

O-5.1 Twin Oaks Valley Community Sponsor Group Part I

Comment Letter O-5.1



Twin Oaks Valley Community Sponsor Group

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Via email: Ashley.Smith2@sdcounty.ca.gov

August 10, 2017

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Subject: DEIR Public Comments regarding feasibility of proposed Direct and Cumulative Traffic mitigation claims for Newland Sierra General Plan Amendment and Specific Plan PDS2015-GPA-15-001 (GPA), PDS2015-SP-15-001 (SP).

Dear Ms. Smith:

The Twin Oaks Valley Sponsor Group has found the 8,000+ pages of draft EIR (DEIR) and supporting documentation to be extremely difficult to follow. There were numerous instances where staff did not explain how it arrived at its' findings. The DEIR did not use an approved Multiple Conservation Species Plan (MCSP) but used an earlier draft version that had many problems. In fact, there were extensive comments from the Wildlife Agencies and other environmental groups about problems with the plan and this may be why the County waited years to only now look at finalizing the North County MCSP. In addition, the public does not have access to the draft North County MCSP the project referenced in the DEIR so the public cannot review the project in context to that document. This is a problem. Finally, there is no approved Green House Gas Plan that we know of. The DEIR uses standards which has yet to be explained to the public or approved by the County Board of Supervisors.

When the County Planning Department used it discretion, it chose to ignore the impact of the Newland Sierra project to the Twin Oaks Valley Community and chose instead to lump it into the large area referred to as the North County Metro. Additional analysis is needed to drill down the impacts to the local community and roadways such as Buena Creek Road. For example, while Traffic Impact Fees (TIF) and mitigation fees for community parks have been collected on behalf of the TOVCSG, not one dollar has been spent to date. There are no parks in the TOVCSG. The DEIR has a question from the City of San Marcos pointing this out during the Notice of Preparation (NOP) which found the number of parks per project population to be below what is required. While it appears that fees will be collected, there is no guarantee that the funds will remain in the TOVCSG area and not be moved to other projects within the North County Metro area.

(How will the funds collected from the Newland Sierra project for TIF and/or Park mitigation will be spent in the TOVCSG area and not outside its' boundary?)

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It is interesting to point out, there was much effort to include the San Diego County 2011 General Plan and documents from San Diego Association of Government into the DEIR. Very little background was spent on the process of how these documents were developed. The time and process the County and Community spent negotiating how the rural areas would be protected from Leap Frog Development was overlooked and most of the infrastructure currently in place was designed with a semi-rural neighborhood in mind.

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(Attached to this letter is the latest draft copy of the TOVCSG Community Plan, while not approved, it should have been used as part of the discussion within the DEIR. The TOVCSG has requested assistance from the County for the past several years and was informed back in March that it would be started by mid-year. (See email dated March 29, 2017 from Shelly Tregembo). The Newland Sierra DEIR should include discuss and analysis using the draft TOVCSG community plan as it is written.

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The Project would fundamentally alter the Twin Oaks Valley Community forever and is contrary to our rural community character. The proposed Newland Project includes 2,135 residential units, 81,000 square feet of commercial development, a school site, and various parks and equestrian facilities resulting in a population of over 6,000 residents—larger than the City of Del Mar and more than 20 times the allowed residential density for that area (under the County's own 2011 General Plan Update). In addition, it is unclear the extent of the Project's impacts to the environment. The DEIR does not include important information needed to fully understand the Project's impacts on noise, traffic, aesthetics, water supply, air quality, greenhouse gas emissions, and wildland fire hazard safety and evacuation, and traffic impacts. For instance, the DEIR does not discuss the noise impacts on Sarver Lane, and it does not include information in the Interstate 15 interchange, and it does not explain the use of Camino Mayor to exit the Project.

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The addition of a traffic light at the intersection of Buena Creek and Monte Vista has been listed as a mitigation item. The community has through several communications with the County, gone on the record and recommend that a round-about be place rather than a signal. Why was there no mention of the round-about? If the County was not able to gather the latest desire of the community and the past recommendations from the TOVCSG, what steps will be taken to be sure that such input is incorporated into the DEIR? The lack of co-ordination with the TOVCSG recommendations and community plan is a major omission.

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The Project Description Does Not Include Important Development Details. The DEIR hides the development details after the discussion of Open Space and Trails, and under the Land Use Plan.

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In addition to being difficult to locate actual drawings of the project, the DEIR does not include a description of the architectural theme, colors, bulk, scale, or stories of proposed structures.

