, and should these mitigation measures be approved by the City, they will be implemented as described.

**Project Design Feature:** Absent approval of a Traffic Control Plan, short-term construction impacts in the City of Escondido would be significant, and this PDF is included as a Project condition. Implementation of the PDF is ensured as discussed above. Permit issuance is conditioned upon completion of the PDF. This PDF applies to all discussion of impacts in the City of Escondido.

**Significant Effects - Impacts TR-1a and TR-1b:** Under Existing Plus Project and Existing Plus Cumulative Plus Project conditions, significant direct (LOS C to LOS D) and cumulative impacts (LOS E to LOS F) would occur along Country Club Drive from Auto Park Way to Hill Valley Drive (LOS D, Direct, and LOS F, Cumulative) in the City of Escondido.

**Finding:** Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes can and should be adopted by such other agency.

**Mitigation Measures M-TR-1a/1b:** Prior to occupancy of 80 Project units, Country Club Drive shall be widened to provide a paved width of 36 feet consisting of two travel lanes and a 10-foot striped center turn lane starting 220 feet southwest of Auto Park Way for a length of approximately 830 feet. Improvements will include connecting the existing sidewalk along the northern side of this roadway section with a 5-foot sidewalk complete with a 6-inch curb and gutter and providing a 4-foot decomposed granite pathway along the south side of this segment with a 6-inch asphalt berm. With the additional 12 feet added to the paved width, the roadway capacity of this Local Collector would increase to 15,000 ADT.

**Rationale:** If approved by the City of Escondido, the direct and cumulative impacts to the segment of Country Club Drive from Auto Park Way to Hill Valley Drive in the City of Escondido would be mitigated through the widening of Country Club Drive paved width to 36 feet consisting of two travel lanes and a 10-foot striped center turn lane starting 220 feet southwest of Auto Park Way for a length of approximately 830 feet. With the additional 12 feet added to the paved width, the roadway capacity of this Local Collector would increase to 15,000 ADT. These measures would improve traffic flow by providing improved intersection operations with re-striped traffic lanes. The mitigation would improve Country Club Drive operations in the City of Escondido and allow it to operate more efficiently compared to pre-Project conditions. Non-vehicular Improvements would connect the existing sidewalk along the northern side of this roadway section with a 5-foot sidewalk complete with a 6-inch curb and gutter and providing a 4-foot decomposed granite pathway along the south side of this segment with a 6-inch asphalt berm. Prior to recordation of the Final Map, the Applicant or its designee shall coordinate with the City of Escondido regarding implementation of the proposed mitigation measure.

Implementation of the roadway improvements in the City of Escondido could adequately mitigate the impacts. Therefore, once implemented, the Proposed Project's contribution to these direct and cumulative impacts could be reduced to a less than significant level; however, because the City of Escondido is a lead agency under CEQA for impacts within their jurisdiction it is Escondido, and not the County, that has responsibility for approval/assurance of implementation of those improvements. As such, the County cannot guarantee ultimate implementation or timing of City of Escondido-approved mitigation and this mitigation is therefore identified as infeasible. Impacts will remain significant and unavoidable.

**Significant Effect - Impact TR-8:** Under Existing Plus Cumulative Plus Project conditions, significant cumulative impacts (LOS C to LOS D) would occur at Auto Park Way/Country Club Drive (LOS D during the a.m. peak hour)

**Finding:** Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes can and should be adopted by such other agency.

**M-TR-8:** Prior to occupancy of 293 Project units, the Project shall restripe the eastbound approach of the Auto Park Way/Country Club Drive intersection to provide one left-turn lane, one shared left-turn/through lane, and one right-turn lane with a signal timing modification to change the east/west approach to "split" phasing.

**Rationale:** If approved by the City of Escondido, the intersection improvements would lower Project-level direct effects. Implementation of the improvements to Country Club Drive identified as part of M-TR-1a and 1b would also mitigate the cumulative impact at this intersection in the City of Escondido to less than significant. The described improvements would lower forecasted LOS operations at this intersection to better than pre-Project conditions. Prior to recordation of the Final Map, the Applicant or its designee shall coordinate with the City of Escondido regarding implementation of the mitigation measure.

Please refer to text under Rationale for Impact TR-1a and 1b, above regarding City of Escondido being the lead agency. As such, the County cannot guarantee ultimate implementation or timing of City of Escondido-approved mitigation, and this mitigation is therefore identified as infeasible. Impacts remain significant and unavoidable.

**Significant Effect - Impact TR-9:** Under Existing Plus Cumulative Plus Project conditions, significant cumulative impacts (LOS D and remains LOS D) would occur at the Valley Parkway/Citracado Parkway intersection (LOS D during the a.m. peak hour) in the City of Escondido.

**Finding:** Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes can and should be adopted by such other agency.

**M-TR-9:** Prior to occupancy of 54 Project units, the Project shall pay a fair share toward the approved Citracado Parkway Extension Project, which would improve the intersection operations with an additional through lane in the southbound direction.

**Rationale:** Within the City of Escondido, a fair share payment toward future improvements is required where the addition of project traffic is cumulative to the overall LOS D or worse pre-project conditions. If approved by the City of Escondido, payment of a fair share toward the proposed future intersection improvements would support implementation of an additional through lane in the southbound direction and would mitigate this cumulative impact to below a level of significance. (Consideration also was given to an alternate proposal; the provision of an eastbound to southbound right-turn overlap phase to improve the a.m. LOS and reduce the cumulative impacts. The City has a right-turn restriction for this movement during the a.m. peak hour, however, which makes this improvement infeasible.) Prior to recordation of the Final Map, the Applicant or its designee shall coordinate with the City of Escondido regarding implementation of the mitigation measure.

Please refer to text under Rationale for Impact TR-1a and 1b, above regarding City of Escondido being the lead agency. As such, the County cannot guarantee ultimate implementation or timing of City of Escondido-approved mitigation and no feasible mitigation measure is available. Impacts are identified as significant and unavoidable.

**Evidence Supporting CEQA Findings:** Substantial evidence to support the finding that CEQA-required potential mitigation to mitigate Impacts TR-1a, 1b, 8 and 9 has been identified. There is also substantial evidence regarding the mitigation being within the jurisdiction of another agency to implement and therefore beyond the ability of the County to implement. Implementation of the mitigation therefore remains infeasible, and impacts remain significant and unmitigated. Other short-term construction traffic impacts that require the approval of the City of Escondido is identified but beyond the jurisdiction of the County to implement and therefore remains infeasible and significant and unmitigated. Substantial evidence for all of these findings is found within the administrative record pertaining to this FEIR; including responses to comments, technical studies and EIR, which are hereby incorporated by reference. Without limitation, please refer to the following documents:

- FEIR Chapter 1.0 and Table 1-2
- FEIR Subchapter 2.2 Sections 2.2.1, 2.2.2, 2.2.3, 2.2.4, 2.2.5, 2.2.6 and 2.2.7
- FEIR Chapter 7.0, Sections 7.1.2 and 7.2.3
- FEIR Appendix D, Traffic Impact Analysis

## Section C

### **Potentially Significant Impacts that cannot be Mitigated Below a Level of Significance (CEQA Guidelines Section 15091[A][3])**

Pursuant to Section 15091(a)(3) of the State CEQA Guidelines, the Board of Supervisors finds that, for the following significant effects identified in the FEIR, specific economic, legal, social, technological, or other considerations make the mitigation measures or project alternatives infeasible<sup>1</sup>:

#### **AESTHETICS**

**Significant Effect – Impact AE-2:** Visual effects during and following the Project construction period related to vegetation removal, grading, bridge construction and vertical development would be substantial until buildout occurs and all vegetation is installed and reaches visual maturity in approximately 10 years.

**Finding:** PDFs will be implemented to substantially lessen Impact AE-2; but not to a level of less than significant. No other feasible mitigation measures have been identified or proposed that would mitigate Impact AE-2 to below a level of significance. Specific economic, legal, social, technological, or other considerations make the project alternatives identified in the FEIR infeasible for the reasons set forth below. Thus, the impact is considered to be significant and unavoidable. This unavoidable impact is overridden by project benefits as set forth in the Statement of Overriding Considerations in Section E, below.

**Project Design Features:** A number of PDFs have been specified for the Project. These include landscape plans (including specified container/box sizes and timing of installation), a Project footprint consistent with TM 5600, grading following the general rise and fall of the site, incorporation of open space corridors and parks, set aside of biological open space, trails/pathways with equestrian fencing and/or landscaping as specified, varied roofline elements, restriction of non-habitable roofline elements to no more than five percent, use of dark roofs, screening of trash dumpsters/compactors/receptacles, screening of rooftop equipment where distinguishable, use of varied exterior building materials, use of architectural elements to reduce apparent size, bulk and scale of buildings; and lighting and signage specifications as identified on Table 1-2 and in Chapter 7.0. Implementation of these PDFs is assured, and permit issuance is conditioned upon completion of the PDFs. They all contribute to ultimate Project aesthetics impacts being less than significant. They do not, however, adequately reduce construction-period related visual effects to less than significant.

**Mitigation for Impact AE-2:** No mitigation beyond Project design features already incorporated is feasible.

**Rationale:** Construction-period/initial installation visual impacts would be adverse. These impacts relate to the combination of raw valley and slope soils during the construction period, the potential presence of rock crushing activities (with the industrial appearing crusher) and other construction equipment moving about the site, and increased lighting being visible immediately following Proposed Project construction. Ultimately, as indicated above, the landscaping installed within each constructed phase—with prioritization of manufactured slopes and areas edging Country Club Drive—would lessen adverse visual impacts of raw slopes and new buildings, and vegetation maturity would be visually attained in approximately 10 years. At that point, raw soil would be covered with Project improvements, and street trees and internal landscaping would buffer the homes from views to the Proposed Project from off site, softening sharp edges, unifying the Project, and shading Project lighting and glare. The entire site must be graded during a single effort so that connected and intertwined underground utilities can be installed, grading can be

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<sup>1</sup> Public Resources Code Section 21061.1 defines “feasible” to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

balanced on site, and overall disturbance will take the shortest feasible time period. Regardless, the existing site topography ensures that (where visibility to the site is available and particularly from a distance) views to the site largely contain the same northern portion of the site, with disturbance at any location being visible. While temporary in nature and ultimately addressed through Project design and landscaping over the long-term, short-term adverse visual impacts would be significant and unmitigable.

Potential alternatives to the Project are evaluated in the FEIR, with specific review of long-term aesthetic effects. For reasons explained in Section D of these Findings, attenuation of the significant effect through alternative design is not feasible. In addition to this CEQA Guidelines 15091(a)(3) finding, a separate Statement of Overriding Considerations is being adopted to address how the Project benefits outweigh this temporary, significant unavoidable adverse environmental effect.

**Evidence Supporting CEQA Findings:** Substantial evidence to support the finding that for Impact AE-2, specific economic, legal, technological or other considerations make the mitigation measures, PDFs and/or alternatives identified in the FEIR infeasible, is found within the administrative record pertaining to this FEIR; including responses to comments, technical studies and EIR, which are hereby incorporated by reference. Without limitation, please refer to the following documents:

- FEIR Chapter 1.0, and Table 1-2
- FEIR Subchapter 2.1, Sections 2.1.1, 2.1.2, 2.1.3, 2.1.4, 2.1.5 and 2.1.6
- FEIR Chapter 4.0, Subchapters 4.2. 4.3, 4.4, 4.5, and 4.6
- FEIR Chapter 7.0, Sections 7.1.1, 7.2.1, and 7.2.2
- FEIR Appendix B, Visual Impact Analysis
- FEIR Appendix C, Resource Protection Study Steep Slope Waiver

## **SECTION D**

### **Findings Regarding Alternatives**

CEQA Guidelines Section 15126.6(a) requires an EIR to discuss “a reasonable range of alternatives to a project, or the location of a project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives.” CEQA Guidelines Section 15364 defines feasibility as being “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.”

Six alternatives to the Proposed Project were evaluated, including the No Project/No Development Alternative, four full build alternatives, and one alternative that presents varied sewage treatment scenarios that could be incorporated into the Proposed Project, or any of the full build alternatives not assuming septic. The alternatives are:

- No Project/No Development Alternative
- General Plan Consistent with Septic Alternative
- General Plan Consistent with Sewer Alternative
- Senior Care Traffic Reduction Alternative
- Biologically Superior Alternative
- Off-site and Combined On-/Off-site Sewer Options Alternative

Pursuant to Section 15091(a)(3) of the State CEQA Guidelines, the Board of Supervisors finds that, for each of the Project alternatives identified in the FEIR, specific economic, legal, social, technological, or other considerations make the project alternatives infeasible. The following provides a summary of each alternative analyzed in Chapter 4.0 of the FEIR, compares their impacts with those of the Proposed Project, reviews their ability to meet the basic objectives of the Proposed Project, and provides a rationale as to why each alternative has been rejected as infeasible.

Project Objectives include:

1. Efficiently develop property in close proximity to an existing village consistent with the Community Development Model to create one complete and vibrant community that would enhance and support the economic and social success of the village and Project by increasing the number and diversity of residential opportunities.
2. Contribute to the establishment of a community that encourages and supports multi-modal forms of transportation, including walking and bicycling, by locating near regional employment and transit centers.
3. Preserve and enhance sensitive biological resources, habitats, and landforms in dedicated open space easements.
4. Provide a variety of passive and active recreational opportunities in support of the County’s goals to encourage healthy and active lifestyles through the creation of public and private parks, pathways, and trails that provide connectivity to the area’s preserved natural lands and nearby village uses.
5. Provide a mix of residential uses that will provide a broad range of housing choices which support a diversity of resident and land uses within the Project.

6. Create a mixed-use development that is compatible with existing and planned development in the immediate vicinity of the property while optimizing the operational effectiveness of public facilities and services of the Project and the existing village by increasing the number and diversity of residents within the Project.
7. Create a destination gathering place that provides a variety of land uses that encourage walkability, social interaction and economic vitality for the Project, and with the existing village and the surrounding areas.
8. Encourage adaptive grading, whenever feasible, that utilizes grading techniques such as selectively placing development in a manner that visually and physically responds to the site's physical variables (such as steep slopes, views, streams, etc.), preserving significant topographic features and taking advantage of existing site features.

#### **A. NO PROJECT/NO DEVELOPMENT ALTERNATIVE**

##### **1. No Project/No Development Alternative Description**

Under the No Project/No Development Alternative, the Project site would remain in its current condition. The native and non-native habitat throughout the site would remain intact. The above-ground transmission line that currently bisects the property, the paved and dirt roads providing access to single-family residential uses east of the Project, and the unimproved trail access to DDHP, would continue to exist. Some encroachment into the property by abutting parcels along Cordrey Drive, with related uncontrolled runoff into Escondido Creek, also would be likely to continue.

The Proposed Project residential and commercial uses would not be constructed; nor would supporting infrastructure such as improved road elements, the WTWRF, and other utility upgrades. In addition, the Project-proposed BOS preserve, and HOA-maintained landscaped areas (as well as larger community serving amenities such as pathway and trail connections and the destination gathering location at the Center House and multiple park areas) would not be created.

##### **2. Impact Comparison -- Proposed Project and No Project/No Development Alternative**

Under the No Project/No Development Alternative, the Project site would continue to appear as a primarily undeveloped area. Significant and unmitigable short-term adverse visual impacts would be avoided under this alternative. In addition, potentially significant but mitigable aesthetic impacts related to fresh-cut rock would not occur.

No existing trips are associated with the existing parcel, and therefore no significant transportation/traffic impacts would occur. This alternative would thus avoid the significant and unmitigable direct and cumulative transportation impacts identified for the Proposed Project in the City of Escondido and the significant and mitigable impacts within the County.

The No Project/No Development Alternative would be expected to generally retain biological resources in their existing condition; Specific biological impacts identified for the Proposed Project which would be avoided by this alternative include: (1) loss of sensitive habitats including Diegan coastal sage scrub (supporting one California coastal gnatcatcher nest), southern mixed chaparral (including some warty-stemmed ceanothus), coast live oak woodland, southern [willow] riparian forest, and non-native grassland; (2) potential loss of least Bell's vireo birds/habitat; (3) loss of habitat for raptors (foraging habitat); (4) potential for substantial noise impacts during construction that could significantly impact coastal California gnatcatcher, least Bell's vireo and raptors; (5) loss of USACE, CDFW and County RPO wetlands/waters; and (6) displacement of nesting migratory birds during their breeding season.

Unknown subsurface resources could be present, but because no grading activities (which might uncover unknown resources) at all would occur on the Project site with the No Project/No Development Alternative, no significant impacts to cultural resources would occur.

No significant noise effects would occur as a result of the No Project/No Development Alternative, and the alternative would avoid the potentially significant but mitigable noise impacts projected to occur during on-site Project construction (associated with potential blasting and noticing issues). It also would avoid the mitigable operational impacts identified for the site relative to potential noise associated with the WTWRF generator, and relative to transportation noise in one location (Lots 123 and 124). Noise effects associated with bridge construction over Escondido Creek currently would not be expected to occur, eliminating potentially significant noise associated with construction of bridge supports.

The site would remain empty, and would therefore not have homes placed upon it that would exceed projections in the 2011 General Plan. Significant and unmitigated air quality impacts associated with exceedance of the 2016 RAQS due to proposed placement of more lots on site than are currently anticipated under the adopted General Plan would not occur.

Similarly, the elimination of development on, or new uses of, the Project site would result in no new GHG emissions impacts. As described for the Proposed Project, however, all impacts associated with Project emissions would be mitigated to net zero through on-site reductions and implementation of M-GHG-1 (addressing both construction- and operational-period emissions). Because no impacts would occur under the No Project Alternative, and because the Project would be mitigated to carbon neutral net zero (equivalent to No Project), when compared to the Proposed Project, GHG emissions impacts would be similar under this alternative.

### **3. Findings**

#### **Finding**

The County finds that this alternative would avoid all significant environmental impacts identified in the FEIR. Accordingly, this alternative would be environmentally superior to all other alternatives considered (CEQA Guidelines § 15126.6[e][2]).<sup>22</sup> The County finds that specific economic, legal, social, technological, or other considerations, make this alternative infeasible (PRC Section 21081[a][3], Guidelines Section 15091[a][3]).

The County identifies the following specific economic, legal, social, technological or other considerations make this alternative infeasible. The County finds that each of these reasons, standing alone, renders this alternative infeasible:

- The County finds that this alternative is infeasible because it would fail to meet all of the Project objectives.
- The County also finds that this alternative is infeasible for social and “other considerations” because it would not fulfill the General Plan’s stated strategies, goals, and policies that call for additional housing completed in accordance with smart growth policies.

The County also finds that this alternative for social and “other considerations” is infeasible because it fails to assist the County in maximizing construction jobs, fulfilling its regional housing needs allocation, and improving housing affordability increased housing supply in the region.

