

### O-8 Citizens for Smart Planning

Comment Letter O-8



Draft Environment Impact Report  
Public Comments  
Newland Sierra Project  
August 10, 2017

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**PLANNING & DEVELOPMENT SERVICES**  
**5510 OVERLAND AVENUE, SUITE 310, SAN DIEGO, CA 92123**  
RE: NEWLAND SIERRA, LOG NO. PDS2015-ER-15-08-001; SCH NO. 2015021036. PROJECT NUMBERS: PDS2015-GPA-15-001,  
PDS2015-SP-15-001, PDS2015-REZ-15-001, PDS2015-TM- 5597, PDSXXXX-HLP-XXX  
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Dear Sirs:

After extensive review and consideration of the DEIR presented by the County of San Diego Department of Planning on behalf of the proposed Newland Sierra development project, we have noted several deficiencies that we respectfully request be addressed prior to final release of the EIR. Some of these deficiencies include:

- I. The DEIR was prepared by the organization DUDEK, located at 605 Third Street, Encinitas, CA. According to the Newland website, DUDEK has been employed as a contractor on the Newland Sierra project by Newland in the preparation of the development plan, feasibility studies and engineering analysis. We question the selection of this organization to perform what should be an objective analysis of the environmental impacts of this project on behalf of the County of San Diego, and believe the use of DUDEK compromises the objectivity of this report for the following reasons:
  - a. DUDEK is assessing their own work product and therefor has compromised their ability to be objective with regard to the content and quality of the materials assessed.
  - b. DUDEK has an undisclosed financial relationship with the applicant that may extend beyond the application period, establishing a conflict of interest that would preclude their participation on this project on behalf of a public entity, especially if they stand to gain should the project move forward. In order to adequately assess whether or not this relationship conflicts with DUDEK's obligations to the people of San Diego County, we request that the County please provide the following information:

- 1) The nature and scope of the work performed by DUDEK on behalf of the applicant prior to the creation of the DEIR.
- 2) The details and specifics of the financial relationship between DUDEK and the applicant, including any and all remuneration arrangements for goods or services provided prior to, during and after the creation of the DEIR.
- 3) A detailed rationale of why this particular contractor was best suited to create the EIR on behalf of the County of San Diego.

- II. The general documentation practices for the DEIR are lacking for the following reasons:
  - a. References cited within the body of the document are not subsequently available in the appendices as numbered.
  - b. Table citations within the body of the text are not located proximate to the citation, forcing the reader to search through the document for supporting materials.
- III. Section 2.3, relating to Air Quality environmental impacts associated with Newland Sierra, fails to adequately identify and address all potential risks, specifically:

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- a. The Newland Sierra project is located within a region of North San Diego County primarily zoned Rural Residential (RR) and A70<sup>1</sup>, permitting the use of land for limited agricultural purposes such as horticulture (all types), tree crops, row and field crops and animal agriculture<sup>2</sup>. The DEIR fails to identify environmental impacts to these uses during the construction phase of the project as it relates to anticipated pollutants such as air particulate contamination, project emissions, fuels and other sources of pollution and contamination identified within the DEIR.
- b. The Newland Sierra project identifies the need to detonate large amounts of explosives/ordinance for the purposes of site preparation over the course of several years<sup>3</sup>. The report fails to identify risks and associated hazards to humans, animals and agriculture associated with these activities outside the citation of emissions anticipated as a byproduct of an unidentified explosive reaction, citing data in support of their conclusion that is limited to a 40 year old study that may or may not reflect the materials in use for this project. Further, the Air Quality Technical Report<sup>4</sup> fails to provide objective evidence in support of the cited conclusions in that the table referenced, 3.1.2, does not exist in section 3 of the Air Quality Technical Report, and is instead vaguely located in section 1<sup>4</sup>. This treatment of the explosives risk to the environment is deficient in that the report fails to adequately characterize activities associated with the project. Specifically, the report does not identify the chemical compound(s) that will be detonated, the specific emissions and residuals associated with detonation, and any subsequent health and environmental hazards to humans, animals and agriculture, including tree crops and row and field crops, such as the unanticipated contamination of food supplies. To ensure this risk is properly characterized and evaluated, we request that the County of San Diego provide the following information:

- 1) A complete listing of all compounds required (primary and secondary) for explosive demolition activities at the build site, by weight, and include any associated MSDS, with CAS registration number.
- 2) A full accounting and analysis of anticipated combustion emissions for each of the compounds listed, including any associated MSDS, with CAS registration number.
- 3) A full accounting of all residual (undetonated/partially detonated) compounds at the build site, including the total anticipated weight (as defined by the compound manufacturer) in total and per event, along with any anticipated dispersal patterns (PM, Runoff, Groundwater).
- 4) Anticipated cloud rise and diffusion characteristics based on planned use (placement and load).
- 5) A detailed analysis of all health hazards associated with detonation emissions and undetonated/partially detonated compounds through any and all dispersal

