

### I-48 Patricia Borchmann

#### Comment Letter I-48

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**Re: Public Comment on Draft EIR for Newland Sierra – PDS2015-TM5597, PDS2015-SP-15-001, PDS2015-REZ-15-001, Environmental Log No. PDS 2015-ER-15-08-001**

Please accept my personal comments as a Volunteer, and Member of three (3) local volunteer organizations: Escondido Chamber of Citizens (ECOC), Escondido Indivisible (EI), and Escondido Neighbors United (ENU). As a resident of Escondido, I am an advocate for environmental quality, economic equity, social justice, quality of life (QOL), and public safety. Personally, I place an extremely high value on protection and preservation of sensitive wildlife habitat, connectivity with contiguous high value habitat, and wildlife corridor functions as irreplaceable assets that deserve protection, and perpetual preservation.

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#### **General Observations -**

The adopted (2015) San Diego General Plan deserves a presumption of validity, as described in Letter (dated April 24, 2017) from Wildlife and Habitat Conservation Coalition (representing 16 San Diego conservation groups representing over 25,000 members.) When SD County General Plan update (2015) was adopted (after investing 18 million over a decade), important parameters and an urban boundary were defined, which predicated Pre-Approved Mitigation Areas (PAMA) in the pending draft North County Multiple Species Conservation Plan (MSCP). The pending MSCP itself was carefully developed over a decade while undertaking extensive habitat value analysis, continuity and close agency coordination with wildlife agencies from local, state and federal levels, which underscores MSCP's underlying importance. The specific value and premise of pending MSCP planning in north SD County, and Sierra Newland project's precise detrimental impacts on the sub-regional conservation plan applicable to this area are more specifically described in DEIR comments prepared separately by technical consultants including Eco San Diego, Endangered Habitats Leagues, and Hamilton Biological. , however at this initial point of introduction, the premise and long term value of careful conservation planning, and consistency of feedback from wildlife agencies deserves observation at the general level.

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As an active long time public stakeholder in north San Diego county, I value this opportunity to comment on Draft EIR prepared for Newland Sierra project, during this first public review period. I observed this Draft EIR on Newland Sierra places extreme emphasis on how the project provides public and community benefits, and describes how the project's extensive investment in constructing public infrastructure will create 'self-sustainable, pedestrian-friendly neighborhoods' that will generate new transportation opportunities for active individuals and families who often choose active healthy lifestyles and alternative modes of transportation, and forms a necessary market force in San Diego region to provide opportunities for affordable housing. The marketing rhetoric and superficial incentives applied in Newland Sierra Draft EIR do not translate however, to accepted technical methods of developing accurate traffic calculations, or applying realistic evidence-based vehicle generation rates.

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Generally, the Draft EIR prepared for Newland Sierra project contains unsupported conclusions, imaginary human behavior patterns, and oversimplifications that are not supported by verifiable evidence contained in DEIR or public record, other than marketing brochures, and promotional video prepared by Newland Sierra.. These are general examples, which will be pointed out more specifically in a subsequent comments, and other public comments prepared by technical experts and consultants, during this public review on Newland Sierra DEIR.

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I observed the DEIR applies an operative emphasis on Newland Sierra's 'new pedestrian friendly neighborhood' concepts and incentives that actually apply unrealistic, superficial and imaginary assumptions which grossly exaggerate number of expected vehicle trip reductions. Based on project site's typical steep topographical features, in typical conditions where extreme exterior heat, and high temperatures and heat advisories are not uncommon, and are not limited to summer months only, combined with actual travel distances to/from residential dwellings to the nearest neighborhoods where mixed use centers feature commercial, office and attractive retail space with amenities, services, and entertainment, it is reasonable to expect it would actually probably require super-human strength and stamina over prolonged periods for pedestrians or bicyclists to reach them. While this expectation may work for some, but may apply only to the fittest extreme sport enthusiast, however this extreme level of superhuman strength is hardly typical of average modern residential homeowners, buyers, or families who expect to buy luxury homes in upscale modern neighborhoods in north SD county. Mostly upper income, middle age buyers are targeted, who want to purchase upscale luxury homes to provide comfort, luxury living, security and prestige at Newland Sierra. The demographic profile developed for Newland Sierra buyers probably aren't only young, successful, athletic hard body types, who typically have extreme exercise routines and body biometrics on their i-pad list of favorite apps and electronic devices.

