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Sent via email (Mark.Slovick@sdcounty.ca.gov)

March 15, 2015

Mr. Mark Slovick
Planning & Development Services
Project Processing Counter
5510 Overland Avenue, Suite 110
San Diego, CA 92123

RE: Comments and Responses to Notice of Preparation of EIR – Newland Sierra, PDS2015-GPA-15-001, PDS2015-SP-15-001, PDS2015-REZ-15-001, PDS2015-TM-5597, Log No. PDS205-ER-08-001.

Dear Mark:

I would like to make the following observations and responses: the initial study, referred to as a notice of preparation document that was made available to the public via the website (http://www.sdcounty.ca.gov/pds/ceqa_public_review.html) was not complete since the appendices were not made available. The information contained within the appendices may have had an impact on the agencies and/or public. I strongly recommend that since the initial study makes reference throughout the document referencing the Appendices that they are released to the public on the website.

In addition, while there was a scoping meeting held on March 4, 2015 at the San Marcos Community Service Department, Community Hall, it was stated that no-one there was taking any notes or comments from the public. This is contra to P.R.C. 21083.9 and Section 15206 of the State CEQA Guidelines, since the Lead Agency is required to conduct a scoping meeting to **SOLICIT** public agency and individual comments with regard to the scope and content of the EIR. As such, I do not believe

that the public has been afforded a proper meeting to present their comments and concerns, and I formally request that the deadline be extended beyond the March 16, 2015 4:00 pm deadline to 30 days after another meeting be conducted where public comments are taken. The requirement of having the comments put into writing only may have limited the comments to the public who have the ability to read and write and unintentionally excluded those who cannot write their comments down.

Responses/Questions:

1. Please make sure that the time period of the various studies include period that represents the true characteristics of the community and not only when schools/colleges are in sessions. It is important to note that a new Nursery business has changed the traffic and may need to be studied as well as other proposed business such as a green waste recycling center.
2. Aesthetics use of grape vineyard in a high risk fire area, especially in time of draught make lead to fires racing up the hill much faster since there is a fuel source. The overall density proposed does not fit with the overall community characteristic of the semi-rural setting. Such leap-frog development has been looked negatively upon in the San Diego General Plan.
3. The potential impact of shade, shadows and reflection from the sun should be studied so that the environmental impacts are mitigated.
4. Air Quality impact due to the construction and additional homes/business should be studied to insure that greenhouse gases do not exceed government standards.
5. If artificial grass or non-standard building material are being used, what testing of any hazardous material will be conducted during the EIR process? What testing of material will be conducted to make sure that the project complies with all Environmental regulations and laws. For example, 60 Minutes presented a report that the hardwood flooring sold by Lumber Liquators may have exceed EPA standards.
6. Land Use/Zoning, how does using land that is currently zoned as rural regional category and with its extreme slopes to semi-rural and village core mixed use, a highly dense pocket of leap-frog development. The setting aside of 1,202 acres of biological open space to the public, transfer the expense of maintaining and protecting such land away from the developers who will walk

away with hugh profits and putting additional burdens to those who buy into the projects and those who live in the area. (As we have seen from previous fires, the embers can travel for vast miles and impact a much wider area than the proposed development.) How will this additional risk be studied during the EIR and how are the best practices and lessons learned being applied. How will the unidentified "appropriate entity recognized to protect the public interest and having the ability to maintain and enforce protection of the open space" (Section 4.3 Maintenance Responsibilities) be selected? This party needs to be identified and fully vetted in the EIR to ensure they have the capabilities and resources to lower the fire risk when and if the water situation becomes much worse. The need to analyze the lack of water should be studied with various scenarios that look at a draught up to 100 year cycle. Is there going to be adequate funds set aside to maintain the open space? How was the amount determined and what steps are in place to make sure that it is enough for generations to come.

7. Hydrology studies should include not only the viability of water quality, but the supply from the Vallecitos Water District. Is the Vallecitos Water District in position to be able to provide the water to the additional homeowners and business owners while not passing along additional cost to those current landowners?
8. The initial study did not go into detail regarding sewage or waste water; given that the project would be taking more water than it is currently zoned for, why would it be in the public best interest to undertake such a project at this time; would it not be better to wait and let our water reservoirs build up to a level of sustainability. Once the water reservoirs have been returned to a normal level, there should be waste water/grey water recycling that is mandatory be in place so that water use is minimized.
9. The proposed changes to traffic patterns such as re-direction under Option 2 of the on and off ramps to and from the 1-15 should be studied and modelled to see what can happen if a fire was to ever to happen to test the assumptions that people will have time to evacuate. We have seen some problems of this in the San Elijo Hills area during last year's fire season.
10. The development of a six acre K-8 charter school site, does not contribute to the existing school districts in the area such as: San Marcos Unified and Escondido Union and Escondido Union High; what are the steps being taken to make sure that the Newland-Sierra proposed development pays its fair

share of level 2 developer fees and not skirt the issue by building retirement age communities. Those 9 through 12 graders will also have an impact on the overall educational infrastructure.