<sup>22</sup> Consistent with CEQA Guidelines § 15126.6[e][2], where the No Project is the environmentally superior alternative, the EIR must identify another environmentally superior alternative among the other alternatives. For this Project, that is the General Plan Consistent with Sewer Alternative, discussed in Section iii, below.

## Facts in Support of the Finding

The No Project/No Development Alternative would avoid significant impacts associated with the Proposed Project, including: (1) significant and unmitigated aesthetics impacts; (2) significant but mitigated impacts related to aesthetics, biological resources, cultural resources, and noise within the County, and (3) significant and unmitigated air quality and transportation/traffic impacts within the jurisdiction of another agency.

The No Project/No Development Alternative would fail to meet all of the Proposed Project objectives, however, relative to provision of housing and support of facilities and services provided by HGV, provision of mixed residential uses to support diversity of resident and land uses, or creation of a mixed-use development (Objectives 1, 5 and 6, respectively). It also would not provide any of the amenities offered to the community at large relative to support of multi-modal transportation options, provision of a variety of passive and active recreational opportunities, or provision of a destination gathering place for the Project and surrounding areas (Objectives 2, 4 and 7, respectively). Permanent set aside of important and managed biological resources that would contribute to the block of preserved habitat located in the DDHP and the Elfin Forest Recreational Reserve (EFRR), also would not occur, contrary to Objective 3. Specifically, the long-term preservation of resources could not be assured as would occur under the Project, which would include dedication of land in permanent open space. Also, the management of conservation values including large segments of coast live oak woodland and southern mixed chaparral (containing wart-stemmed ceanothus), that would result from the permanent preservation of open space on the site, would not occur under this alternative. Improvements to potential wildlife movement by Project implementation of the bridge over Escondido Creek (allowing wildlife to pass under the bridge rather than crossing the vehicular travel way), as well as improvements to creek water quality resulting from removal of the at-grade crossing and underlying culverts and re-creation of a free-flowing creek bed, also would not be expected to occur. In addition, improvement of Country Club Drive roadbed and pathway and related improvement of emergency access to areas south of the creek would not occur, and off-sets to the north and south approaches to the Harmony Grove Road and Country Club Drive intersection would continue, retaining this awkward formation.

Project benefits that would not occur include: on-site legally protected conservation of environmental resources (34.8 acres of the Project would be preserved in open space, including Diegan coastal sage scrub, non-native grassland, Coast live oak woodland, and chaparral habitats), as well as permanent managed preservation of off-site habitats, including substantial blocks of Diegan coastal sage scrub, and non-native grassland or like functioning habitat; rehabilitation and enhancement of wetland habitat along Escondido Creek at percentages exceeding the direct impact; upgrades to the Country Club Drive/Harmony Grove Road intersection and installation of a bridge over the creek as well as improvements to Country Club Drive south of the creek, and improvements to the Country Club Drive/Auto Park Way intersection (also addressing the roadway segment), and limited commercial opportunities that complement existing elements of HGV and contribute to the overall functioning of the village as a whole. Each of these would benefit the environment and/or community beyond the Project. Project TIF fees would also support improvements to roadways in the vicinity, benefitting all users of the associated roadways. The provision of trails/pathways linking on- and off-site land uses, would benefit all users, including the larger community. Similarly, the alternative would not implement the public parks, or a community destination gathering location proposed by the Project.

Overall, this alternative also doesn't support County General Plan goals related to smart growth and focusing development in areas adjacent to employment opportunities, primary access routes and necessary infrastructure.

Among other considerations contributing to the infeasibility of this alternative is that as noted in 2018<sup>3</sup>, the County was only projected to issue building permits for 26 percent of the 22,412 units allocated to it by the state in its Regional Housing Needs Allocation process by 2020. The study further noted that as of May 2017, the average home price in the San Diego region was \$612,500 and the average monthly rental price was \$1,432, meaning that 41 percent of homeowners were spending 30 percent or more of their income on mortgage payments and more than 57 percent of renters were spending 30 percent or more of their income on rent. As noted in the March 2025 General Plan & Housing Element Annual Progress Report, however, the housing supply contributes to scarcity and high housing prices that put a strain on the general welfare of County residents. This lack of housing supply is contributing to scarcity and high housing prices that put a strain on the general welfare of County residents. An accepted metric of housing affordability is when a person need not spend 30 percent or more of their income on housing because it generally leaves sufficient funds for meeting a household's other food, medical, transportation and other needs. Accordingly, in the present circumstance of widespread regional housing scarcity, the County finds it is proper to promote construction of denser projects in accordance with the goals and principles of the General Plan in order to increase housing supply, particularly where a project includes affordable housing.

As explained in the Statement of Overriding Considerations (which are separate and independent from these Findings), the County has determined that the benefits of the Proposed Project outweigh any environmental impacts that are avoided by the No Project/No Development Alternative. The County adopts and incorporates by reference herein the analysis in the FEIR with regard to the Project and Project alternatives.

## **ii. GENERAL PLAN CONSISTENT WITH SEPTIC ALTERNATIVE**

### **1. General Plan Consistent with Septic Alternative Description**

The purpose of this alternative is to provide consistency with the existing general plan land use designation and to reduce traffic and air quality impacts. The General Plan Consistent with Septic Alternative would be consistent with the existing General Plan land use designation of Semi-Rural. This alternative includes 49 single-family residential homes on 1-acre or greater lots. Larger lot sizes are needed in order to meet the County's septic system requirements with respect to the Project's unique geologic/soils characteristics. The residential lots would have approximately 5,000-square foot pads that would be sited throughout the property in a dispersed, rather than consolidated, pattern that is based upon the soils characteristics found on the site. This alternative assumes an advanced on-site wastewater treatment septic system, requiring approximately 3,500 sf per lot.

The manufactured slope located along Country Club Drive south of the WTWRF would not be built, and grading quantities overall are expected to total approximately 660,000 cubic yards (22 percent less than the Proposed Project grading of 850,000 cy). This alternative would initially grade approximately 56 acres (50 percent of the site), and develop on approximately 56 acres (or 50 percent of the site). Approximately 55 acres (also approximately 50 percent of the site) would be placed into open space set-aside containing some steep slopes and biological resources associated with each lot. This open space would not be placed into a preserve managed by an independent land manager, but would be restricted in use on each individual lot.

This alternative would not include any commercial, parks, or other recreational uses, including a community gathering locale, given the small number of residential units on site. While there are fewer homes under this alternative, larger lots spread over the entire site would still require an extensive road system and utility lines (e.g., potable water).

### **2. Impact Comparison -- Proposed Project and General Plan Consistent with Septic Alternative**

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<sup>3</sup> Incorporated herein by this reference and available for public review at: <http://www.sdchamber.org/wp-content/uploads/2017/03/Housing-Score-Card.pdf>

The alternative would grade individual residence pads, and place structures in general consistency with the underlying topography. The lot sizes would be compatible with some immediately abutting parcels to the west and east, and less compatible with HGV development patterns to the north. The views to this alternative would show fewer, and more widely spaced individual structures than would occur under the Proposed Project. There would be a range of structure size, with some being larger and some being smaller than under the Proposed Project. Because the units are dispersed throughout the site, however, some lots would be located at higher elevations than the Proposed Project, thereby increasing the potential to alter distant off-site views.

The General Plan Consistent with Septic Alternative would reduce grading quantities and initial visible surface disturbance compared to the Project. This alternative would therefore conform more closely to existing site topography than the Proposed Project (i.e., the smaller amount of soil movement would allow for greater retention of existing topography). The alternative would ultimately place 50 percent of the site into lots and streets, however, compared with 29 percent of the site being in lots and streets under the Proposed Project. Therefore, the alternative would not be perceived as visibly having less grading, and would appear to modify a greater part of the site. The dispersed development pattern of the alternative would site building pads closer to the southern Project boundary with the DDHP, and would introduce additional grading for pads and roads, with associated removal of native habitat, into a portion of the site identified for BOS under the Proposed Project.

Visual open space connecting to DDHP without pads and homes interspersed within it would be less than under the Proposed Project, where 34.8-acres of habitat south of the development footprint would be protected. Although a substantial amount of the site (approximately 55 acres) would be placed into open space easements under the alternative, the fragmentation of the habitat would result in additional visual changes to the southern slope that would not occur under the Project. The placement of the easement on those parcels also would result in the extent of the residential development remaining visible over the long term. Even if substantial landscaping/vegetative screening is provided on the pad, the requirement to maintain the interspersed open space in its natural state would result in homes being placed within areas of low-growing scrub habitats, and therefore always remaining highly visible. This would be visually consistent with development in the area, but also would minimize the perception of topographic feature preservation, and would encroach further into the feature of existing site open space preserved under the Project.

Similar to the Proposed Project, this alternative would be anticipated to result in significant short-term visual effects related to the construction period and for some years of Project use. The intensity of those adverse effects could be greater when compared to the Proposed Project, because the placement of a number of lots would be at a higher elevation than the Proposed Project and therefore more visible. Similar to the Proposed Project, there would not be significant long-term impacts.

Relative to traffic, this alternative assumes 12 daily trips per residence, based on SANDAG's 2002 (*Not So*) Brief Guide of Vehicular Traffic Generation Rates for the San Diego Region, which identifies use rates by type of use/density. The 49 units proposed for this alternative, therefore, would generate a total of 588 ADT. This is 87 percent fewer trips than the 4,350 ADT projected for the Proposed Project. Potential transportation/traffic impacts from this alternative would have lower overall a.m. and p.m. peak period volumes and lighter distribution overall to the area roadway system than under the Proposed Project. Seven transportation impacts identified for the Proposed Project (four segments, and two signalized as well as one unsignalized intersections) would not occur under this alternative, including one segment and two intersection impacts identified within the City of Escondido. The remaining (cumulative) impacts would all occur within County jurisdiction. The two segments impacted would occur along Harmony Grove Road between Country Club Drive and Harmony Grove Village Parkway, and between Kauana Loa Drive and Enterprise Street. Mitigation is available, and cumulative impacts would be addressed through payment

into the TIF program and/or direct improvements, as described in Section A of these Findings. An impact at the Country Club Drive and Harmony Grove Road signalized intersection that would be less than significant with incorporation of M-TR-2a (incorporated into Project design for the Proposed Project), would be addressed through a similar mitigation measure requiring a new lane and dedicated right-turn lane with an overlap phase, as described for the Project. The cumulative impact would be addressed through M-TR-2b, TIF payment, and that would also be required for this alternative.

Due to reduced grading and surface disturbance, the General Plan Consistent with Septic Alternative would impact fewer acres of biological habitat than the Proposed Project. It would include lots farther to the south than the Proposed Project, however, would result in additional impacts to wart-stemmed ceanothus and potentially coast live oak woodland, and would bring residential units closer to DDHP. This alternative would result in a greater level of fragmentation to preserved open space than the Proposed Project. This is because the retained habitats would contain dispersed housing and roads to access them, resulting in fingers of preserve being located within and throughout the alternative development scenario. These interspersed preserve areas would be subject to greater levels of edge effects than under the Proposed Project, where the BOS would consist of contiguous open space abutting development on only one side, and that limited to the southern extent of the development bubble.

Off-site impacts to Escondido Creek jurisdictional wetlands would be similar to the Proposed Project because a bridge would be installed over Escondido Creek. Construction-period effects also would occur due to potential for on-site blasting in non-rippable areas during grading and potential for pile-driving requirements at the Escondido Creek bridge.

Although habitat would be subject to fewer direct impacts, the increased fragmentation of that habitat, however, would result in reduced biological function and an overall assessment of greater biological impact when compared to the Proposed Project.

Although considered unlikely, there is potential for significant direct impacts related to discovery of unknown buried archaeological resources or burials. As with the Proposed Project, impacts to cultural resources under this alternative would be reduced below a level of significance through applicable mitigation measures requiring an archaeological monitoring and data recovery program, described under M-CR-1 and 2 in Section A of these Findings.

Relative to noise, although there would be a reduced amount of grading required for this alternative, the further encroachment to the south could require additional blasting. Construction noise associated with potential blasting in non-rippable areas could result in significant construction-period noise impacts, similar to the Proposed Project. If such activities are identified within these thresholds during final design, design considerations as described in EIR Chapters 1.0 and 7.0, and mitigation as described in Section A of these Findings), which would lower these construction-period noise effects to less than significant levels. Noise effects associated with bridge construction over Escondido Creek would remain. Overall, this alternative would have reduced impacts to noise when compared to the Proposed Project due to reduced traffic trips and a reduction in off-site noise impacts.

Off site, the reduction in number of residences associated with this alternative would result in a related smaller number of vehicle trips due to the reduced generation of vehicle trips per day, leading to a decrease in traffic-related noise impacts to two on-site residences. Potential operational effects associated with the Proposed Project WTWRF would not occur as sewage would be dealt with on the individual lots, further reducing impacts related to noise.

Short-term construction-related air quality impacts associated with the General Plan Consistent with Septic Alternative would be less than the (less than significant) effects associated with the Proposed Project, because of the reduced amount of required grading. Impacts also would be less than the (less than

significant) Proposed Project's operations, due to fewer associated vehicular trips. In addition, the significant and unmitigable air quality impact associated with the Proposed Project's exceedance of the 2016 RAQS would not occur as the RAQS modeling assumes land uses proposed under the 2011 General Plan and this alternative proposes fewer homes than allowed under the adopted General Plan.

This alternative would have a smaller grading footprint, would not implement an on-site WTWRF, and would have substantially fewer residences with associated vehicular trips. As it is assumed these homes would be built in accordance with the General Plan and compliance with the Climate Action Plan, this alternative would not have a significant impact. As described for the Proposed Project, however, all impacts associated with Proposed Project emissions would be mitigated to carbon neutral net zero through implementation of M-GHG-1 (addressing both construction- and operational-period emissions) as well as on-site reductions and sequestration provided through the landscaping plan. Although initial GHG emissions under the General Plan Consistent with Septic Alternative would be less than those of the Proposed Project, implementation of mitigation identified in Subchapter 2.7 for the Proposed Project would result in similarly less than significant impacts.

### **3. Findings**

#### **Finding**

The County finds that this alternative would not avoid all significant environmental impacts identified in the FEIR, but would substantially reduce traffic loading onto streets and associated air quality emissions, as well as inconsistency with the RAQS. The County also finds that specific economic, legal, social, technological, or other considerations, make this alternative infeasible (PRC Section 21081[a][3], Guidelines Section 15091[a][3]).

The County identifies the following specific economic, legal, social, technological or other considerations make this alternative infeasible. The County finds that each of these reasons, standing alone, renders this alternative infeasible:

- The County finds that this alternative is infeasible for social and “other considerations” because it would not meet the Project objectives to the same extent as the Proposed Project as the 49 single-family residential homes will not enhance and support the economic and social success of the village to the same degree as the Project. While the alternative seeks to efficiently develop the property by placing new development in close proximity to HGV’s existing and planned infrastructure and services, the alternative design does not represent an efficient residential development model that enhances and supports the economic and social success of the village or the surrounding areas to the same extent as does the Project (Objective 1).
- The County finds that this alternative is infeasible for social and “other considerations” because it would fail to meet a Project objective to establish a community encouraging and supporting multi-model forms of transportation, including walking and bicycling (Objective 2).
- The County finds that this alternative is infeasible for social and “other considerations” because it would fail to meet a Project objective to provide a variety of passive and active recreational opportunities in support of County goals to encourage healthy and active lifestyles through creation of public and private parks, pathways and trails providing connectivity to nearby preserved lands and the nearby village to the same extent as the Proposed Project (Objective 4).
- The County finds that this alternative is infeasible for social and “other considerations” because it would fail to meet the Project objectives of providing a mixed-use development with a broad range of housing choices to support a diversity of resident and land uses within the Project, as well as increasing number and diversity of residences within the Project to optimize the operational effectively of public facilities and services of the Project and existing village (Objectives 5 and 6).
- The County finds that this alternative for social and “other considerations” is infeasible because it

would fail to meet a Project objective to create a destination gathering place that provides a variety of land uses encouraging walkability, social interaction and economic vitality for the Project, and with the existing village and surrounding areas (Objective 7).

- The County also finds that this alternative for social and “other considerations” is infeasible because it fails to assist the County in maximizing construction jobs, fulfilling its regional housing needs allocation, and improving housing affordability/increased housing supply in the region.
- The County also finds that this alternative is infeasible for social and “other considerations” because impacts to biological habitat function would be greater than under the Proposed Project, and therefore would not preserve and enhance sensitive biological resources to the same extent as the Proposed Project (Objective 3).

### **Facts in Support of the Finding**

The General Plan Consistent with Septic Alternative would result in substantially reduced impacts to transportation/traffic and air quality, and reduced impacts to noise when compared with the Proposed Project. Impacts would be similar for aesthetics and cultural resources. The alternative would reduce grading quantity and initial surface disturbance, resulting in fewer habitat impacts than the Proposed Project. It would result in a greater level of fragmentation to preserved open space, however, than the Proposed Project. This is because the retained habitats would contain dispersed housing and roads to access them, resulting in fingers of preserve being located within and throughout the alternative development scenario. These interspersed preserve areas would be subject to greater levels of edge effects than under the Proposed Project, where the BOS would consist of contiguous open space abutting development on only one side, and that limited to the southern extent of the development bubble. The increased fragmentation of that habitat would result in reduced biological function and an overall assessment of greater biological impact when compared to the Proposed Project.

Although this alternative would reduce some impacts and be consistent with the General Plan, it would not achieve an underlying Project purpose of accommodating a portion of the projected population growth and housing needs in San Diego County by expanding an existing village that will further enhance and support the success of that village. Also, the alternative would not meet the Project objectives to the same degree as the Proposed Project, as indicated above and described below.

The low density, dispersed pattern of development provided in this alternative would limit the ability to fully meet Objective 1 because it would not provide as efficient a development pattern in close proximity to an existing village as the Project. The General Plan Consistent with Septic Alternative has a limited ability to support the economic and social success of the existing village (Objective 1) when compared to the Proposed Project because the substantial decrease in number of residents would not provide the same level of support to HGV’s commercial uses and the alternative would lack the diversity in land uses needed to promote social interaction. Similarly, the General Plan Consistent with Septic Alternative’s land use pattern (dispersed large-lot single-family) does not meet Objectives 5 and 6 because the Project encourages a mix of residential units and a broad range of housing choices which result in a diversity of residents and land uses. The alternative would all be single-family homes on large lots, and would be fairly uniform, rather than diverse. With substantially fewer units, this alternative also would not optimize the operational effectiveness of public facilities and services of the alternative or the existing village relative to the Proposed Project.