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Draft EIR contains unrealistic descriptions that apply distorted and superficial incentives prepared by marketing consultants retained by Newland Sierra, that falsely indicate how potential traffic generation impacts will be reduced by project design, or falsely indicate how many residents in Newland Sierra project are not expected to be adversely impacted by traffic congestion, or suffer wasted time caused by traffic delays, or be bothered by the unnecessary commuting long distances to work/from that often takes hours, because pedestrian friendly neighborhoods in Newland Sierra project are expected to be self-sustainable. Polished marketing brochures and video display attractive architecture and design features in mixed use centers, with 'pedestrian friendly' landscaped parkways, used by attractive people with active lifestyles, yet these 'ideal conditions' are all unproven assurances. Additionally the DEIR prepared for Newland Sierra contains general marketing descriptions and unsupported assurances on public safety and services, yet Draft EIR is actually silent, or inaccurate or realistic threats from fire hazards from basic absence of a functional secondary emergency access. This absence of an authentic secondary emergency access is a major flaw which could make emergency evacuation extremely dangerous, or impossible when needed. Based on evidence from actual fires during 2003 and 2007, this absence of an authentic secondary emergency access and project design which would place thousands of drivers from 2135 additional dwellings on an insufficient roadway system, and surface streets with inadequate widths, sight distance, where trucks or emergency vehicles cannot pass without crossing centerline, facing oncoming traffic with few gaps, if any. On at least two occasions during past month (mid July, early August 2017) uncontained fires caused complete traffic shutdowns on Interstate I-15

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from active fires adjacent to region's only major north/south freeway for several hours, with no alternative. Actual fire, and hazardous conditions caused extreme public safety threats, inconveniences, extreme travel delays, and potentially life threatening circumstances, auto malfunctions, thirst and extreme heat hazards for thousands of commuters and visitors traveling Interstate I-15 during July and August 2017 during dangerous declared heat advisory emergency conditions.

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The remainder of personal comments are focused to identify fundamental analytical flaws and gross oversights in the Draft EIR prepared for Newland Sierra project during this first public review period. At this point, allow me to assert that the extent of analytical flaws and oversights applied are severe, and substantial enough that this DEIR should be withdrawn, and required to be substantially revised pursuant to CEQA Section 15088.5, and recirculated prior to any discretionary approval action or certification of EIR, because at this point mandatory significance findings are unmet in this DEIR.

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### **Background -**

It is relevant, but generally overlooked in DEIR prepared for Newland Sierra that a similar project (Merriam Mountains) was previously denied by County of San Diego Board of Supervisors during 2012. Prior to that, an even earlier project that failed to conform with SD General Plan was disapproved by County of San Diego, so a pattern of consistent project denials is evident, based on nonconformance with San Diego General Plan, on this same property where Newland Sierra is now proposed. Unfortunately, it appears current project owner/investors for Newland Sierra project have also consistently chosen to refuse to redesign project in a meaningful way to conform with comments from state and federal wildlife agencies in response to Notice of Preparation (NOP) for this project during 2015. Newland Sierra project design still fails to meet conformance finding with San Diego's updated General Plan (2015), despite recent clear evidence that many public stakeholders in SD County highly value the General Plan recently updated and adopted in 2015. Voter choices during late 2016 in all San Diego cities reflected Land Use preferences to retain open space and agricultural assets, limit high residential density to urban infill areas where existing infrastructure is located, and disallow 'urban sprawl'. Voter preferences were all defined as distinct shared values by majority of San Diego voters during 2016 General Election cycle. Draft EIR prepared for Newland Sierra project generally overlooks recent voter patterns when SD Voters overwhelmingly rejected Proposition B, for a similar high density Lilac Hills Ranch GPA project, located not far from Newland Sierra project.

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### **Cumulative Impact Analysis -**

DEIR prepared for Newland Sierra project fails to analyze 'all foreseeable' projects in the cumulative project analysis. DEIR analysis on cumulative impact analysis prepared for Newland Sierra grossly underestimates the number, and geographic scope of readily foreseeable planned projects, pending projects, and unbuilt approved projects in north SD County region, which will all cause extreme traffic impacts on Interstate I-15, and Highway SR 78, and Highway SR 76. For instance the graphic depicted in SD Union Tribune article (2015, Michelle Gilchrist), which

