

I-326 Alan Rings

Comment Letter I-326

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I, Alan Rings, serve as a member of the Hidden Meadows Community Sponsor Group and was appointed by District 5 Supervisor Bill Horn. Regardless, these comments are my personal opinions as a private citizen and resident of Champagne Village, which is located directly across I-15 from the proposed Newland Sierra site.

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GENERAL

The Newland Sierra Project at Merriam Mountain ("Project") proposes to develop a massively dense housing development of 2,135 multi-story single family and multi-family attached units in five urban neighborhood clusters, a proposed school site and up to 81,000 square feet of developed commercial space. As proposed, single family homes average 0.2 to the gross acre and multi-family homes 0.085 to the gross acre.

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The Project will have an enormous impact on the surrounding communities and the region. When built-out, it alone would double the population living along the rural-15 corridor. Newland has given little consideration to impacts on the residents living beyond the Project boundaries and is unable or unwilling to mitigate a number of serious impacts on the area.

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None of the following issues occur and no public monies need be spent if the requested zoning change for the Newland Sierra Project is denied and the property is developed in compliance with the County General Plan at sometime in the future.

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ISSUE #1. The Project grossly conflicts with the County General Plan, which after a decade of thorough consideration, was adopted by the County Department of Planning and Land Use and the Board of Supervisors. The Project would be grossly out of character with the existing surrounding communities, of which the vast majority of the residences are single-story, detached single-family homes on large, open lots, which maintain the rural character of the stated County development objectives. The County General Plan currently and appropriately designates this site and surrounding area as rural and semi-rural. The current zoning calls for only 99 lots, or a density of approximately one residence per 20 acres, appropriate to the current County General Plan and the wishes of the majority of neighboring citizens.

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ISSUE #2. The site is rough, mountainous terrain which does not lend itself to be easily developed. The proposed density can only be achieved at enormous cost and effort. The Draft Environmental Report (DEIR) calls for using around a third of a kiloton of explosives to blast the mountains apart, which admittedly may not be enough and will completely destroy the natural vegetation and habitats of the middle third of the Project site. The blasting will be continuous for years. The DEIR estimates almost eleven million cubic yards of material will have to be cut and moved. That is eleven times more material than if the current General Plan were to be followed and seven times more material than it took to build Hoover Dam!

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ISSUE #3. Pollution. The extreme amount of blasting and grading and the addition of rock crushing plants would result in extreme air, dust and noise pollution. The DEIR admits that four pollutants would exceed threshold levels even after all mitigation efforts were implemented. Immediately South of the Project is a small community of senior citizens who would be directly and severely impacted by the Project throughout construction. Across I-15 is another senior living community of 458 homes. Both of these communities have many people who suffer from chronic pulmonary lung disease (COPD), emphysema and other breathing disorders. Further, to the East and at a higher elevation is the community of Hidden Meadows, which also has a large senior population. The prevailing wind is from West to East. The pollution and dust generated by this activity over ten years will travel into these homes and could tend to shorten lives.

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ISSUE #4. Newland falsely boasts that its' development is superior to the Existing County General Plan in that it proposes to develop more parks, public recreation areas and trails and that its' plan would result in 273 more acres of open or undisturbed space, as stated in S.5.2. That is patently false. Newland developed a concept of how the 99 units *might be equally distributed on this site*, but has no way of accurately predicting exactly how another developer might approach the Project design. When 2,135 residences are tightly compressed into five neighborhood clusters, it is essential to provide parks and other amenities to give people a chance to commune with nature. But with estate sized lots, averaging 20 acres, each dwelling is surrounded by nature and the natural vegetation.

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ISSUE #5. Traffic Congestion. The DEIR states that Cal Trans has no plan to deal with the traffic congestion on I-15, which is projected to be gridlocked from the Riverside County line to the Pomerado exit South of Escondido, and therefore Newland will not participate in the cost of any such improvements. Newland has stated that they will pay for the improvements to the I-15 / Deer Springs Interchange and Deer Springs / Twin Oaks Valley Roads. Deer Springs is classified as an LOS "F" during peak commuting times, primarily due to commuting Riverside County residents wishing to bypass the gridlock of the I-15 / SR 78 interchange. This accounts for well over half of the approximately 20,000 VTDs reported in Table 4-1 of the May 12, 2017 Linscott Traffic Impact Analyses (R1a). Widening Deer Springs / Twin Oaks Valley Road to four lanes will only serve to encourage more commuters to use this alternate route. The proposed additional stop light at Sarver Lane would cause further congestion and additional delays. The DEIR in 2.13 states that most of the traffic impacts are "significant and unavoidable". The addition of 10,000 vehicle trips per day, caused by this Project, will only serve to make the traffic congestion worse.

