

I-238 Tom and Mary Kumura

Comment Letter I-238

Tom and Mary Kumura

1602 Siddall Drive,
Vista, CA 92084

Email address: Tomkumura@aol.com

August 13, 2017

Ashley Smith, Planning Manager/Project Planning
Planning and Development Services
5510 Overland Ave. Ste. 310
San Diego, California 92123
Attn: Ashley Smith

Re: Comments and Questions regarding Newland Sierra, Log No. PDS 2015-ER-15-08-001; SCH No. 2015021036 Project Nos.: PDS 2015-GPA-15-, -001, 2015- SP-15-001, PDS 2015- REZ-15-001, PDS 2015-TM-5597, PDS XXXX-HLP-XXX

Dear Ms. Smith:

Attached to this letter is the letter we sent in response to the NOP phase of the EIR. While County Staff claims that they address the questions in the DEIR, I am formally requesting that the questions asked by not only me, but all who submitted questions be answered so that one can see how it was answered. For example, in the DEIR, it states that the questions were answered and the letters were presented in Appendix A of the DEIR, it is impossible to track down the specific answer to anyone's questions.

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The DEIR does not present basic background information regarding the Twin Oak Valley Community Sponsor Group area. A project that would bring over 6,000 people into a clustered high-density housing project should have a discussion regarding the current population, number of housing dwelling, density, age breakdown, and household income. What are the demographic and household income trends for the TOVCSG area for 2000, 2010, 2017? How many are aged 17 years or less? How many are between the age of 18 and 64? How many people are over the age of 65?

Who are the major employers in the TOVCSG area? What are some unique characteristics of the community? How many schools are there in the area? How many fire department stations? How many parks? How many new developments have been approved? What are the names and number of homes estimated for each approved development in the TOVCSG? What development projects are planned within the TOVCSG area? What projects are being planned near the TOVCSG area? The lack of a basic understanding of the TOVCSG neighborhood will not allow decision-makers to understand how the area is different from the areas like the city of San Marcos. The DEIR should include discussion using the draft TOVCSG community plan.

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On page 2.2-16. The DEIR states: ***"The proposed project would be consistent with the goals and policies in the Twin Oaks Valley Community Plan because the project includes 1,209 acres of open space that would be preserved in three major blocks along the northern, eastern, and central portions of the project."***

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Given that a copy of Bonsall Community Plan is included in the Appendix of the DEIR and that the TOVCSG Community Plan was omitted, points to one of the many flaws of the DEIR. The public is unable to verify if the statement by the County in the DEIR above is true.

Upon review of the latest draft of the TOVCSG community plan, it would show that the proposed project (Newland Sierra) would NOT be consistent with the goals and policies presented. The community plan is against leap frog development and clustering of homes which the Newland Sierra project has characteristics of. Additional analysis and discussion is justified and a revision may need to be worked in.

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The discussion of open space is extremely weak and should be re-worded so that one could follow the rationale of having not only an on-site open space but the need for an off-site open space. On page 2.4-4, in a paragraph of only eight lines, is the only written reference until Appendix M. There is a figure, figure 2.4-3 which shows the 212 acres of off-site open space. Why was only a 212 acre site needed as a PAMA? Should the amount be larger? What happens if the area was smaller? Could off-site open space from outside California be used? Why or why not? How about outside the United States? Why or why not? How does open space in Ramona, off-set the impact of the development in the TOVCSG area? Who will own the land that are part of the on-site open space? Who will own the off-site open space? While the County will have an open space easement, who will be financially responsible for the upkeep of the open space? How much money will be set in trust for the open space? The signage on the open space will ask people to notify the County Department of Planning and Development, regarding problems. What phone number should people call? Why isn't the contact information placed on the proposed signs? How realistic will a response be given? Currently calls to the County Department regarding Code Enforcement goes unanswered for weeks, after leaving several voice mails. What resources will be available to provide the necessary services for the maintenance and care of the open space easement? What is the expected annual maintenance costs for 1,209 on-site open space? What is the annual maintenance costs regarding the 212 off-site open space? Who will be responsible for these costs? The San Diego County tax payers? The people who reside in the Newland Sierra project?

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Table 2.4-27 shows without the Off-Site Open Space, there would be mitigation (Deficit) of 69.6 acres for Diegan coastal sage scrub; 8.2 acres of non-native grassland, 37.1 acres of oak root zone. This is in addition to the deficit of 2.5 acres of coast sage scrub-baccharis dominated (including disturbed); 17.8 acres of coastal sage-chaparral transition, 14.5 acres of scrub oak chaparral, 25.3 acres of coast live oak woodland, 4.8 acres of southern coast live oak riparian forest and .3 acre of mulefat scrub. How large does the deficit have to be if a project is deemed significantly impacted?

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It is interesting to note that the 212 acres in Ramona is unlike the 1,985.6 acre where the Newland Sierra project is located. For example, there is 19.7 acres of chamise chaparral, 29.0 acres of Engelmann oak woodland, 7.9 acre of southern sycamore-alder riparian woodland, .3 acre of

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southern willow scrub tamarisk scrub, and 8.5 acres of valley needlegrass grassland. Such a different vegetation community could mean a different types of wildlife may be located in the Ramona area which would make it hard to be part of the off-site open space? Why shouldn't the open spaces be similar in vegetation? Please explain why the off-site open space is not an attempt to justify a project that should be reduced in size? Why shouldn't the project be adjusted so that there are no mitigation deficits? Where on a map does the on-site deficit exists? Should this area be preserved as open space and not developed?