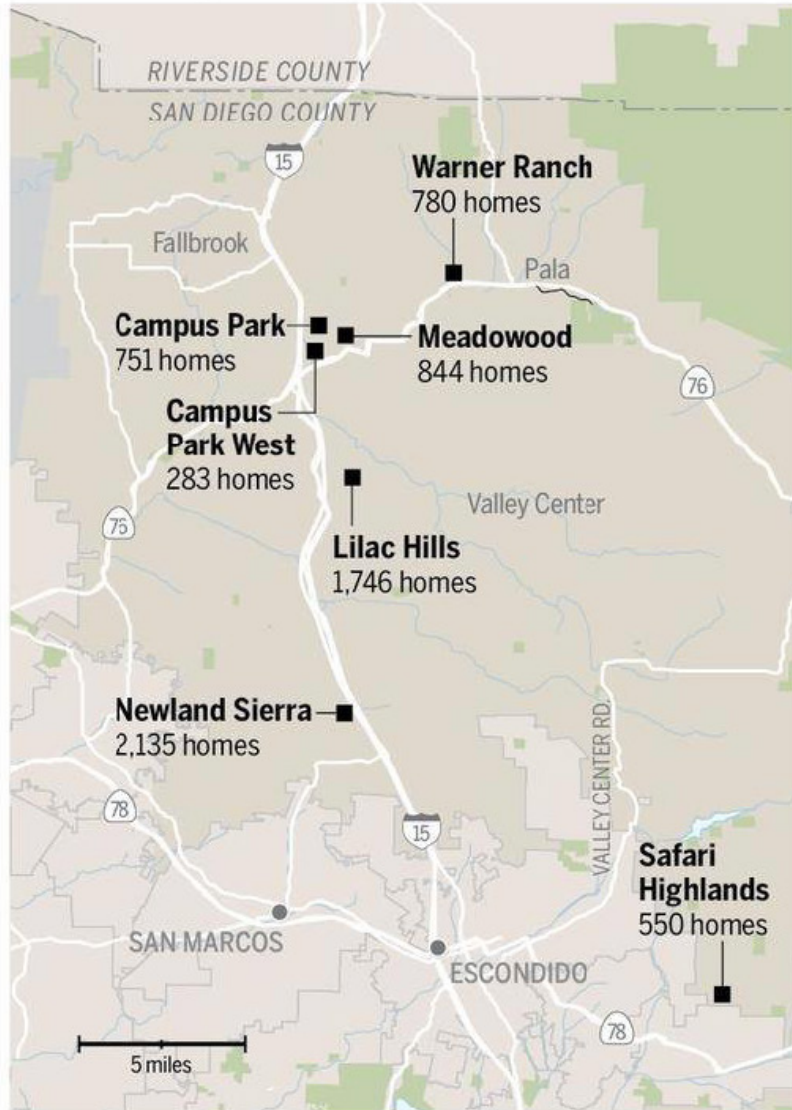
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displays “San Diego County Developments”, however it is outdated, and is extremely incomplete. (Please see graphic on next page).

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## Proposed housing developments

Developers plan to build more than 7,000 homes in North County.



Sources: San Diego County; Developments

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### Cumulative Impact Analysis (Continued)

The Cumulative Impact Analysis for Newland Sierra project fails to address potential nonresidential projects associated with “Innovate Hwy 78 Corridor”, which should be corrected in Final EIR. The “innovate Hwy 78 Corridor” Plan is a recent successful ‘economic development plan’, shared mutually by five (5) cities adjacent to Hwy 78 (Escondido, San Marcos, Vista, Carlsbad and Oceanside). ‘Innovate Hwy 78 Corridor’ plan already generates intensive investment, and the five cities continue to expect far more foreseeable mixed use development that generates traffic, and intensive business growth that is also not shown or analyzed. (Please see graphic below).

Cumulative Impact Analysis needs to assess non-residential projects (industrial, office, retail, entertainment, education) as well as residential projects. Collectively, these “Innovate Hwy 78 Corridor” projects generate foreseeable traffic impacts in north San Diego county region that I directly, and indirectly impacts Interstate I-15, Hwy SR 78 especially.

(insert graphic from City of Escondido online website: “Innovate Hwy 78 Corridor” Plan)

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### **Alternatives Analysis -**

Alternatives analysis contained in DEIR prepared for Newland Sierra project have not been properly analyzed, or developed enough to conclude some potential project impacts have been sufficiently mitigated to reach level of less than significant impacts. Draft EIR fails to recommend the most environmentally appropriate alternative (as recommended by wildlife agencies) in order to obtain Habitat Loss Permit, because mandatory findings for Habitat Loss are unmet. Project redesign will be necessary, as directed in correspondence from state/federal agencies, and technical consultants ECO San Diego, Endangered Habitats League, and Hamilton Biological, in response to DEIR.