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ISSUE #6. Access. Based on the projected population, there is grossly inadequate access into and out of this Project. The Draft EIR calls for two points of access and egress, Sarver Lane onto Twin Oaks Valley Road at the southwest corner of the property and Mesa Rock Road onto Deer Springs Road at the southeast corner of the property. However, the EIR is *intentionally* misleading by implying there are two distinct exit roads. This two-lane road is named Deer Springs to the West and Southwest from I-15 to about 2,000 feet beyond Sarver Lane. North Twin Oaks Valley Road continues North from the "T" intersection with Deer Springs Road in San

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Marcos. The DEIR shows there is an additional road, Camino Major, which also connects to North Twin Oaks Valley Road. But this road only goes South to connect to Deer Springs/Twin Oaks Valley Road as the DEIR admits that it is gated and impassible to the North. The DEIR admits that Camino Major, at the northern end of the housing areas, would receive minimal use. In essence, while the Draft EIR tries to suggest three points of ingress and egress, it is really just one single road. No consideration was given to connect the Project to nearby Lawrence Welk Lane which connects to Old SR 395 to the East or to provide access to Gopher Canyon Road to the North.

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By way of comparison, this Project will contain almost as many housing units as in the City of Del Mar (2,135 for this Project versus 2,596 for Del Mar). But the Project will house half again as many people as Del Mar's 4,173 (2010). Del Mar is similar to the Project in that Interstate 5 is at its eastern flank. But Del Mar has three interchanges off of I-5. Another freeway, SR 56, connects to I-5 at its southern border. Del Mar is also fed by eight surface road lanes from the north, four surface lanes from the south and eight surface lanes plus turn lanes from the east. Even so, there are times when traffic into and out of Del Mar is highly congested. The Newland Project will be served by only one road, Deer Springs.

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If the Newland Project is approved, the County must commit the funds necessary to acquire right of way and improve North Twin Oaks Valley Road to county standards and extended it to connect Gopher Canyon Road. The DEIR states this road is gated at certain points.

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ISSUE #6. the I-15 Interchange. The DEIR assumes the vast majority of the estimated 10,000 vehicle trips per day by the residents of the Project will be headed south on I-15. The I-15 / Deer Springs Road Interchange currently is beyond capacity at certain times of the day. It was designed for a rural and agricultural area with far less traffic. The problem is the stacking caused by stop lights at the left turn lanes to access I-15 on-ramps for both Northbound and Southbound traffic. If the Newland Project goes forward, this interchange must be improved by a cloverleaf or some other design to allow for continuous access to the I-15 on-ramps. Newland is to be commended for agreeing to pay CalTrans for the cost of both the interchange and Deer Springs Road improvements, which will expedite design and completion. But there must be no occupancy permits issued for the Project until this critical road improvement is completed.

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ISSUE #6a. Traffic Diversion. Newland should have given consideration to diverting some of the I-15 traffic away from the Deer Springs Intersection. This could easily and inexpensively be accomplished by adding a Southbound on-ramp and a Northbound off-ramp at the Mesa Rock Road undercrossing and installing a signal at the intersection with Center City Parkway.

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ISSUE #7. Fire Protection and Evacuation. The Project is located in a "Fire Hazard Severity Zone". The fires burn generally from east to west during "Santa Ana" winds, which could cause evacuation of all of the Project's neighborhoods.