The low density dispersed land use pattern represented in this alternative is contrary to Objective 2 because the auto-dependent development pattern (lacking trail improvements) would not contribute to the establishment of a community that encourages and supports multi-modal transportation including walking or bicycling. Similarly, this alternative would not meet Objective 7 because it would not create a destination gathering place with a variety of land uses, such as the Project’s Center House, that encourages walkability, social interaction and economic vitality. When compared to the full range of passive and active recreational

opportunities provided by the Proposed Project, this alternative would be less effective in meeting Objective 4. The alternative appears to better realize the Objective 8 goal of physically responding to the site's physical variables through use of less grading, but would encroach into visible areas that would be retained as open space by the Proposed Project as a site feature. On balance, and for different reasons, the alternative is considered to achieve Objective 8 to the same extent as the Project.

Similar to the Proposed Project, the General Plan Consistent with Septic Alternative would meet Objective 3 because it does preserve and enhance biological habitat and landforms in dedicated open space easements. It would not, however, enhance sensitive biological resource function to the same extent as the Proposed Project.

This alternative would not maximize increased density close to the shopping, employment, and transportation centers of Escondido and San Marcos to the same extent as the Proposed Project. These smart growth concepts result in maximizing density near transit corridors to reduce air quality, greenhouse gas impacts, and expensive road construction projects that result when new communities are developed away from existing infrastructure because the needed density was not accommodated in denser projects near existing infrastructure and job centers. This alternative does not maximize housing relative to the Proposed Project.

Also, this reduced scale project that would provide fewer or shorter jobs in the construction industry than the Proposed Project. Facilitating economic prosperity by creating more and longer job opportunities in the construction industry is a worthwhile goal for the County. Although certainly not required, it is likely, under normal business practice for contractors to hire local workers (this workforce is familiar with local jurisdictional requirements and saves a potential out-of-town contractor from having to pay to bring in outside workers and pay per diem). Another consideration contributing to the infeasibility of this alternative is that it would not maximize the County's ability to facilitate more housing opportunities for its residents. As described in the No Project Alternative above in more detail, the lack of housing supply is contributing to scarcity and high housing prices that put a strain on the general welfare of County residents. Accordingly, in the present circumstance of widespread regional housing scarcity, the County finds it is proper to promote construction of denser projects in accordance with the goals and principles of the General Plan in order to increase housing supply, particularly where a project contains affordable housing.

Therefore, the General Plan Consistent with Septic Alternative is rejected because while it meets the Project objective relative to habitat preservation and responsiveness to site topography (Objective 8), it fails to attain Objectives 2, 5, 6 and 7; fails to attain others to the same extent as the Proposed Project (Objectives 1, 3 and 4); and fails to provide the significant public benefits associated with implementation of the Proposed Project.

Project benefits lost include: connections to existing trails, as well as provision of additional trails, that would both non-vehicular transportation (including equestrian uses) well as allow for alternative transportation through the site; public parks and a community destination gathering location proposed by the Project; limited commercial opportunities that complement existing elements of HGV and contribute to the overall functioning of the village as a whole; and improvements to Country Club Drive south of the creek, and improvements to the Country Club Drive/Auto Park Way intersection (also addressing the roadway segment), each of which would benefit the community beyond the Project. Project TIF fees would also support improvements to roadways in the vicinity, benefiting all users of the associated roadways. Benefits accruing to County goals to implement smart growth policies also would not be attained to the same extent as under the Proposed Project.

As explained in the Statement of Overriding Considerations, which are separate and independent from these Findings, the County has determined that the benefits of the Proposed Project outweigh any environmental impacts that are avoided by the General Plan Consistent with Septic Alternative. The County adopts and incorporates by reference herein the analysis in the FEIR with regard to the Project and Project alternatives.

### iii. GENERAL PLAN CONSISTENT WITH SEWER ALTERNATIVE

#### 1. General Plan Consistent with Sewer Alternative Description

The purpose of this alternative would be to avoid or reduce impacts to sensitive resources (steep slopes and biology) in the block of open space surrounded on two sides by DDHP, as well as steep slope impacts in the northeast portion of the alternative, traffic impacts, and aesthetic impacts associated with the Proposed Project. It also would provide consistency with the existing general plan land use designation with a greater number of units through utilization of the Conservation Subdivision Program (CSP) and Planned Development Regulations.

The General Plan Consistent with Sewer Alternative would allow development in accordance with the General Plan Land Use designation of the Semi-Rural Regional Category. Approximately 110 acres is designated Semi-Rural Residential (SR-0.5) and the remaining portion of the Project site is designated Rural Lands (RL-20). This alternative would implement the County's CSP over the 110 acres designated as SR-0.5 in conjunction with Planned Development Regulations. The remaining approximately 1 acre would remain outside the CSP and be maintained as open space.

The intent of the CSP is to encourage residential subdivision design that improves the preservation of sensitive environmental resources and community character. Planned Development Regulations allow for reductions in lot size and other design restrictions for conservation subdivisions when a certain percentage of open space is provided. Under Planned Development regulations, all properties within SR designations must contain a minimum of 40 percent of conservation/group open space. In addition, each lot must contain a minimum of 1,000 s.f. of private usable open space.

The CSP and PD Regulations would apply to the 110 acres designated as SR-0.5. This alternative would yield 119 single-family homes constructed on minimum 6,500-s.f. lots and sited to preserve sensitive biological resources and steep slopes. Some lots in the north of the alternative, all along the eastern and southern extents, and along the western site boundary south of the curve in Country Club Drive, would be larger, ranging from approximately 0.5 acre to 2.0 acres in size. Approximately 738,000 cy of cut and fill soil would be required for this alternative. This is approximately 13 percent less than the 850,000 cy assumed for the Proposed Project. This alternative would grade approximately 62 acres (59 percent of the site) and develop approximately 49 acres (approximately 44 percent). Approximately 44 percent of the site (49 acres of open space) also would be dedicated for conservation/preservation, and each of the lots would be required to include 1,000 s.f. of private open space. Although steep natural slopes outside the development footprint would be preserved to a greater degree than under the Proposed Project, a waiver for encroachment into insignificant RPO steep slopes as well as an exception for roadways would be required, similar to the Proposed Project.

Due to the fewer number of units, this alternative would not include trails, a community center or commercial mixed use. Six parks would be provided, however, consistent with the County PLDO and Subdivision Ordinance requirements. Benching and retaining walls would be required to support alternative pads. All internal roadways would be private and would be constructed to the same standard as the Proposed Project.

The General Plan Consistent with Sewer Alternative would require connection to a WRF because the smaller lot sizes make individual septic units infeasible. Because the HGV Specific Plan and Community Plan currently require that HGV's WRF be used only for HGV to provide sewage service to Village homes, this alternative would require a GPA to allow for connection to the HGV sewage treatment facility and also would require an amendment to the HGV Specific Plan and an Elfin Forest/Harmony Grove Community Plan Amendment to allow sewer services to be provided to Semi-rural designated areas beyond the HGV

Village boundaries.

## **2. Impact Comparison -- Proposed Project and General Plan Consistent with Sewer Alternative**

Similar to the Proposed Project, implementation of this alternative would introduce structures to the valley floor and slopes of the hills in the northerly portion of the property. This is the area that is most visible from off-site locations, and as such, would contain visible built uses. This alternative would result in fewer residential dwelling units than the Proposed Project. Larger lots (each approximately 0.5 acre in size) would be located within the northern portion of the alternative close to Harmony Grove Road, along most of the western perimeter, and along the southern portion of the development footprint. Lots ranging up to 2.0 acres in size would be aligned along the northeastern portion of the property. These residences would be the closest on-site uses to the estate lots located east of the property in the County. Placing the larger lots along the perimeter would provide a softer transition to adjacent open space and existing residences on abutting parcels. Benching and retaining walls would be required to support alternative lots. Those cut slopes would be potentially steeper and more abrupt than the adaptive grading implemented under the Proposed Project. Their modified nature may remain visible, even after landscaping, due to the more engineered design and the required use of additional retaining walls over those proposed for the Proposed Project. This would somewhat counteract the visual effect provided by the reduced grading along the southern perimeter.

The larger lots also allow for flexibility and avoidance of steep slope impacts related to grading. The alternative is responsive to RPO-protected steep slope avoidance. Where protected slopes cannot be avoided, no more than 10 percent of the lot would be encroached upon, consistent with the ordinance. As a result, portions of steep slopes in the northeastern part of the alternative that the Proposed Project would impact for road right-of-way or residential lots (as part of Lot 2), would be less affected by this alternative. This alternative also would allow a reduction in grading quantity and initial visible footprint of approximately 13 and 8 percent, respectively, when compared to the Proposed Project. The reduced grading quantity and footprint would result in reduced views to modified slopes in certain locations, with smaller amounts of raw soil and broken rock being visible in the short term during project grading. As cut slopes would be fewer than under the Proposed Project, potential issues with raw cut rock could be commensurately less as well. The Proposed Project, however, would only develop on approximately 29 percent of the site, preserving the remaining areas into open space, parks and landscaped areas as compared to this alternative that would develop on approximately 44 percent of the site.

Similar to the Proposed Project, the General Plan Consistent with Sewer Alternative would be anticipated to result in significant short-term visual effects related to the construction period and for some years of Project use. The intensity of those short-term adverse effects would be less when compared to the Proposed Project because of the smaller footprint. Because a bridge would be built over Escondido Creek, the loss of vegetation (and subsequent revegetation) would be expected to be similar for both the Project and this alternative.

In conclusion, balancing the more intensive in-development building pattern, including additional benching and retaining walls, against the fewer number of dwelling units and reduced footprint to the south, and the size of the northeastern residential lots (which may be considered more visually consistent with off-site single-family residential uses to the east), the aesthetic impacts under this alternative would be incrementally less than the Proposed Project.

Relative to traffic, assuming an ADT of 10 per DU (based on SANDAG's 2002 *(Not So) Brief Guide of Vehicular Traffic Generation Rates for the San Diego Region*, which identifies use rates by type of use/density), this alternative would generate a total of 1,190 ADT, which is approximately 26 percent of the 4,530 ADT that would be generated by the Proposed Project, or a reduction of 74 percent. This would result in lower overall a.m. and p.m. peak period volumes and lighter distribution overall to the area roadway system. Seven significant impacts identified for the Proposed Project would not occur under this

alternative. These include four segments impacts including (one segment) direct and cumulative impacts in the City of Escondido and (three segments with) cumulative impacts in the County. Cumulative impacts would still occur to Harmony Grove Road between Country Club Drive and Harmony Grove Village Parkway, and between Kauana Loa Drive and Enterprise Street, both within County jurisdiction. As for the Project, mitigation is available, and cumulative impacts would be addressed through payment into the TIF program and/or direct improvements, as described in Section A of these Findings. Similarly, significant cumulative impacts identified for the Proposed Project would not be triggered at signalized intersections in the City of Escondido; or at the unsignalized County intersection of Harmony Grove Road and Kauana Loa Drive under this alternative. For impacts to the Country Club Drive and Harmony Grove Road intersection, similar mitigation to M-TR-2a would be implemented under this alternative, requiring a new lane and dedicated right-turn lane with an overlap phase. The cumulative impact would be addressed through M-TR-2b, TIF payment, and that would also be required for this alternative.

Due to the reduced grading and initial surface disturbance, this alternative would impact fewer biological resources than the Proposed Project. The grading footprint for this alternative would total approximately 62 acres, less than the Proposed Project at approximately 71 acres. All areas not within lots would be conserved as part of this conservation subdivision, and placed into BOS under this alternative. The solid block of preserved habitat in the southern extent of the property would be larger than that preserved under the Proposed Project at approximately 49 acres (approximately 44 percent of the site) rather than approximately 35 acres.

Impacts to habitat on the east side of the property generally would be the same as for the Proposed Project. This alternative would impact a portion of Intermediate Value Diegan coastal sage scrub habitat known to support one California gnatcatcher breeding pair recorded along the eastern boundary of the site in 2014. These impacts would be significant and would be mitigated through the mitigation identified in Section A of these Findings.

Although homes would be set farther to the west compared to the Project, lessening potential for indirect noise and light impacts, there could be reduced on-site area for wildlife movement. A direct, north-south connection of core scrub and chaparral habitat between DDHP and Escondido Creek does not exist through the Project site due to patchy habitat and some existing development; but areas along the eastern boundary of the site could facilitate north-south movement to and from Escondido Creek. (Areas farther to the east of the site also are less constrained, where a direct connection of scrub and chaparral habitat occurs along West Ridge.) Because the eastern portion of the alternative layout would be in lots commensurate with the larger single-family homes under this alternative, area under the Proposed Project provided as on-site corridor would not occur under this alternative. The existing corridor would continue off site, with a width of approximately 700 feet (compared to approximately 1,000 feet in width under the Proposed Project).

This alternative would provide additional preserved open space along the south side of the development footprint when compared to the Proposed Project. This would allow for increased preservation of chaparral habitat that has notable sensitive plant species, such as wart-stemmed ceanothus and summer holly. The additional acreage in conserved open space would contribute to the open space set-aside that connects directly to the DDHP on both its east and south side, providing a larger block of contiguous habitat next to this existing preserve. Also, although the Proposed Project would not directly impact on-site (non-RPO) jurisdictional waters, some brush management impacts south of the Project build footprint are anticipated to occur. These would not occur under this alternative, which has a southern development boundary slightly further to the north.

Similar to the Proposed Project, design features identified in EIR Table 1-2 and Chapter 7.0, for biological resources would be applicable to this alternative. Also similar to the Proposed Project, all CEQA-identified biological impacts under this alternative would be reduced below a level of significance through mitigation

measures M-BI-1a through M BI-9, detailed in Section A of these Findings. Overall, the biological impacts under this alternative would be generally similar to the Proposed Project. This is based on balancing the similar impacts to Diegan coastal sage scrub and associated species, the increased open space to the south, and the narrower wildlife movement corridor.

Although considered unlikely, there is potential for significant direct impacts related to discovery of unknown buried archaeological resources or burials. As with the Proposed Project, impacts to cultural resources under this alternative would be reduced below a level of significance through applicable mitigation measures requiring an archaeological monitoring and data recovery program, described Section A of these Findings.

Short-term construction-related noise impacts associated with this alternative would be less than those associated with the Proposed Project, because of the reduced amount of grading and smaller footprint. Regardless, construction noise associated with potential blasting in non-rippable areas could result in significant construction-period noise impacts, similar to the Proposed Project. The likelihood of such impacts would be less than for the Proposed Project, because the southern boundary of the construction envelope would be located farther north than under the Proposed Project, and therefore farther away from some existing homes along the western Project parcels. If such activities are identified within these thresholds during final design, design considerations as described in EIR Table 1-2 and Chapter 7.0, and mitigation as described in Section A of these Findings, would be required, which would lower these construction-period noise effects to less than significant levels. Noise effects associated with bridge construction over Escondido Creek would remain. The proposed 119 homes under the alternative generate fewer vehicle trips per day (26 percent of the Proposed Project), with an associated decrease in off-site operations-related traffic-related noise impacts.

Short-term construction-related air quality impacts associated with the General Plan Consistent with Sewer Alternative would be less than the (less than significant) effects associated with the Proposed Project, because of the reduced amount of required grading. Impacts also would be less than the (less than significant) Proposed Project's operations, due to fewer associated vehicular trips. The significant and unmitigated air quality impact associated with exceedance of the 2016 RAQS would not occur for this alternative as the RAQS modeling assumes land uses proposed under the 2011 General Plan and this alternative proposes fewer residential lots than allowed under the adopted General Plan.

This alternative would not implement an on-site WTWRF, and would have substantially fewer residences with associated vehicular trips. As it is assumed these homes would be built in accordance with the General Plan and compliance with the Climate Action Plan, this alternative would not have a significant impact. As described for the Proposed Project, however, all impacts associated with Proposed Project emissions would be mitigated to carbon neutral net zero through implementation of M-GHG-1 (addressing both construction- and operational-period emissions) as well as on-site reductions and sequestration provided through the landscaping plan. Although initial GHG emissions under the General Plan Consistent with Sewer Alternative would be less than those of the Proposed Project, implementation of mitigation identified in Subchapter 2.7 for the Proposed Project would result in similarly less than significant impacts.

### **3. Findings**

#### **Finding**

The County finds that this alternative would not avoid all significant environmental impacts identified in the FEIR, but would substantially reduce impacts to grading, traffic, and RAQS conformance. The County also finds that specific economic, legal, social, technological, or other considerations, make this alternative infeasible (PRC Section 21081[a][3], Guidelines Section 15091[a][3]).

The County identifies the following specific economic, legal, social, technological or other considerations make this alternative infeasible. The County finds that each of these reasons, standing alone, renders this alternative infeasible:

- The County finds that this alternative is infeasible for social and “other considerations” because it would not meet the Project’s objective to the same extent as the Proposed Project because with fewer residential homes it will not enhance and support the economic and social success of the village to the same degree as the Project. While the alternative seeks to efficiently develop the property by placing new development in close proximity to HGV’s existing and planned infrastructure and services, the alternative design does not provide an efficient residential development pattern that enhances established neighborhoods to the same extent as does the Project (Objective 1).
- The County finds that this alternative is infeasible for social and “other considerations” because it would fail to meet a Project objective to establish a community encouraging and supporting multi-model forms of transportation, including walking and bicycling (Objective 2).
- The County finds that this alternative is infeasible for social and “other considerations” because it would fail to meet a Project objective to provide a variety of passive and active recreational opportunities in support of County goals to encourage healthy and active lifestyles through creation of public and private parks, pathways and trails providing connectivity to nearby preserved lands and the nearby village to the same extent as the Proposed Project (Objective 4).
- The County finds that this alternative is infeasible for social and “other considerations” because it would fail to meet the Project objectives of providing a mixed-use development with a broad range of housing choices to support a diversity of resident and land uses within the Project, as well as increasing number and diversity of residences within the Project to optimize the operational effectively of public facilities and services of the Project and existing village (Objectives 5 and 6).
- The County finds that this alternative for social and “other considerations” is infeasible because it would fail to meet a Project objective to create a destination gathering place that provides a variety of land uses encouraging walkability, social interaction and economic vitality for the Project, and with the existing village and surrounding areas (Objective 7).
- The County finds that this alternative for social and “other considerations” is infeasible because it would fail to meet a Project objective to respond to the site’s physical variables, preserving significant topographic features and taking advantage of existing site features, to the same extent as the Proposed Project (Objective 8).
- The County also finds that this alternative for social and “other considerations” is infeasible because it fails to maximize construction jobs, support the County in fulfilling its regional housing needs allocation, and improving housing affordability increased housing supply in the region.

### **Facts in Support of the Finding**

The General Plan Consistent with Sewer Alternative would result in less aesthetic, transportation/traffic, air quality, and noise impacts than the Proposed Project. Impacts to biological resources and cultural resources would be similar.

Although this alternative would reduce impacts it does not achieve all of the Project objectives to the same degree as the Proposed Project. The alternative would not meet Objective 1 to the same extent as the Project because it would not provide an efficient development pattern in close proximity to an existing village to the same degree as the Project. This is because the alternative would have fewer homes, and fewer public amenities (no trails, Center House amenities or small commercial component), all of which would augment the uses of HGV and tie the existing and planned extension of the village together. The reduced uses and lower number of residents would not enhance and support the economic and social success of the existing village and the alternative compared to the Proposed Project. The low density single-family pattern

represented in this alternative has limited ability to support the economic and social success of the existing village and the alternative because it would not increase the diversity of residents and land uses when compared to the Proposed Project.