11. If any of the studies incorporated within the EIR covers a prior period, what steps are being taken to make sure that the time period does not omit times that may present the current situation?
12. Is it possible for the staff to present the proposed timeline of the project EIR, listing the major steps, and the opportunity for the public and agency to submit their comments.
13. Cultural Resources should be maintained to preserve the history of the local area. Have the local Indian Tribes been contacted and notified of the project and the EIR? Who was notified?
14. What agencies have been notified and who have made comments during the NOP stage? If an agency or person did not comment during this period, do they give up any rights to review and make comments on the EIR?
15. Would it be possible to make presentations through the local planning groups/sponsor groups to allow for the information to be distributed to the public?
16. Why would 10.7 million cubic yards of cut and fill be reasonable for the current residents near the project? Having to put the public under such noise and constructions for the five to ten years of the project seems to be very unreasonable and points out the flaw of allowing such a mega-project for a semi-rural area with steep hills. How much water would be needed to control the dust from the 10.7 million cubic yards and where would such water be purchased/obtain, especially in time of severe drought. How much of the 1.7 million cubic yards of earth will have to be transported away and what is the greenhouse gases that would be produced due to the additional trips?
17. An average increase of 27,764 average daily trips (ADTs) is being estimated; given the current traffic situation on Deer Springs road, how will the potential impact be studied?
18. Given that air quality regulators typically define sensitive receptors as schools, hospitals, resident care facilities or day-care center or other facilities that may house individuals with health conditions and given the size and scope of the project, the public notification of potentially significant impact should require that a mass direct mailing be submitted to all residents within an eight mile radius of the proposed project.

19. On page 37 of the initial study, the applicant believes that the project would not physically divide an established community…however, I would disagree and point out that the project would most likely have a potential significant impact due to the overall size of the project. To date, there is nothing that compares to such a project in the North County area. The density of the land that will be developed into homes, condo and business is much higher than those found in the current local area. The application of adding the undeveloped and very steep hills of the biological open space is a false assumptions and should not be allowed. The land was never available to build on and as such the rural housing allocation should be enforced and not changed to the much higher density that is being sought.
20. For the ambient noise level to increase to a potentially significant impact, a very detail noise analysis which takes into consideration how the potential sound waves bounces should also be undertaken.
21. It appears that many of the references used in the completion of the initial study was outdated; for example data from the US Census Bureau was based on the Census 2000 and not the 2010 Census or SDAG, Population and Housing Estimates, dated November 2000, both of which is now over 15 years old. The EIR should use references that are more current and up-to date.
22. There were several references that failed to state the date of the report and should be deemed incomplete until the reference has the date specified.
23. Is it reasonable to use soil survey for the San Diego Area from 1973? Would a more recent study be prudent than using a 42 year old report?
24. One of the guiding principles referenced in the Newland Sierra Specific Plan, section 5.1.1.1 states that *"The Project would provide a range of housing types that would aid the County in meeting required regional housing needs for projected population growth. The amount and type of housing would be assessed in the context of the County's Regional Housing Needs Assessment, housing sites inventory, and other housing projects within the County's jurisdiction";* this fails to take into consideration all of the projects that involves the annexation of County lands into the City of San Marcos. I believe an adjustment should be made to include those projects as part of the housing that was developed into the County.
25. The fire protection plan referred to on page 5-8 and 5-9 of the Newland Sierra Specific Plan only mentioned the 2003 and 2007 San Diego County fires. It is

important that the EIR includes lessons learned from the other more recent fires including 2014.

26. How can land that is currently zoned for only 99 dwelling units be increased to a mega city project of 2,258 dwelling units? Where does the applicant see similar density being used within San Diego County? Example of such density within San Diego County should be pointed out in the EIR and clearly identified.
27. A draft traffic analysis dated 11/7/14 was completed by Linscott, Law & Greenspan Engineers and submitted to the County of San Diego on November 10, 2014. The study should be released to the public. Under the freedom of information act, I formally request an electronic version (pdf) of the report.
28. Per the checklist, "*A Geotechnical Report has been prepared in accordance to the County's Guidelines for Determining Significance for Geology/Geologic Hazards/Soils and will be utilized for relevant sections of the EIR. This report will be submitted on 1/20/15. The Geotechnical Report will include recommendations and design considerations to minimize geologic, seismic, soils, slopes, and other hazards. The proposed project would be designed in accordance with the most recent building code standards for geologic and seismic safety. The report will note areas of the project site where more extensive excavation methods are required. The report will be submitted to the County for review as part of the discretionary review*." Has the report been completed and if so, can I get an electronic copy of the report (PDF) under the Freedom of Information Act. Is this report going to be part of the EIR?

Sincerely,

Tom and Mary Kumura