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The DEIR assumes that, because no fires have occurred on the Sierra Farms property in 100 years, that it will not happen in the future. That is illogical and a way to try to minimize serious fire risk. Most fires are caused by people. The DEIR goes on to state that the Project's developed land will serve as a fire break. It relies on the use of fire resistant construction design and materials to provide much of the fire protection for the residents. But it clearly admits in the Conclusion to the FPP on page 82 of Appendix N-1 and 6.2 of Appendix O, *"This FPP does not provide a guarantee that all residents and visitors will be safe at all times because of the advance fire protection features it requires. There are many variables that may influence overall safety ... Even then, fire can compromise the fire protection features through various, unpredictable ways."*

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The DEIR presumes the residents would evacuate via either Sarver Lane or Mesa Rock Road onto Deer Springs Roads. It also suggests that residents of the Summit neighborhood could evacuate via Camino Major to turn south onto North Twin Oaks Valley Road. In essence, the only evacuation route for 7,000 people in up to 4,697 vehicles is Deer Springs Road. Should fire approach from the south, the only option would be to shelter in place, as included in the Fire Evacuation Plan. Appendix N. And that is unacceptable. Further, due to the traffic gridlock that would be created as cars would use all lanes to try and exit, emergency vehicles would be impeded when trying to get into the Project to fight a fire.

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The DEIR notes that North Twin Oaks Valley Road north of the Project is gated and not a dependable evacuation route, unless under police control. As stated above in Issue #5, the County must commit the funds necessary to acquire right of way and improve North Twin Oaks Valley Road to county standards and extended it to connect Gopher Canyon Road.

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Standard building codes require all structures to have at least two different exits leading to different areas outside the structure for the specific purpose of fire evacuation. The massive scope of this Project requires application of the same safety principles. Otherwise, this Project will put lives at risk.

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ISSUE #8. Water and Sewer. In 2.14 there appears to be a sufficient water delivery system and increased storage capacity designed for this Project, which is estimated to consume 1,412,540 gallons per day, or 515.6 million gallons per year (1,582 acre-feet). The projected annual water consumption for the Vallecitos Water District (VWD) is expected to grow from 26,499 to 34,164 acre-feet over the next 15 years. That is growth of 7,715 acre-feet, of which the Project will represent a substantial 20% of the total projected growth. This consumption even factors in very strong conservation measures for this Project, of between 36% and 25%, in both normal and dry years (Tables 2.14-6, 7 & 8). It is difficult to believe that anything near a 36% district-wide savings could ever be achieved. That calls for saving more than one gallon out of every three currently consumed.

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VWD projects a supply of water from the Water Authority in 2030 of only 22,012 acre-feet. It concludes that the 34,164 acre-feet demand can be met only by presuming an overly optimistic and unlikely saving of 12,152 acre-feet (36%) due to extreme conservation measures.

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comparing the expected annual Project consumption of 1,582 to the more realistic supply of 22,012 acre-feet, this Project will consume 7.2% of all of the water delivered to VWD. That is excessive for the benefit of one single development and could result in rationing for all existing customers. Lack of future water supplies could even force curtailment of future growth and development in San Marcos, which according to the County General Plan is expected to add 7,000 more residential units by the time it is built out over 30 years.

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While the adequacy of the water supply is in question, the adequacy of wastewater capacity is also doubtful. On the "Project Facility Availability - Sewer" form, filed with the County on June 5, 2014, Newland states that facilities to serve the Project are NOT reasonably expected to be available within the next 5 years based on the capital facility plans of the VWD. Because the Project is not approved, WWD to date has done no planning for it. The Draft EIR states, without supporting documentation, that there was adequate offsite wastewater treatment capacity.

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Although not included in the Draft EIR, in a separate document submitted to the County by Dexter Wilson Engineering, Inc., dated January 20, 2017, entitled "Master Plan on Water for the Newland Sierra Project, the off-site sewer requirements were barely mentioned.

On page 4-3, Dexter Wilson has an inadequate four-line paragraph that states in total:
"Offsite Sewer Facilities. The District has performed an analysis dated October 28, 2016 of offsite sewer facility requirements that evaluates the impact of flows from the Project on the existing and proposed sewer system. This analysis evaluates the impact from the Project boundary to the Encina Wastewater Authority."

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No further information whatsoever concerning offsite wastewater is contained in the Dexter Wilson "Master Plan" document.

VWD published a 39 page "Final Technical Memorandum" on the Project, referred to above. It outlined the design criteria and much of the design for both the water and sewer systems. calculates that 535,350 gallons per day of wastewater will be generated by the Project.