The single-family land use pattern represented in this alternative, as evidenced by developing on approximately 44 percent of the site, would be contrary to Objective 2 because the reduced number of units and auto-dependent development pattern (no trails and pathways) would not contribute to the establishment of a community that encourages and supports multi-modal transportation. Similarly, this alternative's land use pattern (single family) is inferior to the Proposed Project in meeting Objectives 5 and 6 which encourage a mix of residential units and a broad range of housing choices which result in a diversity of residents. Also as a result of having substantially fewer units when compared to the Project, this alternative is less effective in optimizing the operational effectiveness of public facilities and services of the existing village. When compared to the full range of passive and active recreational opportunities provided by the Proposed Project, including the Center House community area and multiple parks throughout the Proposed Project, as well as trail heads and trails, the alternative would be less effective in meeting Objective 4. This alternative would not meet Objective 7 because it would not create a destination gathering place with a variety of land uses, such as the Project's Center House, that would encourage walkability, social interaction and economic vitality.

Relative to Objective 8, within the development footprint in the heart of the alternative, the more intensive engineered nature of the grading—with additional benching and retaining walls, and lessened contour/adaptive grading—would not respond to the site's physical variables to the extent of the Proposed Project. Topographic variation and visibility to existing site characteristics would be lessened from that achieved by the Proposed Project. Views to developed lots and streets would be increased under the alternative and sight-lines into the site and between structures afforded by the Proposed Project would be reduced, although balanced somewhat by a reduction in building on steep slopes in the northeastern portion of the property, and the potential for some sight-lines between homes on the larger lots on the central bench. Overall, this alternative would not be as responsive to Objective 8 as the Proposed Project in selectively placing development in a manner that visually and physically responds to the site's physical variables.

This alternative would meet Objective 3 because it does preserve and enhance biological resources. A larger conservation area adjacent to DDHP would result under this alternative than under the Proposed Project.

This alternative also fails to support County General Plan goals related to smart growth and focusing development in areas adjacent to primary access routes and necessary infrastructure to the same extent as the Proposed Project. A total of 119 residences (74 percent less than the Proposed Project) would be provided in proximity to the Nordahl Transit Station.

Among the other considerations contributing to the infeasibility of this alternative is that it would provide fewer or shorter construction jobs than the larger Proposed Project. Facilitating the economic prosperity of its residents by creating more and longer job opportunities in the construction industry is a worthwhile goal for the County. Aside from those who are employed building the homes, another consideration contributing to the infeasibility of this alternative is that it would not maximize the County's ability to facilitate more housing opportunities for its residents. As described in the No Project Alternative above in more detail, the lack of housing supply contributes to scarcity and high housing prices that put a strain on the general welfare of County residents. Accordingly, in the present circumstance of widespread regional housing scarcity, the County finds it is proper to promote construction of denser projects in accordance with the goals and principles of the General Plan in order to increase housing supply, particularly where the project incorporates affordable homes.

Therefore, the General Plan Consistent with Sewer Alternative is rejected because while it satisfies a Project objective related to open space set aside, it fails to attain some of the objectives of the Project (Objectives

2, 5, 6 and 7) and fails to attain other Project objectives to the same extent as the Proposed Project (Objectives 1, 4 and 8). Finally, it fails to provide the significant public benefits associated with implementation of the Proposed Project.

Project benefits lost include: connections to existing trails, as well as provision of additional trails/pathways, that would benefit both non-vehicular transportation (including equestrian uses) and health goals; limited commercial opportunities that complement existing elements of HGV and contribute to the overall functioning of the village as a whole; a community destination gathering location proposed by the Project; and improvements to the Country Club Drive/Auto Park Way intersection (also addressing the roadway segment), each of which would benefit the community beyond the Project. Project TIF fees would also support improvements to roadways in the vicinity, benefitting all users of the associated roadways. Benefits accruing to County goals to implement smart growth policies also would not be attained to the same extent as under the Proposed Project.

As explained in the Statement of Overriding Considerations, which are separate and independent from these Findings, the County has determined that the benefits of the Proposed Project outweigh any environmental impacts that are avoided by the General Plan Consistent with Sewer Alternative. The County adopts and incorporates by reference herein the analysis in the FEIR with regard to the Project and Project alternatives.

#### iv. SENIOR CARE TRAFFIC REDUCTION ALTERNATIVE

##### 1. Senior Care Traffic Reduction Alternative Description

The Senior Care Traffic Reduction Alternative is intended to substantially reduce impacts associated with traffic in the context of providing a development pattern that would increase density adjacent to the existing HGV Village through a GPA. This alternative consists of a senior citizen community made up of 266 single-family age-restricted residences and five two-story structures totaling 120 units of managed care facility. The trip generation rates for age-restricted residential units and a managed care facility are substantially less than non-age-restricted residential units. The Proposed Project is projected to result in 4,530 ADT based on 10 trips per residence (based on SANDAG's 2002 *(Not So) Brief Guide of Vehicular Traffic Generation Rates for the San Diego Region*, which identifies use rates by type of use/density). The trip rates for age-restricted and managed care facilities are 4 trips per residence and 2.5 trips per unit, respectively. Using this generation rate, development under the Senior Care Traffic Reduction Alternative would result in 1,364 ADT, or 3,166 (70 percent) fewer trips than the Proposed Project per day.

This alternative would incorporate the unique design requirements for this type of development. All 266 single-family residences would be one story due to the age-related nature of the development. Also, given the demand for security features in such projects, the single-family residential units as well as the managed care units would be clustered into discrete gated neighborhoods. Public pedestrian access between the neighborhoods and provision of a sense of connection between the neighborhoods and HGV would be provided. Each of the neighborhoods, including the numerous (17) small parks, would be located in a manner that complies with the County's PLDO requirements and allows accessibility to the public.

No commercial uses or community gathering locale would be provided because the fewer number of single-family dwelling units in this alternative would not be able to support such uses on site. This alternative would include an on-site WTWRF and all roads within the community would be private, similar to the Proposed Project. A landscaping plan would be implemented as part of this alternative. Due to the lower-density design (generally single-story residences that appeal to the age-restricted market) the grading footprint would be greater than the Proposed Project. This alternative would grade approximately 82 acres (74 percent of the site), and develop on approximately 66 acres (60 percent) of the site. This alternative also would have greater grading quantities (1,450,000 cy) than the Proposed Project, or approximately 71 percent more than the Proposed Project at 850,000 cy.

Area retained in undisturbed open space would be approximately 30 acres, or 27 percent, of the site. Adding this to the park and other internal open space (approximately 15 acres overall) would result in a total of approximately 45 acres (41 percent of the site) in open space. In order to accommodate the alternative's more dispersed development design, two of the gated neighborhoods would be extended into a small portion of the area that is preserved as open space by the Proposed Project and on the portion of the project that contains insignificant RPO steep slopes; this would extend into a large block of open space in the southern part of the site that would be avoided by the Proposed Project. The alternative would also require a waiver under RPO. Similar to the Proposed Project, the Senior Care Traffic Reduction Alternative would require a GPA, rezone and approval of a Specific Plan.

## **2. Impact Comparison -- Proposed Project and Senior Care Traffic Reduction Alternative**

This alternative would primarily consist of 266 single-family homes of a consistent height. The building heights of these homes would be compatible with existing development in the Project vicinity generally located to the west (generally one story in height) and less so to the east of the site (generally estate housing exceeding one story). The uniform small lots with the individual homes would appear less consistent in lot size with uses to the west, east and north (HGV) of the site; excluding the Harmony Grove Spiritualist Association, approximately 0.25 mile to the west. Although the managed care facility would introduce a different land use to the surrounding area, the 120 units of managed care facility would be located in two-story buildings which would be similar in height to some of the structures located in HGV immediately adjacent to the alternative and with some of the large estate-style homes with multiple stories that surround portions of the project site. These two-story structures would be sited generally more internal to the alternative, with only one structure aligned along nearby Country Club Drive. This alternative would result in increased grading quantity and footprint when compared to the Proposed Project, including homes sited in the area preserved as open space by the Proposed Project, as well as a small increased number of homes on the northeastern knoll. Because a bridge would be built over Escondido Creek, the loss of vegetation (and subsequent revegetation) would be expected to be similar for both the Project and this alternative.

Similar to the Proposed Project, the Senior Care Traffic Reduction Alternative would be anticipated to result in significant short-term and unmitigable visual effects related to construction and for some years of Project use until the landscaping required as part of alternative design reaches maturity. At that time, temporary visual impacts associated with views to raw soil and immature landscaping would be reduced to less than significant levels. Although the CEQA impact would be the same, the intensity of those short-term adverse effects, would be greater for this alternative because of the larger footprint.

The increased grading quantity and footprint also could result in increased views to modified slopes in certain locations, with larger amounts of raw soil and broken rock potentially being visible from certain locales. Potential impacts relative to broken rock would be mitigated similar to the Proposed Project as described in M-AE-1 in Section A of these Findings.

It is expected that upon buildout and full vegetative maturity of both HGV and the alternative, this alternative would blend with the village to the north, similar to the Proposed Project. Overall, this alternative would be similar to the Proposed Project relative to encroachment into steep slopes. The alternative would have a larger grading footprint, and, ultimately, develop more area in long-term lots and streets than the Proposed Project. This alternative would grade approximately 74 percent of the site, and ultimately build approximately 60 percent of the site out in lots and streets, with less space allotted to exterior or interior revegetated slopes. Adding the area retained in undisturbed open space (approximately 30 acres) to the park uses and other internal open space (approximately 15 acres overall) would result in a total of approximately 45 acres (41 percent of the site) in open space; much less than the 75 acres (68 percent of the site) under the Proposed Project.

Structural development would be generally lower (one- versus two-to-three-story structures for single-family residential uses when compared to the limited three- to four-story multi-family uses under the Proposed Project), which could result in some increased visibility over the development to hills southerly of the alternative. The surrounding heights of rimming ridge lines and topographic features to the southeast and south, however, would minimize the visual difference in these heights. The more regular lot layout (more consistent lot sizing and distribution over the site relative to more traditional single-family detached subdivision design and grouped rectangular care units) would not provide open sight lines into the site's interior slopes. This would contrast with the Proposed Project interior slopes, which, due to wider swaths of undeveloped area, would allow for substantial vegetation, and a greater visible link to the underlying topography along these open areas. The amount of topographic variation and visibility to existing site characteristics would be lessened from that achieved by the Proposed Project due to the substantially greater grading quantities, greater acreage allotted to lots and streets under the alternative, the obscuring of site soils with structures, and the reduced sight-lines into the site and between structures afforded by the Proposed Project.

Overall, the alternative would provide greater contiguous structural massing and less visual open space from off-site locations, but the visual effect of the larger footprint would be off-set over the long-term by the lower height of the residences, and implementation of the landscape plan combined with set back of the lots from public Country Club Drive. As a result, the ultimate aesthetic impacts under this alternative overall would be different from, but an equal level to, impacts assessed to the Proposed Project.

Relative to traffic, the Senior Care Traffic Reduction Alternative would result in 1,364 ADT, or 3,166 (70 percent) fewer trips than the Proposed Project per day. The decrease in the numbers of trips would be substantial, and as a result, the related transportation/traffic impacts under this alternative would be anticipated to be substantially less than those of the Proposed Project. There would be lower overall a.m. and p.m. peak period volumes and lighter distribution overall to the area roadway system. Five significant impacts assessed to the Proposed Project would be eliminated. These would include two roadway segment impacts and an unsignalized intersection within the County, and two signalized intersection impacts in the City of Escondido.

Even where significant impacts remain, they would be reduced from the Proposed Project. County segments remaining significant would be mitigated to below a level of significance as described under M-TR-3, -4, -6 and -7 through focused improvements or TIF payments in Section A of these Findings. Similar to the Proposed Project, possible mitigation has been identified for the segment of Country Club Drive within the City of Escondido's jurisdiction, could be mitigated to below a level of significance through physical improvements as described under M-TR-1a and 1b (including widening and re-striping) for direct impacts and through reduced fair-share fees for the cumulative impact as described in Section B of these Findings if implemented by the City. Also similar to the Proposed Project, because implementation of the mitigation is within the power of another CEQA lead agency (the City), and beyond the purview of the County, those impacts are identified as significant and unmitigable.

For impacts to the Country Club Drive and Harmony Grove Road intersection, mitigation similar to M-TR-2a in Section A of these Findings would be implemented, requiring a new lane and dedicated right-turn lane with an overlap phase. The cumulative impact would be addressed through M-TR-2b, TIF payment, and that would also be required for this alternative (also as described in Section A of these Findings).

Due to increased grading and surface disturbance, the Senior Care Traffic Reduction Alternative would impact more biological resources than the Proposed Project. Although some of the southern portion of the site would be avoided by this alternative and placed in BOS, the alternative's dispersed development plan would result in the need for a greater grading footprint than the Proposed Project; resulting in an impact to the large block of open space in the southern part of the Project area that would be avoided by the Proposed Project. This area includes a number of resources, including chaparral containing numerous sensitive wort-

stemmed ceanothus and limited San Diego sagewort. Although some areas containing wart-stemmed ceanothus and ashy spike-moss would be avoided under the alternative that would be impacted by the Proposed Project, the alternative would impact other areas preserved under the Proposed Project, and would additionally fragment Project-retained open space as a result of necessary access roads.

This alternative would initially grade approximately 11 acres more than the Proposed Project, and also would preserve associated less acreage than the Proposed Project in open space. For the Proposed Project, 34.8 acres, or 31 percent of the site would be placed into BOS. For the alternative, approximately 30 acres, or 27 percent of the site, would be placed into open space containing BOS and steep slopes.

Similar to the Proposed Project, this alternative would impact intact Diegan coastal sage scrub habitat where a coastal California gnatcatcher breeding pair was observed in 2014. Also similar to the Proposed Project, this alternative would require design features such as open space set-aside containing wart-stemmed ceanothus and other construction and operational measures identified in EIR Table 1-2 and Chapter 7.0, as well as mitigation measures M-B-1a through M-B-9 in Section A of these Findings. Following implementation of the design considerations and mitigation measures, all impacts would be mitigated to less than significant levels, similar to the Proposed Project. Overall, however, the biological impacts under this alternative would be greater than the Proposed Project due to the increased footprint and limited biological resource conservation area, as well as additional fragmentation of open space set aside.

Although considered unlikely, there is potential for significant direct impacts related to discovery of unknown buried archaeological resources or burials. As with the Proposed Project, impacts to cultural resources under this alternative would be reduced below a level of significance through applicable mitigation measures requiring an archaeological monitoring and data recovery program, described in EIR under M-CR-1 and 2 in Section A of these Findings.

Short-term construction-related noise impacts associated with this alternative would be greater than those associated with the Proposed Project, because of the increased amount of grading and larger footprint. Construction noise associated with potential blasting in non-rippable areas could result in significant construction-period noise impacts, similar to the Proposed Project. The likelihood of such impacts would be greater than for the Proposed Project, because the southern boundary of the construction envelope would be located farther south than under the Proposed Project, and therefore closer to some existing homes along the western Project boundary. If such activities are identified within these thresholds during final design, design considerations as described in EIR Table 1-2 and Chapter 7.0, and mitigation as described in Section A of these Findings for M-N-4 through -6 related to rock breaking and blasting, would lower these construction-period noise effects to less than significant levels. Noise effects associated with bridge construction over Escondido Creek would remain.

As noted, the proposed 266 homes and managed care facility under this alternative would generate 3,166 fewer vehicle trips per day. The reduced trip generation would result in a decrease in off-site traffic-related noise impacts, which would eliminate need for the on-site sound wall. Similar to the project, interior noise levels would comply with Title 24 standards, and be documented through interior testing. Operational noise effects associated with the WTWRF would be similar and also would be addressed through implementation of M-N-3 as discussed for the Proposed Project in Section A of these Findings. Overall, the noise impacts for this alternative would be less than the Proposed Project because the potentially greater construction noise impacts would be short term and the lesser vehicular noise impacts would be long term.

Although grading emissions would be restricted per day and would be less than significant, short-term construction-related air quality impacts associated with the Senior Care Traffic Reduction Alternative would be greater than the less-than-significant effects associated with the Proposed Project, because of the additional amount of required grading. Operational impacts would be less than the (less than significant) Proposed Project, due to fewer associated vehicular trips. The significant and unmitigated air quality impact

associated with exceedance of the 2016 RAQS also would occur for this alternative as the RAQS modeling includes the 2011 General Plan assumptions for site development (approximately 220 lots), but not the GPA associated with the Project or the alternative. Ultimately, it is expected that mitigation as identified in Section B of these Findings under M-AQ-1, followed by updates to the RAQS and SIP would lower this impact to less than significant levels.

This alternative would have substantially fewer residences and a population with fewer associated vehicular trips. It would, however, exceed the General Plan development assumptions for the property. Nonetheless, as described for the Proposed Project, all impacts associated with Proposed Project emissions would be mitigated to carbon neutral net zero through implementation of M-GHG-1 (addressing both construction- and operational-period emissions) as well as on-site reductions and sequestration provided through the landscaping plan. Although initial GHG emissions under the Senior Care Reduced Traffic Alternative would be less than those of the Proposed Project, implementation of mitigation identified in Subchapter 2.7 for the Proposed Project would result in similar less than significant impacts as both the Project and the alternative would be mitigated to net zero. When compared to the Proposed Project, impacts to GHG emissions would be similar under this alternative.

### **3. Findings**

#### **Finding**

The County finds that this alternative would not avoid all significant environmental impacts identified in the FEIR but would substantially reduce traffic and air quality impacts. The County also finds that specific economic, legal, social, technological, or other considerations, make this alternative infeasible (PRC Section 21081[a][3], Guidelines Section 15091[a][3]).

The County identifies the following specific economic, legal, social, technological or other considerations make this alternative infeasible. The County finds that each of these reasons, standing alone, renders this alternative infeasible:

- The County finds that this alternative is infeasible for social and “other considerations” because it would fail to meet the Project objective of efficient development in close proximity to an existing village through increasing number and diversity of residences (Objective 1). The alternative lacks diversity in residential opportunities and the fewer number of homes will not enhance and support the economic and social success of the village to the same degree as the Project. While the alternative seeks to efficiently develop the property by placing new development in close proximity to HGV’s existing and planned infrastructure and services, the alternative’s more dispersed design and the gated neighborhoods do not provide an efficient residential development pattern that would contribute towards creating a vibrant neighborhood while still preserving valuable open space areas to the same extent as the Project.
- The County finds that this alternative is infeasible for social and “other considerations” because it would fail to meet a Project objective to establish a community encouraging and supporting multi-model forms of transportation, including walking and bicycling (Objective 2).
- The County finds that this alternative is infeasible for social and “other considerations” because it would fail to meet a Project objective to preserve and enhance sensitive biological resources, habitats in dedicated open space easements to the same extent as the Proposed Project (Objective 3).
- The County finds that this alternative is infeasible for social and “other considerations” because it would fail to meet a Project objective to provide a variety of passive and active recreational opportunities in support of County goals to encourage healthy and active lifestyles through creation of pathways and trails providing connectivity to nearby preserved lands and the nearby village to the same extent as the Proposed Project (Objective 4).