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- mechanisms and their resulting health impact on humans, animals and agriculture, including the tree crops and row and field crops native to this area (eg. avocados and organic farms), both during and after construction.
- 6) A determination of the detectability of impacts to humans, animals and associated crops, and a determination of whether undetected effects may result in additional human or environmental harm outside the impacted region through animal or crop contamination.
  - 7) Where the diffusion of explosive by-products and undetonated explosives can reasonably be expected to have an adverse impact on the viability of animals and agriculture, please provide an estimated determination of the financial impact to field, row and tree crops in the immediate area of the project.
  - 8) A detailed description of any and all methods identified to control transportation, handling and storage of explosive materials while en-route to and while located on the build site to prevent accidental release.
  - 9) A listing of all contractors and subcontractors engaged by Newland or those acting on behalf of the project to perform these operations, including reference to any and all local, state and federal licenses.
- IV. Section 2.8, relating to Hazards and Hazardous Materials makes lengthy reference to historical fire activities within the area as well as current emergency response mechanisms both local and peripheral in the event of a fire or other similar emergency. However, the report fails to characterize the property in terms of the relative defensibility of the build site in the event that fire should threaten the property, nor does it characterize additional risks the challenging steep-slope topography would present to fire-fighting staff. Further it is lacking in the following ways:
- a. The report defines all local fire management resources, but does not provide any detail of whether those resources would be 1) adequate to support existing residents and this additional development outside of a major regional fire emergency, and 2) whether these resources would be adequate to support existing residents and this proposed development in the event of a major regional fire situation, such as the fire outbreak in May 2014, October 2007 or October 2003. Please identify what new resources would be needed, and who would fund those resources, if in fact it is determined that the current resources are not sufficient.
  - b. The report later indicates that "avoiding high threat areas is not possible (Safety Element, Figure S-1 [Fire Threat])" (County of San Diego 2011b) given San Diego County is located within a high fire threat area. However, the report also notes that San Diego "County Safety Element policies focus on minimizing the impact of wildfires through land use planning techniques and other mitigation measures". Please explain how the Newland Sierra project is consistent with County Safety Element policies when viewed in

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light of the fact that the project violates the very plan that was implemented to minimize fire safety hazards.

- V. Section 2.10, relating to anticipated Noise hazards and environmental impacts associated with the Newland Sierra project were deficient in that they failed to address impacts to “noise sensitive uses” within the context of the San Diego County noise compatibility standards and guidelines, beyond residential applications. Specifically:

- a. The Newland Sierra project is located within a region of North San Diego County primarily zoned Rural Residential (RR) and A70<sup>1</sup>, permitting the use of land for limited agricultural purposes such as horticulture (all types), tree crops, row and field crops and animal agriculture<sup>2</sup>. The DEIR fails to identify environmental impacts to associated noise sensitive uses during the construction phase of the project as it relates to the impact noise will have on agricultural activities. Given that many of the surrounding homes and businesses raise, breed and keep livestock, including but not limited to horses, sheep, chickens and cows as permitted by land use ordinances, the DEIR fails to adequately identify or characterize noise risks or their resulting impact on this activity, understanding that livestock and other animals can be more sensitive to noise pollution, resulting in behavioral changes and stress that may have an adverse effect on health and performance. The project applicant has failed to characterize the nature of all construction noise generators (specifically around proposed blasting activities) and as a result, impact cannot be adequately assessed. To ensure adequate information is available to properly assess this impact, please provide the following information:

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| 1) | Characterize each anticipated explosive charge in terms of planned material volume and placement (subterranean, surface, etc.).                            |
| 2) | Provide anticipated noise generation (in db) for materials detonation activities in relation to local and regional noise level standards.                  |
| 3) | Characterize anticipated airblast in relation to charge placement and subsequent area of impact as a function of distance and estimated peak overpressure. |
| 4) | Identify key areas of impact due to anticipated airblast, including but not limited to impacted areas or properties situated in a shockwave path.          |

- VI. Chapter 3 identifies elements within the DEIR where impacts have not been found to be significant in relation to the Newland Sierra project. Section 3.1 of this chapter is devoted to a discussion on the evaluation of “energy” impacts, noting in section 3.1.3 that the County’s *Guideline for the Determination of Significance* lacks a specific guideline for the determination of energy impacts. The report then indicates that in the absence of a guideline provided by the County, the following criteria would be used, establishing that a **significant impact** would be cited if the project were to:

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- a. Result in the wasteful, inefficient, or unnecessary use of nonrenewable resources during its construction or long-term operation.
- b. Be inconsistent with adopted plans and policies.
- c. Place a significant demand on local and regional energy supplies, or require a substantial amount of additional capacity.