Table 2.4-28 – Cumulative Projects Within the Biological Cumulative Study Area seems to be missing newly approved projects in the TOVCSG including the Quintessa/Meritage project, the San Marcos Highlands, etc. Are there other projects that need to be identified and listed on the table?

The City of San Marcos pointed out that the number of parks given the number of housing is below the agreed upon formulas used to determine the number of parks. The deficit would be handled by mitigation fees. What steps would be implemented to be sure that the funds remain in the TOVCSG area and not moved to another part of the North County Metro? There is discussion in the DEIR regarding private parks versus public parks. Who will own the private parks? Who will be responsible for the maintenance of the private parks? What is the anticipated cost of water and maintenance of the private parks? Who will be responsible for these costs?

The current General Plan Land Use Regulations on the project sited is described as 99 residential dwelling units and 2,009,116 square feet of commercial uses. This is correct but tends to skew the argument and allows the County to be bias. A more balanced approach would be to describe the projects as 99 residential dwelling units and 46 acres of commercial uses. If this is the case, then a more rational discussion can occur. The Newland Sierra project site in comprised of 1,985 acres and would be comprised of 2,135 dwelling units, 81,000 (1.86 acres) square feet of commercial use, parks, multi-use trails, bike lanes, a 6-acre school site and 1,209 acres of open space.

Why is the calculation of density of the project is using the space set aside for open space? The correct way to measure density would be to take the number of dwelling and divide on the space being developed. (1,985 minus 1,209 or 776 acres) The density would NOT be 1.08 dwelling unit per acre but 2.79 dwelling unit per acre. The general plan has the density for the same area at 1 dwelling unit per 20 acres or .05 dwelling unit per acre. That would mean the proposed density would be over 55x more than what the General Plan would allow.

How could the water needed for 99 homes and commercial/office space (which would need to factor in parking on just 46 acres) be enough to supply 2,135 dwelling units? Given that the Newland Sierra project would use more water and require the need to establish significant improvements in the sewer system, why was there more discussion regarding the difference in the amount of water/sewer system needed in the DEIR? One reason is that the home on the 20 acres are assuming that much of the land, let assume 19 acres will be using water for agriculture or other use. Given the price of water, this assumption should be revisited and revised using a more financial approach. Using the latest price for water (note the Vallecitos Water District is proposing an increase in its' rate and this should be used in the calculations) and the assumptions regarding

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the use of water, one will be able to point out the improbability the assumptions. What would be the average month water bill for a house on 20 acres be?

The Vallecitos Water District water studies should be reviewed in detail. The methodology applied seems to defy logic. Currently the 1,985 acres site is using ZERO water from the Vallecitos Water District. One major assumption is that RL-20 land would use 800 gpd/acre. This seems like a overstatement. For one, the VWD list there is 1,907.8 acres that is Rural lands (RL-20), given that 1,209 acres would remain open space/vacant 200 gpd/acre should be used. An negative adjustment of 725,406 gallon per day should be made and the total water use would drop from 1,629,220 to 903,826 gallon per day. This would represent 1,018 AFY. Based on the Projected Water Demand for Newland Sierra Development Project (Table 3.2), the Total AFY need is 1,624. This would be a deficit of 606 AFY. Why wasn't the 200 gpd used for the open space? This appears to be a major flaw, what facts support the use of 800 gpd for the rural lands? Given the price of water should point out why using 800 gpd for RL-20 and SR-10 is unreasonable.

If the County believe the draft TOVCSG community plan is not complete and should not be used then the same logic should apply when looking a the unapproved MCSP and GHG Plans. Rather than "cherry-pick" standards, the DEIR should use consistent logic.

The entire DEIR is difficult to read and hard to follow the thinking. Many items are pushed into Appendix and the analysis is not provided as to be transparent and to allow one to follow the thought process of the writer. The County has gone on record and stated during its' only public meeting regarding the DEIR that the all the letters received regarding the NOP had their questions answered in the DEIR. While in the minds of the County this may be true, there is no clear indication that a question was answered. The letters sent in during the NOP process were placed in Appendix A, but there were no notes in the margin or on the letter indicating the answers or where the answers were given. This is not answering the questions and it is my hope that the DEIR is re-circulated with the answers being clearly provided.

Thank you.

Tom and Mary Kumura

Attachment March 15, 2015 – Comments and Responses to Notice of Preparation of EIR

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I-238-27

Comment Letters

Tom and Mary Kumura

1602 Siddall Drive,
Vista, CA 92084

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

March 15, 2015

Mr. Mark Slovic
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

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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.

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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 Liquidators 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

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away with high 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

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- 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.
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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 assumption 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. I-238-47
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. I-238-48
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. I-238-49
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. I-238-50
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? I-238-51
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. I-238-52
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 I-238-53

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

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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.

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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.

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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?

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Sincerely,

Tom and Mary Kumura