- The County finds that this alternative is infeasible for social and “other considerations” because it would fail to meet the Project objectives of providing a mixed-use development with a broad range of housing choices to support a diversity of resident and land uses within the Project, as well as increasing number and diversity of residences within the Project to optimize the operational effectiveness of public facilities and services of the Project and existing village (Objectives 5 and 6).
- The County finds that this alternative for social and “other considerations” is infeasible because it would fail to meet a Project objective to create a destination gathering place that provides a variety of land uses encouraging walkability, social interaction and economic vitality for the Project, and with the existing village and surrounding areas (Objective 7).
- The County finds that this alternative for social and “other considerations” is infeasible because it would fail to meet a Project objective to respond to the site’s physical variables, preserving significant topographic features and taking advantage of existing site features, to the same extent as the Proposed Project (Objective 8).

### **Facts in Support of the Finding**

Overall, the Senior Care Traffic Reduction Alternative reduces several impacts, but also increases several impacts, in comparison to the Proposed Project. The alternative would generate substantially less transportation/traffic, which would result in related decreases in noise, and reduced air quality emissions, from the Proposed Project. (Air quality impacts would be increased during the construction period, but reduced over the long-term compared to the Proposed Project.) Biological resources impacts would be greater than the Proposed Project. Cultural resources and aesthetic impacts would be similar for this alternative in comparison to the Proposed Project.

The Senior Care Traffic Reduction Alternative does not achieve all of the Project objectives to the same degree as the Proposed Project. The alternative would not fully meet Objective 1. The alternative would not provide the most efficient development pattern in close proximity to an existing village because of its dispersed development pattern. Also, although providing a new residential type for the valley, when compared to the Proposed Project, the alternative offers a substantially fewer number of units and a singular product type, which limits the ability to fully support the economic and social success of the existing village and this alternative. Although the alternative would be located near regional employment and transit centers, the lower density and dispersed land use pattern represented in this alternative would not meet Objective 2. The auto-dependent development pattern proposed by this alternative would not contribute to the establishment of a community that encourages and supports multi-modal transportation through walking and bicycling. Similarly, the alternative’s limited product offering would not meet Objectives 5 and 6, which encourage a mix of residential units and a broad range of housing choices. The alternative would not support a greater diversity of residents or provide a wider range of housing opportunities to complement the adjacent village’s land uses. Also, with substantially fewer units, the alternative is less effective in optimizing the operational effectiveness of public facilities and services of the existing village. When compared to the full range of passive and active recreational opportunities provided by the Proposed Project, this alternative also is less effective in meeting Objective 4. The increased grading footprint for the alternative is inferior to the Proposed Project in achieving Objective 3 because there would be reduced preservation and enhancement of biological resources, as well as increased fragmentation of that open space when compared to the Proposed Project.

This alternative would not meet Objective 7 because it would not create a destination gathering place with a variety of land uses, such as the Project’s Center House, that would encourage walkability, social interaction and economic vitality. Finally, relative to Objective 8, the alternative would require modification of 600,000 cy of soil more than the Proposed Project, have a larger grading footprint, and, ultimately, result in more area developed long-term in lots and streets than the Proposed Project. As a result, the amount of topographic variation and visibility to existing site characteristics would be lessened from that achieved by

the Proposed Project due to the greater acreage allotted to lots and streets under the alternative, the obscuring of site soils with structures, and the reduced sight-lines into the site and between structures afforded by the Proposed Project.

This alternative also fails to support County General Plan goals related to smart growth and focusing development in areas adjacent to primary access routes and necessary infrastructure to the same extent as the Proposed Project. A total of 386 residences (15 percent less than the Proposed Project) would be provided in proximity to the Nordahl Transit Station.

With this reduced project, it also would provide fewer or shorter construction jobs for its residents employed in the construction industry than would the larger Proposed Project. Facilitating the economic prosperity of its residents by creating more and longer job opportunities in the construction industry is a worthwhile goal for the County. This is balanced, however, by the fact that jobs associated with elder care (anticipated to require both skilled nursing and other workers) would be provided under this alternative. Additionally, it is noted that an accepted metric of housing affordability is when a person need not spend 30 percent or more of their income on housing because it generally leaves sufficient funds for meeting a household's other food, medical, transportation and other needs. The lack of housing supply is contributing to scarcity and high housing prices that put a strain on the general welfare of County residents. Relative to this alternative, however, the County finds that although the alternative would not maximize the County's ability to provide more housing numbers for its residents, this is balanced by the opportunity to provide housing for a specialized segment of its residents – the increasing population of elderly residents who may require assisted living facilities.

In conclusion, the Senior Care Traffic Reduction Alternative is rejected because it fails to attain some objectives of the Project (Objectives 2, 5, 6 and 7), and fails to attain others to the same extent as the Proposed Project (Objectives 1, 3, 4 and 8). It also fails to provide the significant public benefits associated with implementation of the Proposed Project.

Project benefits lost include: connections to existing trails, as well as provision of additional trails/pathways, that would benefit both non-vehicular transportation (including equestrian uses) and health goals; and a community destination gathering location proposed by the Project; each of which would benefit the community beyond the Project. Limited commercial opportunities that complement existing elements of HGV and contribute to the overall functioning of the village as a whole also would be lost. Project TIF fees would also support improvements to roadways in the vicinity, benefiting all users of the associated roadways.

As explained in the Statement of Overriding Considerations, which are separate and independent from these Findings, the County has determined that the benefits of the Proposed Project outweigh any environmental impacts that are avoided by the Senior Care Traffic Reduction Alternative. The County adopts and incorporates by reference herein the analysis in the FEIR with regard to the Project and Project alternatives.

## **v. BIOLOGICALLY SUPERIOR ALTERNATIVE**

### **1. Biologically Superior Alternative Description**

This alternative utilizes the densities of the Village designation while addressing the issues relative to Diegan coastal sage scrub and Diegan coastal sage scrub-dependent species that were raised by the wildlife agencies during Project batching meetings and an on-site meeting held in 2015. The alternative does not extend the development footprint as far to the east as the Proposed Project, and would preserve a larger portion of Diegan coastal sage scrub than would be preserved by the Proposed Project.

In order to accommodate the densities of the Village designation within a restricted development footprint,

the Biologically Superior Alternative would locate 425 multi-family residential units within 54 three-story buildings. The westernmost of the buildings would be sited closer to Country Club Drive than the Proposed Project. Particularly along the northern portion of the Project, there would be a correspondingly lesser breadth of landscaping between the public street and alternative structures. All of the 54 buildings would be similar in height to the tallest buildings in the Proposed Project. An HOA building (including a pool and small structure) is located in the center of the development footprint and would only be available to the residents of the alternative. Landscaping would be provided throughout the alternative site. Public parks would be located within this alternative, and would be consistent with the County PLDO and Subdivision Ordinance, but no public destination gathering space would be provided because of the lack of space afforded this development footprint. All internal roads would be private, the same as the Proposed Project. Assumptions for the WTWRF and off-site utilities also would be the same as for the Proposed Project. Approximately 46.5 acres of BOS (approximately 42 percent of the site) would be permanently preserved under this alternative.

This alternative would also reduce steep slope impacts from those of the Proposed Project due to the footprint eliminating some northeastern portions of the Project, and generally being north of most on-site RPO steep slope areas. Despite this, a waiver for encroachment into insignificant RPO steep slopes as well as an exception for roadways would be required, similar to the Proposed Project. Grading would require cut and fill of approximately 710,000 cy (approximately 16 percent less than the Proposed Project). This alternative would grade approximately 65 acres (59 percent of the site), and develop approximately 50 acres (45 percent) of the site. Under this alternative, specific development locales would be additionally graded to provide the most efficient use of the limited development footprint on the site. As a result, topographic variation would remain, but not to the same extent as under the Proposed Project. Although this alternative could additionally modify more steep slopes within the development footprint than the Project, the encroachment per lot could be restricted to 10 percent. Similar to the Proposed Project, this alternative would require a GPA, rezone and approval of a Specific Plan.

## **2. Impact Comparison -- Proposed Project and Biologically Superior Alternative**

In order to be able to accommodate the 425 residential units in a smaller footprint, this alternative would place fewer but more uniform structures within the development area, all of which would be similar in massing and height. The consistent height and uniform massing of structures under this alternative and their proximity to public roadway would directly contrast with the existing community as well as the variable height and massing of the homes proposed under the Proposed Project.

This alternative would allow a reduction in grading quantity and surface disturbance of approximately 16 and 5 percent, respectively, when compared to the Proposed Project. It would be graded to provide for a more efficient use of the limited footprint and specific areas, however, and would not conform to the existing site topography to the same level as the Proposed Project. This is because within the development footprint, larger building pads of uniform elevation would be graded to support the larger structures. However, the overall reduced grading quantity and footprint would result in reduced views to modified slopes in certain locations, with smaller amounts of raw soil and broken rock being visible in the short term during alternative grading. As cut slopes would be minimized from the Proposed Project, potential issues with raw cut rock could be commensurately minimized as well. Because a bridge would be built over Escondido Creek, the loss of vegetation (and subsequent revegetation) would be expected to be similar for both the Project and this alternative.

Similar to the Proposed Project, this alternative would result in significant short-term and unmitigable visual effects related to construction and for some years of Project use until the landscaping required as part of alternative design reaches visual maturity. At that time, temporary visual impacts associated with views to raw soil and immature landscaping would be reduced to less than significant levels. Although the CEQA impact would be the same, the intensity of those adverse effects could be lesser for the alternative because

of the smaller footprint.

The long-term more dominant massing of the alternative's structures could seem more visually consistent with the regimented and tight village core design and geometric grid layout of HGV that are visible from elevated viewpoints to the south. It would, however, have a notable difference from the Proposed Project's visual continuity with the existing less dense development to the west and east of the site. Under the Proposed Project, single-family residences would be placed so as to transition into the less dense existing development to the west and east. "Feathering" would also be accomplished through the use of open space swaths within the Project, providing notable swaths of landscaped area between housing groupings. The Biologically Superior Alternative would not provide the same feathering as the Proposed Project because of the consistent massing created by its three-story structures. Therefore, aesthetic impacts to existing development to the east and west of the site would be slightly greater than the Project. The alternative also would be less consistent with HGV than the Proposed Project, due to the uniform nature of all alternative structures. Long-term visual impacts also would be increased from those of the Proposed Project due to structural massing sited adjacent to a public roadway (Country Club Drive) at grade, and the thinner swaths of intervening landscaping along this area.

The increase in developed area (lots and streets) under this alternative over the acreage allotted to development by the Proposed Project (respectively, approximately 45 percent versus 29 percent) would render the alternative less visually open than the Proposed Project. Although landscaping controls would soften the visual impacts of these alternative structures, limitations on the type and placement of landscaping in this area would affect the ability of the alternative to visually shield the developed areas. The lack of massing variation between structures, the limited landscaping area, and the need to provide spacing between canopies and plants within a narrow band that does not allow for shielding through depth of planting, would result in greater long-term aesthetic impacts relative to the dominance, scale and diversity as viewed from the public roadway than compared to the Proposed Project.

Relative to traffic, the Proposed Project is projected to result in 4,530 ADT based on 10 trips per residence (based on SANDAG's 2002 *(Not So) Brief Guide of Vehicular Traffic Generation Rates for the San Diego Region*, which identifies use rates by type of use/density). Using this same generation rate, the Biologically Superior Alternative would result in 4,250 ADT, or 280 fewer trips per day (six percent less) than the Proposed Project. Distributed over the roadway network, the decrease in the number of trips would be negligible. The transportation/traffic impacts associated with this alternative would be similar to the Proposed Project, resulting in one direct and five cumulative impacts to five roadway segments, one direct and one cumulative impact at a signalized intersection, and one cumulative impact at an unsignalized intersection, within the County.

For impacts to the Country Club Drive and Harmony Grove Road intersection, mitigation similar to M-TR-2a in Section A of these Findings would be implemented, requiring a new lane and dedicated right-turn lane with an overlap phase. The cumulative impact would be addressed through M-TR-2b, TIF payment, and that would also be required for this alternative (also as described in Section A of these Findings). All remaining impacts within County jurisdiction would be cumulative in nature and would be mitigated to less than significant levels through payment of the TIF or through focused road improvements (M-TR-3 through -7, and M-TR-10).

Similar to the Project, one direct and cumulative segment impact, as well as two cumulative intersection impacts, would occur in the City of Escondido. Mitigation has been identified for each of these impacts in Section B of these Findings, which, upon approval by the City and implemented, would lower the impacts to less than significant levels. Also similar to the Proposed Project, however, because implementation of the mitigation is within the power of another CEQA lead agency (the City), and beyond the purview of the County, those impacts are identified as significant and unmitigable.

Due to reduced grading and surface disturbance, this alternative would impact fewer biological resources than the Proposed Project. Based on comments received from CDFW and USFWS, the alternative was specifically designed to protect a stand of Intermediate Value habitat (sage scrub) in the eastern portion of the site that included one breeding pair of California Gnatcatchers found along the eastern boundary of the site in 2014. Therefore, differences between this alternative and the Proposed Project primarily focus on upland habitat impacts, and specifically to the Intermediate Value habitat (sage scrub), in the eastern portion of the site. The alternative also provides a broader on-site corridor for wildlife movement as described below. Impacts to Escondido Creek jurisdictional wetlands would be similar because a bridge would be installed over Escondido Creek. Approximately 46.5 acres (42 percent) would be placed in permanently preserved and managed BOS under this alternative, as opposed to approximately 34.8 acres, or 31 percent of the Project under the Proposed Project.

The Biologically Superior Alternative would have the same impact neutral (areas where impacts are not assessed, but the area cannot be included as mitigation or to off-set impacts) and off-site impacts as the Proposed Project. On-site impacts, however, would be lessened. On-site impacts would total 64.6 acres: 0.1 acre of coast live oak woodland, 2.7 acres of coastal sage-chaparral transition, 7.3 acres of Diegan coastal sage scrub, 3.0 acres of disturbed habitat, 8.7 acres of southern mixed chaparral, 41.1 acres of non-native grassland, 0.8 acre of non-native vegetation, and 0.8 acre of urban/developed.

Approximately 6.3 acres of on-site Diegan coastal sage scrub is identified as being of Intermediate Value because it is characterized by intact stands and a portion was confirmed to be used for breeding by a single pair of gnatcatcher. It also facilitates dispersal and movement functions, along with the surrounding scrub and chaparral located along the eastern edge of the site and additional habitat extending off site to the east. Although the Project site overall is located in a disturbed area, this alternative would preserve 3.5 acres of the Intermediate Value sage scrub habitat in this eastern area, and would avoid impacts to a portion of the habitat supporting the gnatcatcher nest location and surrounding foraging and dispersal habitat. The Biologically Superior Alternative would impact 4.1 acres of coastal sage scrub, most of which consists of small, fragmented and isolated stands.

As noted, the Proposed Project identifies a significant impact for loss of Diegan coastal sage scrub supporting the nesting pair. Implementation of mitigation measure M-BI-1b in Section A of these Findings would reduce that impact to less than significant levels. This alternative would reduce impacts to on-site Diegan coastal sage scrub in this same area by approximately 66 percent (2.8 acres impacted versus 6.3 acres) from those expected under the Proposed Project. Remaining impacts would be mitigated through the mitigation identified in Section A of these Findings.

Similar to the Proposed Project, the Biologically Superior Alternative would separate open space from the homes by cut slopes that would discourage the residents from approaching the open space, and would be protected by fencing and signage. The Biologically Superior Alternative could improve wildlife movement along the northeastern boundary by providing an additional 200 feet of on-site BOS (i.e., up to 500 feet wide as opposed to 300 feet wide under the Proposed Project); including the majority of the chaparral, coastal sage scrub, and coastal sage-chaparral habitat on that side of the site.

Core habitat for gnatcatcher does not exist on or in the vicinity of the Project. Previous human activity eliminated much of the coastal sage scrub, and the upland habitat that remains is mostly chaparral and grassland. The limited number and scattered locations of documented gnatcatcher occurrences in the area would indicate that the area does not support a critical, self-sustaining population of gnatcatchers, and that gnatcatcher movement through the area is limited because there is not an abundance of coastal sage scrub habitat to support multiple breeding territories. Also, a direct, north-south connection of core habitat between DDHP and Escondido Creek does not exist through the Project site due to the large area of non-native grassland, which serves as an exposed break in the scrub and chaparral. Areas along the eastern boundary of the site could facilitate north-south movement to and from Escondido Creek, although the

habitat is patchy and constrained by existing development. Areas along further to the east of the site are less constrained, where a direct connection of scrub and chaparral habitat occurs along West Ridge. By preserving the coastal sage-chaparral habitat found along the slopes in BOS, however, the alternative could provide an additional 200 feet for gnatcatcher movement between the DDHP and Escondido Creek, relative to the Proposed Project. (The corridor would be about 1,200 feet wide at the widest point, versus 1,000 feet with the Proposed Project.)

Similar to the Proposed Project, design features identified in EIR Table 1-2 and Chapter 7.0 for biological resources would be applicable to this alternative. Also similar to the Proposed Project, all CEQA-identified biological impacts under this alternative would be reduced below a level of significance through mitigation measures M-BI-1a through M BI-9, as described in Section A of these Findings. The biological impacts under this alternative would be less than the Proposed Project due to the reduced footprint relative to Diegan coastal sage scrub and associated California gnatcatcher impacts and wider wildlife movement corridors.

Although considered unlikely, there is potential for significant direct impacts related to discovery of unknown buried archaeological resources or burials. As with the Proposed Project, impacts to cultural resources under this alternative would be reduced below a level of significance through applicable mitigation measures requiring an archaeological monitoring and data recovery program (CR-1 and 2), described in Section A of these Findings.

Short-term construction-related noise impacts associated with this alternative would be less than those associated with the Proposed Project, because the smaller footprint would result in a reduced amount of grading and associated rock breaking. Regardless, construction noise associated with potential blasting in non-rippable areas could result in significant construction-period noise impacts, similar to the Proposed Project. The likelihood of such impacts would be less than for the Proposed Project, because the eastern boundary of the construction envelope would be located farther west than under the Proposed Project, and therefore farther away from some existing homes near the northeastern Project boundary. Design considerations as described in EIR Table 1-2 and Chapter 7.0, and mitigation as described for M-N-4 through -6 relative to rock breaking and blasting in Section A of these Findings, would be implemented if required, which would lower these construction-period noise effects to less than significant levels, similar to the Proposed Project. Noise effects associated with bridge construction would remain. The construction noise impacts under this alternative would be less than the Proposed Project due to the reduced footprint.