The Project Description does not include a description of the Project's visual or aesthetic features, and it is unclear how any member of the public reading this section can understand the Project enough to adequately comment on whether the Project is consistent with the proposed Village Core Mixed Use Category. The Project Description should include these development details as they are essential to understanding the Project and its impacts.

Likewise, descriptions of the neighborhoods do not include descriptions of structure color or architectural detailing that might limit glare, and does not provide information on the grading technique that will be used. The public has only been told that "grade-adaptive architecture" would reduce visual impacts, but the DEIR does not provide enough evidence for the public to determine the veracity of this statement. The DEIR's discussion of the mature Project does not provide criteria to ensure the Project looks the way it is described in the Specific Plan (because the DEIR does not include sufficient detail to adequately describe the proposed development).

The landscape discussion does not list the plant palette or species being used on the Project Site. The DEIR provides little to no information on the Project's landscaping beyond a Conceptual Landscape Plan that only includes descriptions aimed at how the five landscape zones are anticipated to function rather than what they are or will look like. For instance, the enhanced landscape area is described as: "These high visibility areas would combine the native character with more visually dynamic low-water-use Mediterranean plants." This information is not helpful for analyzing the Project's impacts, but is all the information the DEIR provides.

Moreover, plant pictures provided in Figures 1-19 through 1-23 refer the reader to the "full plant list." There is no reference to where such a list may be found in the Project Description or in the Aesthetics sections. This information is not so highly technical that it is better suited for inclusion in an appendix. Similarly, the DEIR mentions community gardens to be located on the Project Site. Section 1.2.1.3 of the DEIR does not reference their size or location. Container and box sizes of plant installation is also missing from the DEIR.

Members of the community have a right to know whether the Project will be properly screened, and what sort of planting will occur on Project view lines. Planting vineyards on high visible slopes, for example, would be counter to any visual mitigation which would require highly visible areas to be planted with native species to blend in with surrounding hillsides. Yet, the DEIR does not provide any specific information to provide the reader with a visual image and omits significant information required for analysis of the Project.

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It is important that members of the Twin Oaks Valley Community should be afforded the opportunity to comment on the visual impacts of the Project, including the choice of plants used on the Project Site, as they will be the people most affected by such choices DEIR.

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Growth Inducement. Per the County's own EIR Guidelines, "If the project is determined to be growth inducing, the potential environmental effects of growth must be addressed in the appropriate subchapters within the subject area analyses in Chapter 2.0." The DEIR completely fails to address growth inducement in the relevant sections of the DEIR.

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Biological Resources. The Project Site has significant ecological value. It is currently designated as a "preapproved mitigation area" (or PAMA), but the DEIR does not discuss this fact, but instead discusses PAMA in and around the Project Site. The DEIR proposes mitigation land east of Ramona to mitigate impacts to wildlife, but this land will not mitigate impacts to wildlife connectivity in the Merriam Mountains, and does not protect the wildlife in the area. The DEIR continually mentions that current trespassing on the Site is a significant issue, and the Project will help lessen these impacts. Yet, the Project proponent has done nothing in the interim to prevent trespassing in the interim. It is absurd to suggest that developing the Site is the only answer to protecting biological resources. Several of our residents have reported sightings of vernal pools on the Project Site. The DEIR dismisses these important biological resources as no more than "puddles," despite video evidence submitted to the County to the contrary.

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Alternatives. The DEIR analyzes several alternatives, but it appears little to no effort was made to develop an independent, viable alternative. Instead, the DEIR only analyzes the no project alternative, an existing General Plan designation alternative, and alternatives provided by the Golden Door and wildlife agencies during the Notice of Preparation comment period. The DEIR only spends time attacking the flaws in the proposed alternatives, rather than analyzing a design that would result in a more environmentally friendly alternative – for instance, an alternative that only analyzes residential uses on the site using the General Plan land use designations and limit to 99 homes as currently zoned.

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Land Use Planning. The County spent ten years developing a General Plan—which this Sponsor Group participated in—to find that Merriam Mountains was not the appropriate location for urban density development. Previous projects on the site were rejected by the County Board of Supervisors as inconsistent with the General Plan for this very reason. The EIR finds that there are no impacts from land use, yet the entire Project is inconsistent with the General Plan land use designations and policies. The EIR doesn't analyze what putting a new City on top of Merriam Mountains will due to the rural character of the area. When the previous developer tried to add density during the General Plan process as Project Specific Request NC-42, the Board rejected it and designated the property as rural residential. How can the Project now try to place urban development at the same location and there be no impact?