Using the above criteria, the preparers of the DEIR concluded that there would be no significant “energy” impacts (including electrical, natural gas, and petroleum) as a result of the project. However, we would like to point out that the report fails to adhere to the criteria presented above, given that 1) It fails to meet criteria (b) by violating San Diego County General Plan “Policy COS-14.1, Land Use Development Form, which requires that development be located and designed to reduce vehicular trips (and associated air pollution) by utilizing compact regional and community-level development patterns while maintaining community character”, in that the Newland Sierra project will introduce thousands and thousands of additional and unanticipated vehicular trips on a daily basis from the Northern San Diego region into the central, western and southern regions of the county because it fails to adhere to a “compact regional and community-level development pattern”. And while Newland has contended that the development itself is compact, the San Diego County General Plan is not referring to the construct of the development itself, but rather the location of this development in relation to existing development patterns (the “village”), a topic which the report completely fails to address in this section. Further, 2) because Policy COS-14.1 intends to avoid unnecessary vehicular trips, the Newland Sierra project also violates criteria (a) given that projects in compliance with COS-14.1 minimize the unnecessary use of fuels associated with excessive travel to and from remotely situated development that “result in wasteful, inefficient, or unnecessary consumption of energy.”

Please revise the DEIR to ensure that the significant and unavoidable impacts associated with energy consumption in the form of unnecessary and wasteful petroleum consumption (and associated emissions and traffic) be reflected in Section 2, rather than Section 3, and further describe what the anticipated impact will be beyond construction uses, as is required to properly characterize the impact in this region. We recognize that a development project placed in accordance with the County General Development Plan would avoid these unnecessary vehicle trips and fuel waste and we expect the EIR to properly reflect this impact.

- VII. Section 3.5.3, titled Analysis of Project Effects and Determination as to Significance (relating to services), identifies and discusses several Service Impacts for the project and surrounding regions, including Fire Services, Police, Water and Schools. We would like to note that we are very concerned about the approach taken to address these impacts, and would specifically like

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to highlight the handling of school impacts in our comments as an example of the inadequate methods used to characterize service impacts to the community.

- a. The preparer notes that project impacts to schools is "less than significant," citing both the approval of the general plan within the City of Escondido, and City of San Marcos, which included the assessment of development fees to offset expansion of existing facilities where development is planned in those cities. However, the preparer fails to acknowledge that the approval of these plans did not include a determination of any impact introduced by this specific development (the plans noted were approved over 5 years ago), and it is completely inappropriate to assume that these communities were including the Newland Sierra project within the scope of those plans. Further, Newland received written confirmation from all cited school districts that THERE IS INADEQUATE ROOM to accommodate the students from this development (a fact that was misrepresented in the DEIR), nor was there any discussion of how long it would take for sufficient facilities to be funded, identified, developed and made available for use by the residents of this project *and the additional 6000 households currently planned within these communities*, if in fact development moneys were provided to these districts. Impacted residents have a right to know exactly how this project will affect their access to schools (and fire protection, water and police), and it is completely inadequate to simply indicate the impacts will be insignificant when the DEIR fails to actually characterize what those impacts will be in any specific terms.

#### Conclusion

We would like to note that the items identified above do not represent an exhaustive list of deficiencies within the Newland Sierra DEIR. We believe that the DEIR fails to address a wide variety of impacts that we feel are material and relevant to the Newland Sierra Project and its impact on surrounding communities and this raises grave concerns over the general adequacy of the document. In many cases the document glosses over significant issues, and fails to do an adequate job evaluating the project from an objective point of view, providing proper characterization of relevant impacts. In addition to addressing the specific concerns noted above, we respectfully ask that the County of San Diego submit the document to an independent assessor to establish the relative quality and suitability of the report using objective criteria. We sincerely thank you for your kind attention to this matter.

Regards,  
Prepared by Dawn Haake  
1443 Windsong Lane  
Escondido, CA 92026  
On behalf of  
Citizens for Smart Planning

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### Citations

- 1) <http://www.arcgis.com/home/webmap/viewer.html?webmap=f1b69ba9d3dd4940b8d1efcc9dac2ac4>, July 19, 2017
- 2) <http://www.sandiegocounty.gov/pds/zoning/formfields/PDS-444.pdf>, July 19, 2017
- 3) [http://www.sandiegocounty.gov/content/dam/sdc/pds/ProjectPlanning/Newland%20Sierra/Newland%20DEIR/2.3 Air%20Quality.pdf](http://www.sandiegocounty.gov/content/dam/sdc/pds/ProjectPlanning/Newland%20Sierra/Newland%20DEIR/2.3%20Air%20Quality.pdf) July 19, 2017
- 4) [http://www.sandiegocounty.gov/content/dam/sdc/pds/ProjectPlanning/Newland%20Sierra/Newland%20DEIR/G%20Air%20Quality%20Technical%20Report\\_Part1.pdf](http://www.sandiegocounty.gov/content/dam/sdc/pds/ProjectPlanning/Newland%20Sierra/Newland%20DEIR/G%20Air%20Quality%20Technical%20Report_Part1.pdf) July 19, 2017