The sewer system runs throughout the site, collecting to the southwest corner near Sarver Lane and Deer Springs Road. Offsite, it calls for 3.6 miles of 12 to 18 inch sewer pipe, traveling south along Deer Springs / Twin Oaks Valley Roads, turning south of San Marcos Boulevard and runs west passing under SR-78 and terminating at Lift Station No.1, west of Las Posas Road. Presumably, there is sufficient capacity to carry it from there on to the Encina Water Pollution Control Facility (EWPCF), which serves the entire region, for final treatment and ocean disposal, without having to replace any further pipe.

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The "Final Technical Memorandum" addresses That VWD has a Meadowlark Reclamation Facility with a capacity of 5 million gallons per day (MGD) and a peak capacity of 8 MGD during wet weather. VWD's average daily wastewater flow in 2014 was 7.2 MGD, well above the normal capacity. Further, it cannot process solids, so it should be removed from consideration for this Project's wastewater requirements.

EWCPF has a solids treatment capacity of up to 40.51 MGD. The memorandum does not address if additional capacity is available. VWD currently owns 10.47 MGD of EWCPF's capacity, or about 26% of the maximum. VWD's 2014 wastewater flow to EWCPT was 7.2 MGD. Therefore can it be assumed that there is sufficient capacity available? Perhaps. But the average wastewater flow stated in the 2008 County General Plan calls for 13.3 MGD. A deficiency of 2.83 MGD.

Which means that eventually, either VWD or EWCPF or both will have to construct additional facilities. But if this Project were to be denied and eventually be developed according to the General Plan, no construction need to occur, as the 99 units would most likely all be on septic systems.

ISSUE #9. Air Quality. The San Diego Air Basin is currently classified as a state nonattainment area (an area considered to have worse air quality than allowed) for O₃, PM₁₀, and PM_{2.5}. However, that classification is heavily weighted by the greater pollution resulting from population and vehicle densities of the cities to the South, including Tijuana, Mexico. The air quality improves substantially in the Northern rural areas, such as the Project site.

The DEIR concludes that the emissions associated with Project-related construction activities would be temporary. Ten years is not temporary. As shown in Table 2.3-12, daily construction emissions would exceed the thresholds for NO_x, CO, and PM₁₀ and PM_{2.5}. It concludes that these above threshold emissions would remain significant and unavoidable.

ISSUE #10. 2,135 Residential Units. The obvious reason why there are so many units and such density is because the costs to develop the mountainous site and pay for the infrastructure improvements, such as a freeway interchange, are astronomical. Whenever even modest slopes are encountered, the costs of development increase geometrically. In this case, where mountains must be moved and crushed to fill in valleys to create buildable sites and roads, more units have to be developed to offset the cost. I have been told that Newland was a minor partner in the Merriam Mountain proposed development. When the Board of Supervisors wisely rejected that proposal, I assume Newland bought the land "dirt cheap" from the other partners and gambled that it could make a better development.

ISSUE #11. Specious Information. There is a curious statistic in 5.2.2 of the DEIR. Newland claims that the development under the existing zoning would include 2,008,116 square feet of commercial space. Newland Communities, a 45 year old land development company with offices in ten states and Washington, DC, and with a history of 140 large developments, surely is sophisticated enough to know that land is quantified in acres and buildings in square feet, so it cannot be raw land, it must be a building or buildings to which they refer. Further, by stating exactly 2,008,116 square feet, Newland suggests that it has knowledge of some actual proposal, complete with detailed design of the building or buildings, that is allowed under the current General Plan zoning. Newland should be required to disclose what information they have

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justify their claim, which they have used to demonstrate and justify why their Project would be superior to the current General Plan.

This is crucial, because Newland has raised this statistic in discussions, presentations and written material to the public over and over again. For example, in a publication entitled, "Newland Sierra A better Choice ..." subtitled "Dispelling the Myths and Telling the Truth", which Newland distributed at the one and only public hearing on the DEIR, held July 16 at the San Marcos Civic Center. In its' publication, Newland Sierra boasts that their Project would result in:

1. *"Less traffic in the morning and evening commuting periods." And states that the current zoning under the General Plan would result in "2,496 AM vehicle trips and 2,500 PM vehicle trips," compared to "Newland Sierra: 1,602 AM vehicle trips (36% less) and 2,059 PM vehicle trips (18% less)."*

It defies logic that 99 homes with between 300 to 400 residents and vehicles would cause more vehicle trips in the morning and afternoon rush hours than 2,135 homes with over 10 times more population and vehicles. Granted, one of the five cluster communities is for people 55 years and older (although not all of them would be retired), it seems illogical that only 3/4 of the 2,135 units have only one vehicle leaving for work or to take kids to school in the mornings. They have publicly implied that shuttles would be used to transport their residents. Their own DEIR traffic consultant calculated a total of around 10,000 vehicle trips per day.