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This Project is completely opposite of what the General Plan intended for this area, and therefore we believe that there will be significant land use impacts to our community.

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Traffic. The Project will send over 28,862 vehicle trips per day of new cars onto already failing Deer Springs Road and Interstate 15. While the DEIR proposes widening Deer Springs Road, it proposes no new freeway lanes and no new transit infrastructure. It is impossible to comment or know impacts if the interchange design is not included, and results in an impermissible piecemeal analysis. The DEIR does not discuss the Interstate 15 interchange redesign, and has not studied widening Deer Springs Road to six lanes. Because there is no analysis of widening Deer Springs Road to six lanes, there are concerns about the potential for eminent domain that have not been disclosed – yet, six lanes were studied for traffic impacts. Why does the DEIR not analyze the impacts of potential property impacts that would result from widening Deer Springs Road to six lanes? The Board of Supervisors has policies to avoid the taking of private property and it is incumbent upon the Project to identify any property that may need to be taken.

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As a result of the Project, Interstate 15 will be at Level of Service "F" from Riverside County to Rancho Bernardo, with no proposed mitigation to lessen such impacts. There will be over 25 miles of Interstate 15 and surface streets from Gopher Canyon Road all the way through the City of San Marcos that will be impacted. The DEIR does not properly address or mitigate these impacts.

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Water Supply. The Vallecitos Water District projects a water supply deficit for the next 20 years in its own planning documents. Despite this water supply shortage, the District has stated it has enough water for thousands of new residents and customers. But Vallecitos Water District and the County now admit the only way to resolve this water shortage is by forcing existing customers to cut their usage – by 36% and possibly more – in order to serve new customers on the Project Site. The DEIR does not provide sufficient information on the conservation that will be required to meet this drastic cut.

What conservation measures will be required? Who will have to implement these conservation measures? Will Newland be required to also implement these conservation measures? Since Newland is only going to make the projected water supply shortage worse, is Newland going to be required to do more or greater conservation than existing residents and customers? And when will these conservation measures be required? What is the County going to do to help mitigate these impacts? Anybody who lives in the Vallecitos Water District has a right to know how the District and the County in the DEIR propose to cut water usage District-wide. Without such information, members of the community cannot adequately comment on the impacts of the cuts, as there will be undoubtedly impacts to residents and local businesses. Vallecitos has proposed price increases in 2017 and 2018 without regard to the increased requirements of Newland Sierra.

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Fire Hazard. The Project Site is located entirely within a "Very High Fire Hazard Severity Zone." We are concerned that the Project is already in a traffic burden area and does not provide enough emergency access routes in the event of a fire. While the DEIR analyzes emergency evacuation from the Project Site, it does not analyze what happens when Project Site residents are off the Project Site. Newland Sierra residents will join the already existing Twin Oaks Valley residents in their attempts to evacuate from the area. Did they take into consideration horse trailers and the potential impact of worsened traffic conditions will be on new and existing residents if there is an evacuation. In addition, where was the analysis which studied the necessary fire equipment needed to be able to fight a potential fire within a three-story multi-family dwelling?

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Noise. Local residents and businesses will be subject to ten years of construction noise, including blasting (using thousands of tons of dynamite each day), on-site rock crushing, grading, and haul trucks. The DEIR does not contain a blasting study, nor does it include specific blasting timelines, blast numbers, or blast locations. This information is critical to residents of the Twin Oaks Valley community to determine the level of noise impacts they will be facing over the next decade – particularly for our residents who have moved to the area due to its quiet, rural nature. Likewise, noise impacts to the Hidden Valley Zen Center, established in 1968, are not addressed or mitigated – despite the impacts significant blasting would have on a religious institution engaging in silent meditation. St. Mark's Mission Church will be similarly affected. At a minimum, Newland should conduct a noise study that would show the specific impacts to sensitive receptors around the community. The DEIR fails to provide any real information that we can use to draw conclusions.

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Air Quality. We have significant concerns regarding the Project's air quality impacts. For instance, neither the air quality analysis nor greenhouse gas analysis includes emissions from induced traffic from widening Deer Springs Road. In addition, given the ten years of construction, lack of information about the blasting schedule and locations, and the over ten million cubic yards of cut and fill needed for the Project, we are concerned there will be significant health impacts on the community due to the sheer volume of air quality impacts. Likewise, there is a concern that many residents will be exposed to silica (particularly the nearby Deer Springs Oaks retirement community) as a result of the construction and Deer Springs Road widening, and this is not properly addressed in the DEIR. The DEIR should include a comprehensive health risk assessment so that members of the public have a real understanding of the health impacts of fine particulates, diesel emissions, and chemical emissions from the ten years of construction. The DEIR states that there will be significant impacts from air emissions, but does not even attempt to mitigate those impacts.