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### **Inadequate Mitigation Measures – Biological Resources -**

DEIR for Newland Sierra project describes significant biological impacts, and proposes mitigation by reliance on a gnatcatcher habitat mitigation site location over 20 miles away that has no gnatcatchers observed during prolonged drought, and is inappropriate as mitigation for these habitat losses. Other DEIR oversights are observed, including impacts to wildlife corridors that are not acknowledged or mitigated, such as connectivity and significant edge effects.

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Comments by technical consultants prepared in response to DEIR for Newland Sierra project design indicate project design violates terms of Planning Agreement with natural resource agencies, and inconsistent with draft NCMSCP.

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### **Incompleteness/DEIR Oversights/DEIR Errors -**

DEIR analysis reflects flawed assumptions, and strategy to apply 'piecemealed analysis', by failing to include the Deer Springs I-15 interchange, and roadway improvements in this analysis. Additionally, DEIR analysis fails to completely assess foreseeable project impacts from Deer Springs/I-15 Interchange, and design for potential 6-lane Deer Springs Road overpass and offsite improvements requires analysis of potential grading impacts, driveway intersections, and drainage improvements. Additional design

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work and impact analysis will be necessary to predict foreseeable project impacts at this time, despite an absence of a formal Caltrans design for Caltrans interchange improvements.

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:Currently, DEIR contains descriptions in Summary section that indicate impact uncertainty, for example: "While the final configuration and design of the Caltrans interchange improvements are not known at this time, to ensure potential impacts to .....(insert) ..... (example, Transportation and Traffic) remain less than significant, this EIR recommends following mitigation measure:"

Then under description of "Mitigation" the cut/past description covers vague, unenforceable language under I-15 Interchange Improvements, as follows: " M-TR-17 – Pursuant to California Public Resources Code Section 21081(a)(2), in coordination with the I-15 interchange improvement project, which is within the responsibility and jurisdiction of Caltrans, Caltrans can and should prepare, or cause to be prepared, a traffic and transportation assessment as part of the CEQA/NEPA process. In addition, Caltrans can and should require temporary traffic control to minimize such temporary effects as a result of interchange improvements."

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Since DEIR prepared for Newland Sierra identified project impacts in six (6) areas are expected to be "Significant, Unmitigable", it is expected that SD County Board of Supervisors will be required to adopt specific "Findings of Overriding Considerations", pursuant to CEQA. Typically, Lead Agencies have authority to make necessary findings, when projects are found to provide certain public benefits, community assets, or economic benefits, through jobs, employment, promises of economic growth.

Visual Character or Quality (project level and cumulative level);

Air Quality (project level and cumulative level);

Loss of Availability of Mineral Resources (direct level);

Noise (cumulative level impacts)

Population and Housing: Induce Substantial Population Growth (direct project level, cumulative level)

Traffic and Transportation (direct project level on Intersections, segments. )

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Based on personal experience reviewing Draft and Final EIRs during career (pre-retirement) for public agencies, I found that "Overriding Considerations" forming the basis for Certification of Final EIR, are often vague, or unspecific, or aspirational measures that are often not measurable or enforceable. Therefore, when Agencies approve projects that will have Significant, Unmitigable Impacts, it often isn't true that "No Alternatives are possible", to avoid, prevent, or reduce potentially significant impacts through project redesign, or applying the "No Project Alternative". Therefore, many times public stakeholders, or project neighbors are confronted with significant adverse impacts that are unmitigated, or insufficiently mitigated, yet meaningful recourse is most often futile, or a long, expensive litigation process that primarily benefits attorneys. Therefore, I am among many California stakeholders who are advocates for CEQA reform, which could apply to instances where DEIR's prepared for pending projects with significant unmitigable impacts, and rely on CEQA findings of Overriding Considerations have outcomes which are less than acceptable, and reflects stubborn lack of meaningful effort or will by applicant, that leads to readily foreseeable failure without any sufficient, or mutually satisfactory remedy.

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### **CEQA Section 15088.5 – Recirculation of an EIR Prior to Certification -**

Under Subsection (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 draft EIR for public review under

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## Comment Letters

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Section 15087, but before certification. Based on technical comments prepared by outside expert consultants with specialized skills and experience in impact analysis under CEQA, I expect it is reasonable to expect 'new information' will be required, once public comment period is closed, and lead agency evaluates number, scope, and substance of public comments received during public review of DEIR. When "Significant new information" is required, recirculation requirement applies, for example when disclosure shows that:

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

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

Thank you for thoughtful consideration.



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