

LETTER

RESPONSE

Letter I33j

From: Josette Franck [mailto:peechus_if@yahoo.com]
 Sent: Monday, July 28, 2014 3:37 PM
 To: Slovick, Mark
 Cc: Blackson, Kristin
 Subject: MRR Baseline: LHR 2014 DEIR 3800 12-091 (GPA), et al

Mark Slovick
 San Diego County PDS Project Manager
Mark.Slovick@county.can.gov

Project: Lilac Hills Ranch

Project#:s: 3800 12-001 (GPA), et al

Dear Mark,

The basic definition of a baseline is the starting point from which measurements are based. However, inconsistencies exist in the Lilac Hills Ranch DEIR baseline for Mountain Ridge Road.

Attached is a PDF from my neighbor, James Gordon, clearly summarizing what Mountain Ridge Road is in reality, which differs from what is purported at various locations within the DEIR. For everyone's clarity - the applicant's, the public's and the County's, on the road's reality is what the proposed project should be based, THROUGHOUT THE ENTIRE DEIR.

Without a true, valid starting point, a true, valid decision cannot be adequately attained for any item referring to Mountain Ridge Road: noise, traffic, environmental, biological, wastewater, fire protection, road exceptions, or even eminent domain.

How does the County plan to base any decisions related to MRR when the road's baseline is improperly defined in the LHR DEIR?

Respectfully,

Josette Franck
 9767 Megan Terrace
 Escondido, CA 92026
 (760)509-5308

I33j-1

I33j-1 This comment asserts that there are inconsistencies in the environmental baseline used in the EIR analysis, particularly for Mountain Ridge Road. However, the comment does not provide any detail as to the specific concerns with the environmental baseline or to specific locations in the EIR where there is an issue with the Mountain Ridge Road baseline. As a result a detailed response cannot be provided. The EIR adequately describes the existing environmental conditions across the project site, including the existing conditions along Mountain Ridge Road. The comment also refers the reader to a letter from James Gordon dated July 22, 2014 which provided additional, more specific comments regarding Mountain Ridge Road. The July 22, 2014 comment letter from James Gordon is included as comment I-38e and detailed responses are found therein.

As detailed in FEIR subchapter 4.9.1, one of the EIR alternatives is the Mountain Ridge Road Fire Station Alternative. The analysis associated with this alternative reveals impacts as they relate to the baseline condition so it can be used in the decision making process and to satisfy CEQA requirements. Conclusions are then compared to the project.

LETTER

RESPONSE

Via Email

July 22, 2014

Mark Slovick, Project Manager
County of San Diego Planning and Development Services
5510 Overland Avenue, Suite 310
San Diego, CA 92123
Mark.Slovick@sdcounty.ca.gov
(858) 495-5172

Subject: Public Comments to the 2014 Revised DEIR ("REIR") pertaining to the **May 16, 2014 RECON Noise Technical Analysis for the Mountain Ridge Road Fire Station Alternative** with regard to the Proposed Accretive Lilac Hills Ranch General Plan Amendment and Specific Plan PDS2012-3800-12-001(GPA), PDS2012-3810-12-001 (SP).

Dear Mr. Slovick:

The following are my Comments pertaining to the June 2014 Revised Draft Environmental Impact Report ("REIR") regarding the **May 16, 2014 RECON Noise Technical Analysis for the Mountain Ridge Road Fire Station Alternative**

The REIR either did not directly respond to each of the items or failed to adequately respond to the issues raised in this letter and any Attachments.

Please respond to each specific issue raised in this letter as part of the County's Response to Public Comments.

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Sincerely,



James E. Gordon
9733 Adams Ct.
Escondido, CA 92026
Jegordon888@gmail.com

Mr. Mark Slovick
July 22, 2014
Page 2 of 6

**COMMENTS TO THE RECON MOUNTAIN RIDGE ROAD FIRE STATION ALTERNATIVE –
NOISE ANALYSIS DATED MAY 16, 2014**

General Overview and Comments

The Recon “**Mountain Ridge Road Fire Station Alternative – Noise Analysis** dated May 16, 2014 was prepared as required by CEQA to address these two items as well as others:

1. Identify, summarize, quantify and document the impacts of the Alternative (Mountain Ridge Public) to the Project conditions as they exist today; and
2. Determine the direct impact delta and the cumulative impact delta of the Alternative (Mountain Ridge Public) to the Project conditions as they exist today.