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Greenhouse Gas Emissions. The DEIR overstates the impact of its transportation demand measures, and repeatedly and incorrectly states that the Project site is in an urban area. For instance, the DEIR proposes a shuttle for the community to the Escondido Transit Center to mitigate greenhouse gas emission

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from automobiles. Funding for this shuttle would be provided by the community's residents from HOA fees. The DEIR does not guarantee funding for this shuttle, and overstates the benefit for a rural residential community with little to no surrounding commercial or other land uses. Less than 8% of San Diego residents use public transportation to commute to work, and the location of the Newland Sierra project is not conducive to commuters. The local government will need to clean up the Escondido Transit Center and San Diego Transit Center of homeless and drug users before commuters will regularly use these facilities.

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Housing Shortage. One of the arguments made at the presentation of the DEIR on July 18, 2017 at San Marcos for the Newland Sierra project was the need for affordable housing. The discussion was limited since speakers only had two minutes to address the DEIR with the County planning department in attendance. Placing high density homes in a rural area where the infrastructure is lacking will do little to attract the Millennium home buyers. This important age group do not want homes with yards or looking for long commutes. They are looking to live close to where they work. The I-15 freeway is not the proper infrastructure needed to support the scope and magnitude of problems that the Newland Sierra project brings into the current community.

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Community Facilities Districts/Mello-Roos Fees. In 1982, the Mello-Roos Community Facilities Act of 1982 (Government Code §53311-53368.3) was also created to provide an alternate method of financing needed improvements and services. The Act allows any county, city, special district, school district, fire district or joint powers authority to establish a Mello-Roos Community Facilities District (CFD) which allows for financing of public improvements and services. The services and improvements that Mello-Roos CFDs can finance include streets, sewer systems and other basic infrastructure, police protection, fire protection, ambulance services, schools, parks, libraries, museums and other cultural facilities.

By law, the CFD is also entitled to recover expenses needed to form the CFD and administer the annual special taxes and bonded debt. A CFD is typically created to finance public improvements and services when no other source of money is available. CFDs are normally formed in undeveloped areas and are used to build roads and install water and sewer systems so that new homes or commercial space can be built.

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A CFD is typically created by a sponsoring local government agency, in this case, the San Diego Board of Supervisors. The proposed district would include all properties that will benefit from the improvements to be constructed or the services to be provided. A CFD cannot be formed without a two-thirds majority vote of qualified electors (residents or registered voters, as legally required) living within the proposed boundaries. What happens if two-third majority vote of the residents of the proposed CFD is not obtained, who will be responsible for the cost of the needed infrastructure? If the builder/developer is not able to sell the homes and/or goes bankrupt, who will be responsible for the payment of the infrastructure? What is the anticipated cost per month for the CFD/Mello roos fees?

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If the Harmony Grove area is seeing CFD fees of \$1,500 per month and San Elijo Hills is seeing over \$200 per month, what will the average HOA and CFD total for the “attainable” homes presented in the DEIR?

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On July 19, 2017, the TOVCSG opposes the Newland Sierra Project (the Project). The Sponsor Group voted 4-0 to recommend denial of the Project, with one member recusing herself. We are disappointed neither the applicant nor the County made a presentation at our meetings during the EIR comment period, despite multiple requests

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Conclusion. In sum, the DEIR is an inadequate document because it omits vital information for community members to adequately gauge the Project’s potential impacts and comment appropriately. Further, the proposed Project would undo many years of land use planning for the rural Twin Oaks Valley community, and fundamentally alter the community character forever. Many residents live in Twin Oaks Valley due to its rural nature, and this Project would impose urban-style development in an area the County has not planned for in its General Plan. Doing so would urbanize a community not prepared for such a drastic shift, creating unnecessary burdens on the region’s infrastructure, and place residents at risk in the event of a fire or other emergency. In addition, the Project proposes urbanizing a rural area, rather than placing development in a location close to existing jobs and transit. Such development adds unnecessary vehicles to already failing roads, and impermissibly increases the level of greenhouse gas emissions due to increased vehicle trips. We thank you for your time and attention to our comments.

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Best Regards,

Twin Oaks Valley Community Sponsor Group