Because the alternative would build multi-family housing, the threshold for CEQA-significant exterior noise impacts would be higher (65 dBA CNEL as opposed to 60 dBA CNEL for single-family residences.) The higher threshold would not be attained because the number of trips that would be generated by this alternative would result in six percent fewer trips per day less than the Proposed Project. Therefore, no long-term operational effects to exterior use areas would occur. Title 24 interior noise levels, however, would still require confirmation and mitigation, resulting in a similar mitigation measures for interior noise effects related to vehicular noise and WTWRF noise. These impacts would be mitigated to less than significant (similar to the Proposed Project) through implementation of M-N-2 and 3, respectively as described in Section A of these Findings.

Short-term construction-related air quality impacts associated with the Biologically Superior Alternative would be less than the less-than-significant effects associated with the Proposed Project, because of the reduced amount of required grading. Operational impacts also would be incrementally less than the (less-than-significant) Proposed Project's operations, due to incrementally fewer associated vehicular trips. The Project's significant and unmitigable air quality impact associated with exceedance of the 2016 RAQS also would occur for this alternative as the RAQS modeling includes the 2011 General Plan assumptions for site development (approximately 220 lots), but not the GPA associated with the Project or the alternative. Ultimately, it is expected that implementation of Findings Section B M-AQ-1 requiring transmittal of a revised forecast to SANDAG, followed by updates to the RAQS and SIP, would lower this impact to less

than significant levels.

This alternative would have fewer residences and a smaller grading footprint with additional retained existing vegetation. It would, however, exceed the General Plan development assumptions for the property. Nonetheless, as described for the Proposed Project, all impacts associated with Proposed Project emissions would be mitigated to carbon neutral net zero through implementation of M-GHG-1 (addressing both construction- and operational-period emissions) as well as on-site reductions and sequestration provided through the landscaping plan. Although initial GHG emissions under the Biologically Superior Alternative would be less than those of the Proposed Project, implementation of mitigation identified in Subchapter 2.7 for the Proposed Project would similarly result in less than significant impacts as both the Project and the alternative would be mitigated to net zero. When compared to the Proposed Project, impacts to GHG emissions would be similar under this alternative.

### **3. Findings**

#### **Finding**

The County finds that this alternative would not avoid all significant environmental impacts identified in the FEIR, but would substantially reduce impacts to biological resources. The County also finds that specific economic, legal, social, technological, or other considerations, make this alternative infeasible (PRC Section 21081[a][3], Guidelines Section 15091[a][3]).

The County identifies the following specific economic, legal, social, technological or other considerations make this alternative infeasible. The County finds that each of these reasons, standing alone, renders this alternative infeasible:

- The County finds that this alternative is infeasible for social and “other considerations” because it would fail to meet the Project objective of efficient development in close proximity to an existing village through increasing number and diversity of residences to the same extent as the Proposed Project (Objective 1). The alternative would provide only a singular product type (stacked multi-family flats), with no commercial uses incorporated into the HOA building. Therefore, this alternative would not provide a diversity of residents and land uses that would contribute to creating a complete and vibrant community.
- The County finds that this alternative is infeasible for social and “other considerations” because it would fail to meet a Project objective to establish a community encouraging and supporting multi-model forms of transportation, including walking and bicycling to the same extent as the Proposed Project due to the lack of alternative trails or inclusion of a commercial component into the HOA building providing additional incentives for biking and walking within the community (Objective 2).
- The County finds that this alternative is infeasible for social and “other considerations” because it would fail to meet a Project objective to provide a variety of passive and active recreational opportunities in support of County goals to encourage healthy and active lifestyles through creation of pathways and trails providing connectivity to nearby preserved lands and the nearby village to the same extent as the Proposed Project (Objective 4).
- The County finds that this alternative is infeasible for social and “other considerations” because it is less effective in meeting the Project objectives of providing a mixed-use development with a broad range of housing choices to support a diversity of resident and land uses within the Project, as well as increasing number and diversity of residences within the Project (Objectives 5 and 6).
- The County finds that this alternative for social and “other considerations” is infeasible because it would fail to meet a Project objective to create a destination gathering place that provides a variety of land uses encouraging walkability, social interaction and economic vitality for the Project, and with the existing village and surrounding areas (Objective 7).

- The County finds that this alternative for social and “other considerations” is infeasible because it would fail to meet a Project objective to respond to the site’s physical variables, preserving significant topographic features and taking advantage of existing site features, to the same extent as the Proposed Project. The alternative has less topographic variation and visibility of existing site characteristics than the Proposed Project (Objective 8).

### Facts in Support of the Finding

The Biologically Superior Alternative would result in substantially fewer impacts to biological resources, and in fewer impacts to noise and air quality than the Proposed Project. Impacts to cultural resources (unlikely but mitigable if occurring) and transportation/traffic would remain the same. Aesthetic impacts would be greater for this alternative in comparison to the Proposed Project.

The Biologically Superior Alternative would meet Objective 3 because it would preserve and enhance biological resources, and to a greater extent than the Proposed Project.

The Biologically Superior Alternative would not achieve the other Project objectives to the same degree as the Proposed Project. The number of units and clustering provided in this alternative meets Objective 1 to some extent because it would provide an efficient development pattern by utilizing a compact form of development adjacent to an existing village. The alternative also would provide only a singular product type (stacked multi-family flats), with no commercial uses. Therefore, this alternative would not encourage development of a complete and vibrant community that would enhance and support the economic and social success of HGV village and the Project by providing a diversity of residents and land uses to the same extent as the Proposed Project.

The Biologically Superior Alternative may contribute to supporting Objective 2 due to the higher density clustered development pattern, which is one attribute of a community that encourages and supports multi-modal transportation. It would be inferior to the Proposed Project, however, due to the lack of alternative trails or inclusion of a commercial component that would provide additional incentives for biking and walking within the community. This alternative would not meet Objective 5 because it does not provide a mix of residential uses that would encourage a broad range of housing choices to support a diversity of residents and land uses. This alternative may contribute to some extent to Objective 6 by increasing the operational effectiveness of public facilities and services of the existing village through increasing the number of residents, but would not optimize effectiveness when compared to the Proposed Project. The alternative would not meet the Objective 6 element of increasing the diversity of its residents, however, because it would provide only one type of housing product. Nor would it be compatible with existing development to the east and west of the site. The massing created by the alternative’s three-story structures would not provide the same transition into existing uses as the Proposed Project. Long-term visual impacts also would result due to the structural massing of buildings located immediately adjacent to Country Club Drive that would be visible from the immediate vicinity of the property.

When compared to the full range of passive and active recreational opportunities provided by the Proposed Project (reduced recreation facilities to accommodate the smaller construction footprint), this alternative is less effective in meeting Objective 4. This alternative would not meet Objective 7 because it would not create a destination gathering place with a variety of land uses, such as the Project’s Center House, that would encourage walkability, social interaction and economic vitality. Relative to Objective 8, although the alternative would have a smaller footprint than the Proposed Project, the alternative would have less topographic variation and visibility of existing site characteristics than the Proposed Project. This is the result of greater acreage allotted to development under the alternative, the need for focused additional grading to attain the most efficient development pattern within the reduced site envelope, and the reduced sight-lines into the site and between structures. As noted in the alternative description, it would grade approximately 65 acres (59 percent of the site), and develop approximately 50 acres (45 percent) of the site.

Under this alternative, specific development locales would be additionally graded to provide the most efficient use of the limited development footprint on the site. As a result, topographic variation would remain, but not to the same extent as under the Proposed Project.

At only six percent less density (425 versus 453 residences), this alternative does come close to supporting the County General Plan goals related to smart growth and focusing development in areas adjacent to existing villages and with primary access routes and necessary infrastructure to the same extent as the Proposed Project. There would be only incrementally minimized opportunities to reduce vehicle miles traveled in comparison with the Proposed Project, with associated incrementally lowered improvements in local and/or regional air quality through emissions reductions.

Therefore, the Biologically Superior Alternative is rejected because while it achieves Objective 3 to an extent greater than the Proposed Project, it fails to attain some of the Project objectives (Objectives 5, 6 and 7), and fails to attain other objectives of the Project to the same extent as the Proposed Project (Objectives 1, 2, 4 and 8). Finally, it fails to provide the significant public benefits associated with implementation of the Proposed connections to existing trails, as well as provision of additional trails/pathways, that would benefit both non-vehicular transportation (including equestrian uses) and health goals; and a community destination gathering location/limited commercial opportunities that complement existing elements of HGV and contribute to the overall functioning of the village as a whole; each of which would benefit the community beyond the Project. Benefits accruing to County goals to implement smart growth policies also would not be attained to the same extent as under the Proposed Project.

As explained in the Statement of Overriding Considerations, which are separate and independent from these Findings, the County has determined that the benefits of the Proposed Project outweigh any environmental impacts that are avoided by the Biologically Superior Alternative. The County adopts and incorporates by reference herein the analysis in the FEIR with regard to the Project and Project alternatives.

## **vi. OFF-SITE AND COMBINED ON-/OFF-SITE SEWER ALTERNATIVES**

### **OVERVIEW**

The following alternative discussion addresses several sewer alternatives. The sewer alternatives are not independent build alternatives like the residential alternatives analyzed above; rather, they provide options for one focused element of the Proposed Project. The sewer option that resulted in the largest on-site effect (the on-site WTWRF) was analyzed as part of the Proposed Project in order to provide the most detailed and conservative assessment of potential impacts in the DEIR. The other sewer alternatives evaluated in these Findings are a subset of that analysis, but are not proposed at this time.

These alternatives have been fully evaluated (see Chapter 4.0, Project Alternatives, of the Final EIR). The on- and off-site sewer options that could replace the on-site WTWRF would be expected to result in generally similar but incrementally less impacts to those described for the Proposed Project. Specifically, this could include potentially significant and unmitigable impacts related to aesthetics and air quality, as well as significant (or potentially significant) but mitigated impacts for the issues of biological resources, cultural resources, noise, transportation/traffic and greenhouse gas emissions. This is because, when incorporated with the overall Project (all residential and recreational uses), the sewer scenarios do not strongly differentiate from the greater and more numerous impacts associated with the Project as a whole – they are subsumed within it.

At this time, however, the off-site and combined on-site/off-site alternatives are infeasible, as negotiating service or capacity agreements with other agencies, such as the Rincon del Diablo Municipal Water District (Rincon MWD), would still be required. If these alternatives later become feasible due to successful negotiations or capacity is available (as determined by the Director as further explained below), then the

alternative should be deemed approved in lieu of the onsite system, because the alternative would achieve the same objective with lesser impacts and provide the same level of service to the project. The mitigation measures for the alternative would be the same as the project, and implemented the same as detailed in the MMRP for each of these alternatives.

If the specific wastewater treatment alternatives outlined below become available following project approval, there are three specific conditions the applicant will have to meet, subject to the approval of the Director of PDS:

1. Provide evidence that the project site is located in a sewer district;
2. Provide evidence that the sewer district will serve the project; and
3. Provide evidence demonstrating that the treatment option has adequate capacity to serve the project.

The Off-site and Combined On-/Off-site Sewer Options “Alternative” (Options A and B, respectively) includes an optional design scenario for the provision of off-site sewer service, in lieu of the proposed on-site WTWRF and related facilities), as well as an optional design scenario to provide a combined on- and off-site wastewater treatment program. All other components of the Proposed Project would remain the same, and the wastewater treatment options would be incorporated within the overall build program. These potential options are summarized below.

#### **A1. Off-site and Combined On-/Off-site Sewer Options Alternative Description: Description of the Connection to Harmony Grove Treatment Plant**

HGV's facility is located at the northeast corner of Harmony Grove Road and Country Club Drive, only approximately 550 feet north of the Project's northern boundary. The existing HGV WRF could be used to serve the Proposed Project if actual use rates at the HGV WRF demonstrate that it could accommodate the flows from both the Proposed Project and HGV as it is currently built. There are two conditions under which the Proposed Project wastewater flows could be accommodated by the existing HGV WRF:

- Scenario A: The original design of the plant is based on an estimate of future flows. If these flows turn out to be lower than the original estimate based on actual use rates, there may be additional permitted capacity for accommodation of Proposed Project flows.
- Scenario B: Based on the ability of the facility to treat the flows received, it may become apparent that the WRF as designed could appropriately and safely handle additional flows, and the permit could be updated to specify that the plant has increased capacity.

Because the option would only be exercised if one of the above scenarios occurs (less sewage is being treated at HGV than was expected, or the capacity of that plant proves to be greater than originally expected) the sizing of the existing HGV facility, or its site, would not be increased. This option would only be utilized if it could accommodate both projects under its current design. In order to utilize the same wastewater treatment facility, the Proposed Project would either annex into HGV's existing community financing district or establish another financing mechanism that would provide additional funding to support the services required for HGV and this project. More payers would result in savings for the rate payers of both projects during facility operations.

The full Project WTWRF (approximately 0.4 acre in size) would not be constructed under this option. Project sewage would be transferred to the HGV pump station located west of Country Club Drive on the south side of Harmony Grove Road. An 8-inch gravity-flow would be extended from the Project within Country Club Drive to Harmony Grove Road. The lines would cross Escondido Creek via installation into a bridge structure to be built commensurate with the Project. Incorporation into the bridge structure would occur from pavement on either side of the bridge, and would not require entry into the drainage.

At the junction of Country Club Drive with Harmony Grove Road, the lines would turn west to the HGV pump station, all within Harmony Grove Road and Country Club Drive road sections, and sited between two existing force main sewer lines in Harmony Grove Road. The construction period would require excavation and installation within existing roadbed followed by re-cover of the pipeline and removal of any excess soil along the pipeline right-of-way. Construction activities would move along the right-of-way (cut, install, cover) as installation occurs.

The HGV pump station was designed for 500 gpm. That facility sizing also would accommodate the Project. The existing emergency generator is also considered large enough to accommodate any additional Project flow. No changes are proposed to the emergency generator at the pump station. From the existing HGV pump station, an existing redundant system (two force mains, only one of which would be active at any one time) extending from the pump station within Harmony Grove Road to Country Club Drive and then northerly along Country Club Drive to enter the Harmony Grove WRF on the east side of Country Club Drive would be utilized.

Regardless of which treatment plant option would be implemented, wet weather storage would be required to accommodate the Project. Just as for the Proposed Project, up to 8,127,000 gallons of wet weather storage would be needed. This on-site storage would be provided through use of underground vaults sited beneath the recreational areas of the Project site, including possibly community gardens, as proposed for the Project. The approach to biosolids and reclaimed water would be the same as identified for the Proposed Project. Biosolids are a byproduct of wastewater treatment. Due to the size of the Proposed Project, it is likely that liquid solids would be trucked to another wastewater treatment plant for dewatering regardless of sewer option selected. This would require transport to that facility by an estimated one truck per week, as described in Chapter 1.0. Once biosolids are dewatered, they would be trucked to a landfill for final disposal, estimated to require one truck per month. Similar to the Proposed Project, and regardless of the location of treatment facility, all Project wastewater is proposed to be reclaimed and reused for irrigation of on-site parks, parkways, and common areas (excluding the community gardens).

## **A2. Impact Comparison -- Proposed Project and Off-site and Combined On-/Off-site Sewer Options**

### **Alternative: Connection to the Harmony Grove Treatment Plant**

Less than significant long-term visual effects associated with the Proposed Project WTWRF structure and wall construction would be eliminated under this scenario. Connection to the HGV WRF also would eliminate need to modify on-site topography to raise the WTWRF out of the floodplain, and would lessen modification of on-site existing conditions in the northwest corner of the Project. Significant and unmitigable construction-period impacts associated with construction-period raw earth and structure visibility prior to maturity of Project landscaping maturity would be incrementally lessened. Construction activities associated with the connecting pipelines would be visible along short segments of Country Club Drive (south of Harmony Grove Road only) and Harmony Grove Road during the installation process. These effects would vary from the existing condition, but would be temporary in effect. Once installed within Country Club Drive and Harmony Grove Road, there would be no surficial elements that would modify area views. Based on (1) the temporary nature of the construction impact; (2) the small footprint of the linear construction right-of-way; and (3) the lack of permanent visual change associated with the pipelines and tie-in to the Harmony Grove pump station, less than significant visual impacts would result for this sewage option.

Relative to traffic, construction and operation of off-site pipelines would not contribute additional long-term ADT to analyzed roadways and intersections above the ADT calculated for the Proposed Project or any of the full build alternatives. It could, however, cause additional traffic congestion along Country Club Drive and Harmony Grove Road due to temporarily reduced road capacity during pipeline installation. As with the Project, potential short-term construction effects under this sewer option would be addressed by a

Traffic Control Plan identified for the Proposed Project as a Project Design Feature and described in EIR Table 1-2 and Chapter 7.0, as well as alluded to in Sections A and B of these Findings. The Traffic Control Plan would be prepared by the Construction Contractor and approved by County DPW prior to initiation of construction. Among other controls, it would include measures to reduce traffic delays and minimize public safety impacts, such as the use of flag persons, traffic cones, detours and advanced notification signage. Implementation of this plan would address this traffic effect during construction of the pipeline and associated facilities. Accordingly, impacts associated with short term transportation/traffic under this sewer option would require implementation of a traffic control plan for mitigation of this potential for increased traffic impact during construction of the pipeline. There would not be any impacts to transportation/traffic in the long-term under this scenario as sewage treatment activities and associated staffing would occur off site at a plant that is already operational. When compared to the full WTWRF, impacts to transportation/traffic in the long-term would be similar under this design scenario.

The infrastructure required to construct this sewer option would be located completely within existing County roadways and areas identified as impacted by the Proposed Project. Where sewage lines associated with this option would cross Escondido Creek immediately south of the Harmony Grove Road/Country Club Drive intersection, they would do so within the bridge structure. The sewage lines would be added to water lines integrated into the base of the bridge deck, and would not result in separate or increased impacts to either habitat or jurisdictional waters during stream crossing. No biological impacts would result from placement of additional off-site facilities into existing disturbed and paved roadway. If not constructed commensurate with bridge construction, once construction specifics are identified, a qualified biologist would be required to review those plans to confirm if nesting season timing restrictions would be required for alternative modifications of the bridge, consistent with seasonal avoidance measures discussed in Section A of these Findings under Biology issues. The area allocated to an on-site facility under the Proposed Project would be retained in its existing condition and any other uses would require additional evaluation and approval with a revised site plan. To the extent that peripheral impacts could result, the impact would be mitigated in accordance with mitigation measure M-BI-2b in Section A of these Findings, including a mix of potential on- and off-site preservation (or purchase of credits) at an approved bank of grassland habitat and/or other like-functioning habitat at a 0.5:1 ratio. (Full details are provided in Subchapter 2.3 in Section 2.3.5.) Accordingly, this sewer option would be expected to result in less than significant impacts to on-site non-native grassland.