2. *"Less water use." Which states that current zoning under the "General Plan: 1,825 acre-feet per year" compared to "Newland Sierra: 1,196 acre-feet per year (35% reduction) and 870 acre-feet per year (52% reduction) with state and County regulations and restrictions applied."*

It is illogical that 99 homes with 300 to 400 people would use more water than 5,000 to 6,000 people. Granted, Newland Sierra's proposal includes many water saving and water reclamation features and uses drought tolerant landscaping. Many of the large estate homes would have swimming pools. But 10 to 15 times as many people using a third less water? Maybe so, if an Arrowhead or similar bottling plant were proposed for the site.

Of course, neither this traffic nor water usage claims appear in the DEIR.

In a presentation made July 30th to the residents of Champagne Village, Newland Senior Vice President Rita Branden presented their concept of what the "2 million square feet of office and commercial space including 'Big Box' retail" would be. They showed a picture of a large, free-standing Target store and a typical 2-story office building. But these are not large water users.

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It has been brought to my attention by one of the attorneys for the Golden Door which, granted, opposes this Project, that the existing commercial zone is roughly 50 acres. 2,008,116 square feet equals 46.1 acres which likely is the exact size of the land currently zoned for commercial-industrial uses. Again according to the same attorney, because this area is bisected by Mesa Rock Road and due to the rough terrain and the fact that there needs to be parking and vehicular movements, he estimates only about 80,000 square feet of commercial space could be constructed within this zone. Coincidentally, Newland has proposed up to 81,000 square feet of commercial at its Town Center portion of their Project.

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Has Newland intentionally mislead the citizens and the County of San Diego by repeatedly suggesting there would be an enormously huge complex being built on the southeast corner of the property, which would use great amounts of water and generate lots and lots of traffic if their proposal is not allowed to proceed? I hope not. Newland must publicly clarify how they determined their statement of exactly 2,018,116 square feet on this issue and how they assessed the water and traffic impacts of an unknown.

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If Newland has intentionally distorted the truth on this one issue, then the veracity of each and every one of the millions of words in their entire DEIR is suspect.

CONCLUSION

Aside from the issue of falsification of information, the DEIR comprises 5,782 pages, or 733MB of electronic files, in an attempt to obfuscate and disguise what is so clearly obvious: This Project is incompatible with the character of the surrounding communities and proposes over two hundred times more housing units than should be allowed on this rugged, mountainous site. It is the wrong place for clusters of urban neighborhoods and multi-family, multi-story attached units. This Project would be better sited near an urban area with access to public transportation and an adequate road network.

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The best and most appropriate use of this property is exactly what the County General Plan calls for, a residential development that is rural in nature and accurately conforms to the character of the existing neighboring communities. Moreover, this can all be achieved without any infrastructure improvements. Finally, it would have no impact whatsoever on other future appropriate development projects planned nor on the ability of San Marcos and Inland North County to continue to grow at a reasonable pace.

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This Project would cause disruption and the public expenditure of millions of dollars, none of which would occur if the 2008 County General Plan were followed. All of the public money required for off-site infrastructure should be better spent elsewhere. **Not a penny of public funds need be spent if the County General Plan is adhered to.**

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Comment Letters

This mega-Project will take 10 years to build. Ten years is far too long for people in the area to have to put up with the disruption this Project than its construction will cause. Plans from CalTrans for the redesign of the I-15 / Deer Springs Road Interchange do not currently exist and cannot be reviewed by the public. There is no estimate of how long it will take to make these essential transportation improvements. The Newland Sierra Project should not be approved until that issue can be successfully resolved to the satisfaction of the public.

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The density for this Project is highly speculative, higher densities than 1 unit per 20 gross acres have wisely been rejected twice in the past. This Project is grossly out of compliance with the County General Plan.

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Thank you for your consideration.



Alan Rings

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