As noted above, the infrastructure required to construct this sewer option would be located completely within existing County roadways, or the on-site disturbance footprint (included in impacts already addressed for build alternatives). No previously recorded archaeological sites are located within the proposed alignment, and the sewer lines would be located between existing lines in Harmony Grove Road. Given the amount of disturbance (including existing sewer, water, etc. utilities) under these new roads, the potential for identification of new cultural resources or burials is considered unlikely, but possible, similar to the Proposed Project. As identified for the Proposed Project, these potential impacts would be significant but mitigable. This alternative would implement mitigation measure M-CR-1 and 2 (a combined measure) described in Section A of these Findings, that provides for (among other specifics) monitoring of construction activities by a qualified archaeologist and Luiseño monitor, halting of excavation in case of a find, retrieval of artifacts or human remains, coordination with the most likely descendant, etc. in accordance with state law to reduce significant impacts to below a level of significance.

Because the Proposed Project WTWRF would not be constructed, long term operational noise associated with the WTWRF generator(s) would not occur under this sewer option. Therefore, this sewer option would not result in operational noise levels in excess of thresholds, and impacts would not occur. Short-term construction noise could increase as the Proposed Project does not propose off-site construction of sewer lines. Under this alternative scenario, lines would be installed in short segments of Country Club Drive (south of Harmony Grove Road only) and Harmony Grove Road adjacent to the County Equestrian Park located at the southwest side of those roads' intersection. Construction-noise related to these short-term cut

and cover activities would not be expected to be in excess of the County allowed levels, and if necessary, could be shielded by temporary barriers. Overall, these impacts would be considered less than significant due to compliance with the County noise ordinance and very temporary nature, as described for utility line installation in Subchapter 2.5, Section 2.5.2.3.

Short-term construction-related air quality impacts would be less-than-significant. Under this option, the on-site grading footprint would be smaller than assessed as part of the Project for the full-sized plant (consisting only of connection to reach off-site utility lines in public roadways versus 0.4 acre graded on site), and potential off-site roadway disturbance generally would occur within streets already being impacted for other Project utilities or a short distance in length (less than 700 feet). Operational impacts would be less-than-significant because there would not be any vehicular trips made on an intermittent basis to a full treatment facility and no generator would be required. This option would eliminate air quality emissions of criterion pollutants associated with WTWRF generator operations identified in the FEIR and eliminate any potential for the less than significant odor impacts identified for the on-site WTWRF. The Project's significant and unmitigable air quality impact associated with exceedance of the 2016 RAQS would not be associated with this alternative option. That impact is associated with exceeding the 2011 General Plan assumptions for site development (approximately 220 lots excluding slope and other environmental constraints) and the associated modeling completed for the RAQS, but is not directly related to utilities provision. As there are no residential uses associated with connection to the HGV WRF, evaluation of RAQS conformance does not apply.

With regard to GHGs, construction impacts to Country Club Drive as improvements (including other pipelines) already would be occurring at that location. With respect to installing pipe within Harmony Grove Road, the GHG emissions would be less than what was analyzed for Project implementation of the WTWRF. GHG emissions would be less-than-significant, associated only with emissions resulting from implementing the connection point from Project lines to off-site utility lines, and excavation and placement of utility lines within existing roads. Operational impacts would not occur because there would be no additional facilities and the existing facilities would remain the same at the HGV WRF and there would not be new vehicular trips made on an intermittent basis to the WRF. Accordingly, there would be no additional GHG impacts and no additional mitigation measures would be required.

Other environmental issues also would be less than significant for connection to the HGV WRF. As described in the FEIR Chapter 3.0, Subchapters 3.1 and 3.2; other evaluated resource topics were assessed to have less than significant impacts. This option would result in pipes being added to existing disturbed roadways and those roadways do not contain known or potentially undisturbed and sensitive resources related to minerals, agricultural, paleontology or hazardous materials). Because no residential structures would be removed or built, there would not be any population and housing effects, recreation or other public services, utilities or land use and planning needs. Relative to installation of pipelines within existing roadways, standard construction requirements and best management practices are required as part of the Project. It is also noted, relative to topographic variation, however, that connection to the HGV WRF would eliminate need to modify on-site topography to raise the WTWRF out of the floodplain, and would allow retention of more on-site existing topography in the northwest corner of the Project.

This option would result in the construction of a sewer pipeline off site and extending north and west that would connect to the HGV WRF pump station, which would not be expanded. The Proposed Project would only be allowed to connect if there is capacity available at this site without requiring expansion. The presence of a Project-related sewer line adjacent to entitled and building out portions of HGV would not encourage growth. Future projects would be required to conform to the density within the County's General Plan or to obtain a GPA and would be limited due to the capacity of the HGV WRF. Regardless, future projects would be required to complete additional studies regarding impacts to the environment, including growth inducement.

### A3. Findings

The County finds that this sewer option avoids, or lessens significant environmental impacts identified in the FEIR and that that it is a feasible alternative to the on-site sewer facility option of the Project. This option would, however, require further consultation and coordination with other jurisdictions. This has the potential to add time and delay in the construction of the proposed development and furthering timely accomplishment of the Project objectives, such as providing for a range of for sale, market rate, and detached housing types to accommodate broad market needs. None of the following Findings render this option infeasible in the long-term but it is not considered to be feasible at this time (PRC 21081, Guidelines 15091). However, if the previously detailed conditions are satisfied (i.e., provide evidence that the sewer district has adequate capacity and will serve the project), upon approval of the conditions by the Director of PDS, this alternative would be deemed feasible, approved, mitigated as described and replace the on-site system as described in the proposed project:

#### **Finding**

- The County finds that the on-site WTWRF was fully analyzed as part of the Proposed Project and that the specific impacts associated with the facility have been fully addressed, with potential significant impacts mitigated and subsumed within the analysis of the whole Project.
- The County finds that the on-site WTWRF would result in critical sewer functions for the Project being retained within the Project, and that this is preferred over options requiring additional off-site facilities.
- The County finds that no specific economic, legal, social, technological, or other considerations, make the on-site WTWRF sewer treatment option infeasible under PRC Section 21081(a)(3), Guidelines Section 15091(a)(3).
- The County finds that pipeline construction within Country Club Drive north of Harmony Grove Road would result in increased construction noise and potential congestion over the road impacts associated with building the on-site WTWRF.
- The County finds that connecting to the HGV WRF would require the Local Agency Formation Commission (LAFCO) action for sewer services. It is noted that LAFCO took action to extend Rincon MWD latent sewer powers to HGV on June 4, 2018. The Proposed Project was included within a “Special Study Area.” The potential connection to the HGV WRF is speculative at this time as there is not clarity as to permanent service provider and capacity within that facility to serve the Project and therefore finds that sewer option infeasible for social and “other considerations.”
- The County also finds that no specific economic, legal, social, technological, or other considerations, make this sewer treatment option infeasible under PRC Section 21081(a)(3), CEQA Guidelines Section 15091(a)(3).
- The County finds that connection to the HGV WRF option is infeasible at this time because utilization of the HGV WRF facility could require successful negotiations of an interagency agreement with Rincon MWD and would require LAFCO approval. Therefore, in the absence of a long-term commitment for service, the HGV WRF option is not capable of being accomplished in a successful manner within a reasonable period of time and is less desirable than the certainty provided by the long-term on-site facility. Therefore, the County finds this sewer option infeasible for social and “other considerations.”

#### **Facts in Support of the Finding**

As documented in the DEIR, when combined with the underlying residential development pattern, the on- and off-site sewer options that could replace the on-site WTWRF, would be expected to result in generally similar but incrementally less impacts to those described for the Proposed Project. Specifically, this could include potentially significant and unmitigable impacts related to aesthetics and air quality, as well as

significant (or potentially significant) but mitigated impacts for the issues of biological resources, cultural resources, noise, transportation/traffic and greenhouse gas emissions. This is because, when incorporated with the overall Project (all residential and recreational uses), the sewer scenarios do not strongly differentiate from the greater and more numerous impacts associated with the Project as a whole – they are subsumed within it.

The on-site WTWRF is the preferred and proposed sewer treatment option. Evaluated as part of the Proposed Project, significant impacts associated with its construction and operation were fully addressed in the DEIR. Use of this option would not result in any off-site construction impacts associated solely with installation of subsurface pipeline associated with sewage transfer, and would not require system modifications to any existing County facilities.

The on-site WTWRF can be implemented without negotiating service or capacity agreements with other agencies, such as the Rincon MWD and is therefore the only sewer option capable of being accomplished in a successful manner and with increased certainty relative to timing.

The Project residents would be required to pay for the cost of their sewer services.

**B1. Off-site and Combined On-/Off-site Sewer Options Alternative Description: Description of the Combined On-/Off-site Wastewater Treatment**

Each of the specifics described above regarding the HGV WRF existing facilities and capacities applies to this scenario as well. This design scenario would integrate Proposed Project facilities into the existing HGV WRF, but not assume full transfer of all operations to the existing facility. It would increase the efficiencies of both facilities by avoiding redundancies that would result in constructing identical facilities that would not be needed to serve the additional sewage generated by the Project, such as an operations or administration building. Thus the Project would construct only those facilities that would complement the existing system in place at HGV and that may be needed to serve the additional sewage generated by the Project.

This approach would be able to utilize existing solids processing facilities on the HGV site, reducing the volume of solids to be delivered by truck elsewhere. Under this option, the existing laboratory at the Harmony Grove WRF would also be utilized by the on-site facility (similar to the Proposed Project). A pump station would be included within the on-site facilities, and off-site utilities would include the gravity feed lines to the existing pump station on Harmony Grove Road, as well as a sewage solids line and potential fiber optics line extending from the Project north along Country Club Drive into the HGV WRF. The fiber optics line is conservatively assumed – it would not be necessary if a radio-based system is implemented.

Additional operational studies, as well as design plans and specifications, would be required for all of the facilities described above. These studies and plans are not expected to affect the environmental analyses below. The Proposed Project analyzed the largest potential facility, with the associated largest footprint. As such, it represents a worst-case footprint and potential alternative elements adequate to complete environmental analyses on site, and otherwise would place lines into already disturbed paved street (also affected by placement of Proposed Project utilities). Refinement of this alternative scenario would not worsen environmental impacts associated with this lesser design.

**B2. Impact Comparison -- Proposed Project and Off-site and Combined On-/Off-site Sewer Options Alternative: Combined On-/Off-site Treatment**

On-site elements would be minimized compared to the facilities described for the Proposed Project. Some functions would remain at facilities on the Proposed Project site, others would be transferred to existing facilities at the HGV WRF. Regardless of final build decisions and including an additional small pump station, this scenario would be expected to build fewer or smaller facilities at the Proposed Project, which

would lessen the already less than significant long-term visual effects assessed to the WTWRF. Screening landscaping would be required as described in EIR Section 1.2.2.5, *Landscape*, and on Table 1-1 specific to shrubs and vines, for the Proposed Project.

Construction activities associated with the connecting pipelines would be visible along a short segment of Country Club Drive from the Project to the HGV WRF entrance, as well as along Harmony Grove Road during the installation process. These effects would vary from the existing condition, but would be temporary in effect. Once installed within the roadways, there would be no surficial elements that would modify area views. Based on (1) the temporary nature of the construction impact; (2) the small footprint of the linear construction right-of-way; and (3) the lack of permanent visual change associated with the pipelines and tie-in to the Harmony Grove pump station and WRF, less than significant visual impacts would result.

Construction and operation of off-site pipelines and related utility (fiber optic) lines would not contribute additional ADT to analyzed roadways and intersections above the ADT calculated for the Proposed Project. It could, however, cause additional traffic congestion along Country Club Drive and Harmony Grove Road due to temporarily reduced road capacity during pipeline installation. Transportation/Traffic effects would not demonstrably vary from the Proposed Project. As with the Project, potential short-term construction effects under this sewer option would be addressed by a Traffic Control Plan identified for the Proposed Project as a Project Design Feature as noted in Section A of these Findings and described in EIR Table 1-2 and Chapter 7.0. The Traffic Control Plan would be prepared by the Construction Contractor and approved by County DPW prior to initiation of construction. Among other controls, it would include measures to reduce traffic delays and minimize public safety impacts, such as the use of flag persons, traffic cones, detours and advanced notification signage. Implementation of this plan would address this traffic effect during construction of the pipeline and associated facilities.

Potential impacts to biological resources under this option would be essentially the same as the Proposed Project (significant but mitigable), based on the following considerations: (1) the disturbance footprint for the on-site treatment elements would be similar to but smaller than the Proposed Project full WTWRF; and (2) the pipelines/utility lines would be confined to previously developed/disturbed areas, with no new associated impacts to biological resources. Utility lines associated with this option (sewage, fiber optic, etc.) would be placed into existing roadway. No biological impacts are anticipated from placement of additional off-site facilities into existing disturbed and paved roadway. If not constructed commensurate with bridge construction, once construction specifics are identified, a qualified biologist would be required to review those plans to confirm if nesting season timing restrictions would be required for alternative modifications of the bridge, consistent with seasonal avoidance identified in Section A of these Findings under Biological Resources.

Accordingly, this sewer option would be expected to result in a reduced (smaller) but still anticipated impact to on-site non-native grassland and any associated species. The reduced impact would be mitigated in accordance with mitigation measure M-BI-2b in Section A of these Findings, including a mix of potential on- and off-site preservation (or purchase of credits) at an approved bank of grassland habitat and/or other like-functioning habitat at a 0.5:1 ratio.

Potential impacts to cultural resources under this alternative could be slightly greater than those identified for the Proposed Project, as there would be additional ground disturbance within Country Club Drive north of the Harmony Grove Road intersection. Undiscovered archaeological resources could be located beneath the off-site force main corridors in Harmony Grove Road and in Country Club Drive. No previously recorded sites are located within the proposed alignments, and the sewer/utility lines would be located either between, or in the immediate vicinity of, existing lines in Harmony Grove Road and in Country Club Drive. Given the amount of disturbance (including existing sewer, water, etc. utilities) under these new roads, the potential for identification of new cultural resources or burials is considered possible, but unlikely, similar to the

Proposed Project. As identified for the Proposed Project, these potential impacts would be significant but mitigable. M-CR-1 and 2 (a combined measure) in Section A of these Findings provides for (among other specifics) monitoring of construction activities by a qualified archaeologist and Luiseño monitor, halting of excavation in case of a find, retrieval of artifacts or human remains, coordination with the most likely descendant, etc. in accordance with state law to reduce significant impacts to below a level of significance.

Although only a portion of the Proposed Project WTWRF would be constructed under this scenario, the combined facility may include the on-site generator. If the generator is not part of the on-site components, potential noise associated with that element would be less than the noise of the Proposed Project. If a generator is placed on site, similar to the Proposed Project, associated noise levels could exceed the nighttime allowable limit and therefore could require mitigation. Mitigation would be the same as for the Proposed Project – this alternative would implement Mitigation Measure M-N-3, as described in Section A of these Findings under Noise, requiring a final noise impact analysis as part of facilities design demonstrating that exterior noise levels from all stationary WTWRF elements combined would not exceed the one-hour exterior noise level at the property line based on implementation of a 6-foot on-site sound wall at the facility.

Construction noise could increase as the Proposed Project does not propose off-site construction of sewer lines. Under this alternative scenario, sewer/utility lines would be installed in short segments of Country Club Drive and Harmony Grove Road adjacent to the County Equestrian Park located at the southwest side of those roads' intersection, as well as for a short section in Country Club Drive north of Harmony Grove Road in order to tie directly into the HGV WRF. Construction-noise related to these short-term cut and cover activities would not be expected to be in excess of the County-allowed levels, and if necessary, could be shielded by temporary barriers where adjacent to the park. North of Country Club Drive, the use on the east side of the road primarily would be the HGV WRF, which is not a noise-sensitive use. On the west side of the road, some HGV slopes and homes would be sited, but the homes would be behind an existing permanent noise wall installed by HGV, which would be expected to block the construction noise. Overall, potential impacts would be considered less than significant due to compliance with the County noise ordinance and very temporary nature.

For this sewer scenario, short-term construction-related air quality impacts would be expected to be similar or less than the less-than-significant effects associated with the Proposed Project. This is because the on-site grading footprint would be smaller than assessed as part of the Project for the full-sized plant, and potential off-site roadway disturbance generally would occur within streets already being impacted for other Project utilities. Operational impacts also could be incrementally less than the (less-than-significant) Proposed Project's operations, due to incrementally fewer associated vehicular trips. The Project's significant and unmitigable air quality impact associated with exceedance of the 2016 RAQS would not be associated with this sewer alternative. That impact is associated with exceeding the 2011 General Plan assumptions for site development (approximately 220 lots without consideration for slopes or other constraints) and the associated modeling completed for the RAQS, but is not directly related to utilities provision. Conformance or non-conformance with the RAQS is addressed above for each of the full-build alternatives, and is not further addressed here.

With regard to GHGs, construction impacts to Country Club Drive as improvements (including other pipelines) already would be occurring at that location south of Harmony Road, but also would include pipelines into the HGV WRF north of Harmony Grove Road. While there would still be some level of construction on site, it would still be a smaller facility. Therefore construction GHG emissions would be expected to be less than analyzed for the Proposed Project. Operational impacts also could be less because there would be smaller and shared facilities and the existing facilities would remain the same at the HGV WRF. Because of the shared facilities, it is possible that existing trips would be split between the two facilities. If there are additional trips, they would be minimal, associated with intermittent employee checks.

Other environmental issues also would be less than significant for the on-/off-site connection to the HGV WRF. As described in the FEIR Chapter 3.0, Subchapters 3.1 and 3.2; other evaluated resource topics were assessed to have less than significant impacts. This option would result in pipes being added to existing disturbed roadways and those roadways do not contain known or potentially undisturbed and sensitive resources related to minerals, agricultural, paleontology or hazardous materials). Because no residential structures would be removed or built, there would not be any population and housing effects, recreation or other public services, utilities or land use and planning needs. Relative to installation of pipelines within existing roadways, standard construction requirements and best management practices are required as part of the Project.

This option would result in the construction of a sewer pipeline off site and extending north and west to connect to HGV WRF facilities, which would not be expanded. The option would only be allowed to connect if there is capacity available at this site without requiring expansion. The presence of a Project-related sewer lines adjacent to entitled and building out portions of HGV would not encourage growth. Future projects would be required to conform to the density within the County's General Plan or to obtain a GPA and would be limited due to the capacity of the HGV WRF, the shared nature of the facility and the facility on site would be sized only to serve the Project in light of its sharing the existing HGV WRF. Regardless, future projects would be required to complete additional studies regarding impacts to the environment, including growth inducement.

### **B3. Findings**

The County finds that this design option is intended to disclose the impacts that would occur if this sewer alternative is approved. This alternative would not avoid all significant environmental impacts identified in the FEIR, but could reduce impacts to biological resources and operational noise. The County additionally finds that this option avoids, or lessens significant environmental impacts identified in the FEIR, but that it would comprise a less preferred alternative to the Project (PRC 21081, Guidelines 15091:

#### **Finding**

- The County finds that the on-site WTWRF was fully analyzed as part of the Proposed Project and that the specific impacts associated with the facility have been fully addressed, with potential significant impacts mitigated and subsumed within the analysis of the whole Project.
- The County finds that the on-site WTWRF would result in critical sewer functions for the Project being retained within the Project, and that this is preferred over options requiring additional off-site facilities.
- The County finds that no specific economic, legal, social, technological, or other considerations, make the on-site WTWRF sewer treatment option infeasible under PRC Section 21081(a)(3), Guidelines Section 15091(a)(3).
- The County finds that the combination on- and off-site design scenario includes retention of facilities beyond the underground wet weather storage on site and would not contribute to lessening of environmental impacts to the same extent as the full connection to HGV WRF.
- The County finds that the combination on-and off-site design scenario would result in similar noise impacts as an on-site generator is a potential element of this option, similar to the on-site WTWRF and would not contribute to a lessening of environmental impacts.
- The County finds that the on-/off-site option would require LAFCO action for sewer services. It is noted that LAFCO took action to extend Rincon MWD latent sewer powers to HGV on June 4, 2018. The Proposed Project was included within a "Special Study Area." The potential shared use of HGV WRF facilities is speculative at this time as there is not clarity as to permanent service provider and capacity within that facility and therefore finds that sewer option infeasible for social and "other

considerations.”

- The County finds that the on-/off-site connection to the HGV WRF option is infeasible because utilization of parts of the HGV WRF facility could require successful negotiations of an interagency agreement with Rincon MWD and would require LAFCO approval. Therefore, in the absence of a long-term commitment for service, the HGV WRF combination option is not capable of being accomplished in a successful manner within a reasonable period of time and is less desirable than the certainty provided by the long-term on-site facility. Therefore, the County finds this sewer option infeasible for social and “other considerations.”

### **Facts in Support of the Finding**

As a stand-alone Project element, implementation of the combined on-/off-site sewer option could incrementally lower on-site biological impacts through retention of non-native grassland area that would otherwise be developed, could potentially eliminate operational WTWRF noise impacts associated with an on-site generator if that generator is not required to support on-site plant elements, incrementally lessen potential air quality construction emissions associated with grading and construction on this part of the site, and could potentially incrementally lessen the less than significant aesthetics impacts. Intermittent traffic trips, and any associated air quality emissions from those trips, would be expected to be similar to those assessed to the Proposed Project. This alternative could eliminate an unlikely impact to unknown, but potentially subsurface, cultural resources located in this portion of the property, but would increase the same potential due to utility installation north of Harmony Grove Road in Country Club Drive as the Proposed Project does not assume ground disturbance in that area.

Potential impacts of the combined on-/off-site sewage treatment option would be largely short-term (construction-related) in nature and otherwise subsidiary to the larger impacts of the development alternatives. The combined on-/off-site sewer option, which would eliminate portions of the on-site WTWRF, would be expected to result in generally similar impacts to those described for the Proposed Project or other build alternative when combined with the residentially related portions of the Project. Specifically, and dependent upon the build option selected, this could include potentially significant and unmitigable impacts related to aesthetics, transportation/traffic, and air quality, as well as significant (or potentially significant) but mitigated impacts for the issues of aesthetics, transportation/traffic, biological resources, cultural resources, noise and greenhouse gas emissions.

## **SECTION E**

### **Statement of Overriding Considerations**

Pursuant to Public Resources Code Section 21081(b) and Section 15093 of the State CEQA Guidelines, when the lead agency approves a project that may result in significant effects that are identified in the Final Environmental Impact Report (FEIR), but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the FEIR and/or other information in the record.

The County has adopted Findings Regarding Significant Effects for the above project, which identify that certain significant effects of implementing the project are unavoidable even after incorporation of any feasible mitigation measures. The County finds that there is substantial evidence in the administrative record that the remaining unavoidable significant effects are acceptable due to each of the specific economic, legal, social, technological or other benefits which will result from approval and implementation of the project, as listed below. All of these benefits are based on the facts set forth in the CEQA Findings Regarding Significant Effects, the Final EIR, and the record of proceedings for this project. Each of these benefits is a separate and independent basis that justifies approval of the project, so that if a court were to set aside the determination that any particular benefit will occur and justifies project approval, the County determines that it would stand by its determination that the remaining benefits is or are sufficient to warrant project approval.

#### **Overriding Benefits**

Courts have upheld overriding considerations that were based on a variety of policy considerations including, but not limited to new jobs, stronger tax base, and implementation of an agency's economic development goals, growth management policies, redevelopment plans, the need for housing and employment, conformity to community plan, and provision of construction jobs. See *Towards Responsibility in Planning v. City Council* (1988) 200 Cal App. 3d 671; *Dusek v. Redevelopment Agency* (1985) 173 Cal App. 3d 1029; *City of Poway v. City of San Diego* (1994) 15 Cal App. 3d 1037; *Markley v. City Council* (1982) 131 Cal App. 3d 656.

The County finds that the project would have the following substantial, social, environmental and economic benefits. Any one of the reasons for approval cited below is sufficient to justify approval of the Project. The County finds that the proposed Harmony Grove Village South (HGV South) Project would have the following substantial Overriding Benefits:

#### **1) Economic Benefits:**

- **Increased Property Tax Revenue.** The approval of this Project will result in an increased generation of real property tax revenue for the County of San Diego. The County will receive real property tax increment revenues attributable to the increased assessed value of improved real property associated with the rezoning of the property from Limited Agricultural use (A70) and Rural Residential (RR) to Specific Plan Area (S88) and the development of residential and limited commercial uses on the property. Based on the assessed value of the land with implementation of the proposed improvement and standard tax rates, the Project will contribute substantial total property tax dollars. A portion of these property taxes will be paid to the County.

**Employment:**

- **Increased Construction Employment.** The construction of the HGV South Specific Plan will generate substantial revenue to the local economy and provide a significant number of construction-related jobs over the three+ year construction period. Those that would benefit from employment from development under the Project Specific Plan would include skilled tradesmen filling construction positions and professionals filling management and office positions.

**Close-in Employment Relationship.** HGV South is located adjacent to an existing village as well as two cities, a state route, an interstate, and public transit facilities associated with the Nordahl Transit Center. The Project location will facilitate Project residents accessing employment opportunities, and will provide residents of employment age to support long-term jobs within the County as well as adjacent cities.

**2. Social Benefits****Smart Growth Principles - Support of an Existing Village and Community:**

- **New Population Supports HGV Commercial and Recreational Uses.** HGV South will support the existing HGV by adding additional population to support commercial and recreational uses in the existing Harmony Grove Village.
- **Project Provides A Diverse Mix of Housing in Local Context.** HGV South will add a mix of income diverse housing opportunities to HGV, thereby supporting additional residential options in this part of the County. HGV South provides more residential options in a market that is growing out of reach for many County residents.
- **Project Mixed Use Within 0.5 Mile of HGV Village Core.** Provision of limited retail, including limited overnight accommodations, that would serve both HGV and HGV South residents and their guests. This would strengthen the village function and support County smart growth goals relative to provision of services within 0.5-mile walking distance.
- **Project Mixed Use Serves as a Destination Outside of Village.** Provision of limited retail that would be open to community residents beyond the village as described in the Specific Plan would provide amenities to nearby Harmony Grove Valley neighbors and support the broader community by providing a gathering place for people in the community.
- **Form Based Land Use Patterns.** The Project has designed neighborhoods with compact and multi-dimensional land use patterns that ensure a mix of income diverse housing opportunities and which promotes walking and bicycling, that provides access to employment, education, recreation, entertainment, shopping, and services.
- **Social Health.** The HGV South community will contain a range of social recreational components that will provide and promote social interaction. The Project is designed to include several park locations which also contain additional amenities such as a community garden, recreation center, dog park, basketball court, and children's play area. These park amenities are connected to a network of multi-use trails. These amenities promote walking and exercise, as well as social interaction within the community. All homes are located within

a half-mile walk to the HGV diverse uses, which also contain additional amenities.

### **3. Housing Benefits**

- **Long Term Housing Needs.** The Project will help meet a projected long term regional need for housing through the provision of future additional housing. San Diego Association of Governments housing capacity studies indicate a shortage of housing will occur in the region within the next 20 years. Moreover, as noted in the March 2025 General Plan & Housing Element Annual Progress Report, the County is short of meeting its current RHNA commitment within unincorporated areas. This lack of housing supply contributes to scarcity and high housing prices that put a strain on the general welfare of County residents. The Project could increase the housing stock in the County, including providing a range of housing opportunities that include entry-level and missing middle density housing. Specific to affordable housing, as a condition of approval, the Project will provide 10 percent of the Project's total dwelling units as on-site affordable housing (as defined by California Health and Safety Code Sections 50052.5 and 50053). This will consist of five percent reserved as affordable for low-income households and five percent reserved as affordable for moderate income households.
- **Regional Planning.** The Project site is situated in a location that is well suited for regional growth. The Project is fully consistent with the County General Plan – proposing a village extension to HGV to incorporate the Project. The Project site is located close to major travel thoroughfares such as I-15 and SR 78. It is in immediate proximity to recreational amenities provided by the County (community parks), utilities (water lines and the HGV WRF), paved roads, and HGV (additional parks and limited commercial, as well as the above-noted WRF). The Project is located within biking distance of two cities, San Marcos and Escondido, both of which contain shopping, educational and job opportunities, as well as public transit hubs. Palomar Medical Center is located approximately 2 miles to the north and Stone Brewery is located approximately 1.5 miles to the north as a crow flies. The Escondido Research and Technology Center (ERTC), an industrial/commercial, employment and services locus, is located within 1 mile north-northeast of the Project, accessed by Harmony Grove Road. Other opportunities include the large big box uses at Valley Parkway and I-15 and along Auto Park Way. This Project is within 3.0 miles of the Nordahl Transit Station.

### **4. Recreational Benefits:**

- **Park System Complements HGV Uses.** The Project will provide 4.1 acres of parks and recreational facilities, 1.86 acres of which will be dedicated to the County as public park uses.
- **Increased Existing and Planned Regional Trail Connectivity.** The Project includes a public multi-use trail for non-motorized uses (including equestrian, hiking, biking, and jogging uses) throughout the Project and will connect to HGV multi-use trail uses along the portion of Country Club Drive south of Harmony Grove Road. The Project will construct a portion of the trail network as proposed on the County's Community Trails Master Plan (CTMP) and access will be provided from the surrounding neighborhoods. Improvements will be made to a primitive trail accessing the Del Dios Highlands Fire Break to the south and providing a trailhead for future trail use to the east.

## **5. Biological Benefits/Open Space:**

- **Open Space Preserved In Perpetuity.** Approximately 35 acres (34.8 acres, or over 31 percent) of the Project site will be protected within a biological open space easement. This will preserve populations of rare plants and habitat providing wildlife function within the open space and will augment the abutting Del Dios Highlands Preserve, located immediately south and east of Project open space boundaries.
- **New Project Bridge Enhances Environment of Escondido Creek.** The existing at-grade crossing of Escondido Creek currently results in animals sharing roadway where they cross the creek and pavement with vehicular pollutants washing into the creek during storm events. Provision of a bridge at this location with approved heights for wildlife travel underneath would result in a separation of wildlife and vehicular activity. Also, it would result in roadway pollutants being channeled into County storm drain facilities and minimize pollutant runoff into the creek during storm events. Also, implementation of the bridge would result in enhancement of vegetation along this stretch of the creek as well as address existing downstream scour issues immediately west of the crossing resulting from the current culverts located under the roadbed.

## **6. Enhanced Safety:**

- **Improve Accessibility to South of Escondido Creek in Emergency Events.** The existing at-grade crossing of Escondido Creek currently results in existing residents south of the creek being stranded within or outside of their homes during flood events. Implementation of the Project bridge will allow for access over the creek regardless of flood conditions and will also support community integration as isolation during storm events will not occur.
- The existing at-grade crossing of Escondido Creek is very narrow (two lanes approximately 10 feet each), which can result in slowing access or congestion during emergency vehicle access and/or evacuation procedures during events such as wildfires. The provision of the bridge over the creek will raise travelers out of the crossing, which is currently closely edged by overhanging vegetation. The bridge will also provide a third travel lane, which will contribute to vehicle movement during emergencies as further discussed below.
- The existing Country Drive roadbed south of Harmony Grove Road is two lanes. Project improvements will provide three lanes. This third travel lane will provide emergency responders with additional options in moving vehicles in and out of the area as they can identify one, two or three lanes to move in a single direction, and also will have some shoulder availability as well.
- **Increased Emergency Service Fees.** HGV South will pay developer fees to support emergency service providers. These fees will be used by emergency service providers to improve/expand facilities and equipment, number of employees and resultant response times

## **7. Reduction in Community Use of Non-renewable Resources:**

- **Reduction in Use of Non-renewables.** As San Diego Gas & Electric (SDG&E) adds renewables, the Renewables Portfolio Standard (RPS) achieves increases and SDG&E can reduce reliance on

carbon-based system generation sources. Any solar added by the Project would be renewable and would therefore offset nonrenewable sources generated by SDG&E. Since the on-site power generation would be 100 percent renewable and the excess power (amount of electricity exceeding the Project use) would flow into SDG&E's electrical grid as accepted in the Net Energy Metering (NEM) program (SDG&E 2023) per the California Public Utilities Commission (CPUC; 2023), any power generated through on-site solar and in excess of Project need would add renewable energy resources to the electrical grid. This would decrease SDG&E production demand supported by non-renewable sources and provide access to renewable energy to off-site users within the surrounding community.

## SECTION F

### Findings Regarding Recirculation of the Draft EIR

The County of San Diego Board of Supervisors hereby finds that the responses to comments made on the DEIR, and RDEIR (included in the 2018 FEIR), Recirculated Subchapter 2.7 and Associated Documents, and any revisions reflected in the 2025 FEIR merely clarify and amplify the analysis presented in the documents and do not trigger the need to recirculate the EIR under CEQA Guidelines Section 15088.5(b), which provides that “[r]ecirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.”

Pursuant to CEQA Guidelines section 15088.5(a):

*[a] lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification.... New information added to an EIR 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 (including a feasible project alternative) that the project's proponents have declined to implement. “Significant new information” requiring recirculation include, for example, a disclosure showing that:*

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.*
- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.*
- (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it.*
- (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (Mountain Lion Coalition v. Fish and Game Com. (1989) 214 Cal.App.3d 1043)*

Each of these findings that represent “significant new information” as specified in the CEQA Guidelines is addressed below.

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.*

No new significant environmental impacts would result or were identified since circulation of the DEIR, 2018 FEIR, and the 2025 FEIR. This is detailed in Volume III of the FEIR, which includes two global responses to comments specifically addressing this issue: Res Judicata and New Information, as well as Lack of Need for Recirculation. In addition, no new mitigation measures have been proposed that would result in significant environmental impacts since circulation of the 2018 FEIR, 2024 recirculated Subchapter 2.7 and 2025 FEIR. This is documented in Section 2.7.5.1, *Potential Subsequent Environmental Impacts Related to Mitigation Measure Implementation and CEQA Exemption, as well as in Global Response: Lack of Need for Recirculation.*

The 2025 FEIR includes revisions to mitigation measures or new measures in response to Court of Appeal adjudication as described above; however, these mitigation measures reduce significant impacts to a less-

than-significant level. The new measures were circulated for public review and comment in 2024, as appropriate. The 2025 FEIR also incorporates new Project design features.. None of these revised measures result in new environmental impacts, but are designed to clarify and/or bolster the requirements of the mitigation measures to further reduce the impacts of the Project. Therefore, the County has determined that no new significant environmental impacts would result from the Proposed Project or from a new mitigation measure proposed to be implemented.

- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.

As previously discussed under the first finding, the FEIR includes revisions to mitigation measures or new measures in response to Court adjudication; however, these mitigation measures reduce significant impacts to a less-than-significant level. None of these revised measures result in new environmental impacts, but are designed to clarify and/or bolster the requirements of the mitigation measures to reduce the impacts of the Project. Therefore, the County finds that the Proposed Project would not result in a substantial increase in the severity of an environmental impact.

- (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it.

The Applicant has not declined to adopt a feasible mitigation measure. Identification of appropriate mitigation measures for GHG emissions comprise part of the 2025 FEIR, and were available for review during public circulation. The DEIR also provided a reasonable range of feasible alternatives in Chapter 4.0. One additional alternative was originally proposed in responses to comments received on the DEIR and was also alluded to in comments received in 2024, but review and analysis shows that: (1) the reductions in CEQA impacts offered by the alternative are already available through existing EIR alternatives (including a lesser intensity alternative), and (2) the alternative is infeasible based on failure to attain Proposed Project objectives to the same extent as the Project and financial considerations. This is fully explained in the response to comment. Therefore, the County finds that the Proposed Project would not require recirculation pursuant to this finding.

- (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (Mountain Lion Coalition v. Fish and Game Com. (1989) 214 Cal.App.3d 1043)

The County finds that the DEIR, which (excluding supporting figures) includes approximately 760 pages of analysis in Chapters 2.0, 3.0 and 4.0, and the Revised DEIR Greenhouse Gas Emissions Subchapter 2.7, which includes approximately 35 pages of summary analysis, supported by numerous technical reports and expert opinion, in addition to the 2024 recirculated Subchapter 2.7 (approximately 47 pages) and associated documents, including the 2024 Climate Change Report, were not inadequate or conclusory such that the public was deprived of a meaningful opportunity to review and comment on the EIR. Accordingly, the County finds that recirculation is not required pursuant to CEQA.

The County recognizes that new information has been added to the FEIR since circulation of the 2024 recirculated Subchapter 2.7, but the new information serves simply to clarify or amplify information already found in the noted documents or improve the Proposed Project and its protection of the environment. It does not rise to the level of "significant new information."

Other changes and revisions to the DEIR, 2018 FEIR, and recirculated Subchapter 2.7 that are not specifically described above were also found not to amount to "significant new information" requiring recirculation. They comprise additional clarification statements, typographical corrections, consistency edits

to some FEIR subchapters or sections to make them consistent with the 2024 recirculated Subchapter 2.7 (e.g., insert of the new GHG mitigation measure into the Summary and Chapter 7.0, or deletion of references to natural gas, which is no longer proposed and would additionally lower less than significant impacts), and formatting updates. None of the new information added to the 2025 FEIR raises important new issues about significant adverse effects on the environment. The ultimate conclusions about the Project's significant impacts do not change in light of any new information added to the EIR. Therefore, any new information in the EIR is insignificant for purposes of recirculation, particularly as set forth in Section 15088.5(b) of the CEQA Guidelines.