An Environmental Impact Report (EIR) must contain an accurate description of the physical environmental conditions at the project site **as they exist at the time that the environmental analysis is conducted**. This environmental setting is the “**baseline**” physical condition from which the County measures whether an impact is significant.

Mountain Ridge Existing is approximately a 2,500 foot road that runs from Circle R Drive to the southern boundary of the LHR project built to approximately a 5 MPH design speed. The majority of the homes in the Mountain Ridge Road Community are located in Circle R Estates. Circle R Estates is a HOA community located on the Eastern side of a 1,200 foot section of Mountain Ridge Road that runs south from the LHR project’s southern boundary; along Megan Terrance and Adams Ct., to the top of the steep hill south of Megan Terrace.

An EIR is mandated by CEQA in response to the County’s a Mountain Ridge Road Fire Station Alternative. This EIR report will be relied on by the County during the Condemnation and Eminent Domain Process to: (1) condemn an existing right-of-way from easement holders; (2) condemn acres of private land from property owners for permanent slope easements; (3) condemn tens or acres of private land for construction easements; and (4) condemn an unknown amount of private property from an unknown number of property owners to build interim ingress and egress roads.

The Alternative requires a COMPLETE REBUILD of the road. As stated on page 6 of the Recon Report, construction would occur along 0.6 miles of Mountain Ridge Road and “**occur over approximately 20 acres with a daily disturbance of 5 acres.**” Portions of the Alternative will involve “raising” the existing road more than 20 feet above the current grade and result in the construction of manufactured slopes 30-50 feet high. More than 10,000 truckloads of fill will be required. This a major construction project to an existing road that is only 20 feet wide and 2,500 feet long.

All Comparisons Must Be Based on Mountain Ridge Existing

The County cannot compare the Alternative, a County Public Road, classified as a Rural Residential Collector, to a hypothetical road that **DOES NOT EXIST**.

LETTER

RESPONSE

Mr. Mark Slovick
July 22, 2014
Page 3 of 6

CEQA, County regulations and the Condemnation process requires that the Alternative (Mountain Ridge Public) be compared to the existing ambient conditions (traffic, noise, greenhouse gas, etc.) as they exist today.

According to the developer; they do not have the rights to build Mountain Ridge Private. (*See Request for Modification to Road Standards (Mortification #7 – Reduce Design Speed Mountain Ridge Road)*)

According to the developer in the request above:

1. “[a]t a 25 MPH design speed, the existing road would have to be completely rebuilt.”
2. “The newly designed road would require permission to grade from multiple neighbors and would affect multiple access points along the entire length of the road.”
3. “The cost and time to acquire these approvals would be considerable (if they would even be given from adjacent hostile neighbors) and would be very disruptive to the neighbors during construction.”
4. “[t]he impacts to the existing homes on this road would be tremendous including disruption of water and electrical services...[and] the additional costs to reconstruct the entire road and add either many large slopes and/or large retaining walls would be prohibitive.”
5. “Existing vertical curves would have to be lengthened considerably (which would result in some existing driveways no longer being accessible since they are at the sag or peak of the existing curves)” and
6. “[Further, the] impact to the existing homes on this road would be tremendous and the need for permission to grade letters from a large number of neighbors could cause serious delays (and/or kill this project).”

It is clear that Mountain Ridge Private does not exist. As stated above, Mountain Ridge Private would have to be **“newly designed”** and the **“existing road would have to be completely rebuilt.”**

The *Lilac Hills Ranch Traffic Impact Study* dated May 16, 2014, submitted to the County pursuant to the Mountain Ridge Road Fire Station Alternative **defines “the existing road.”** On pages 10 and 11, with emphasis added, Chen Ryan states:

“As Mountain Ridge Road currently exists, the road is a narrow 20 foot wide travel-way which currently serves a small amount of homes and is proposed to provide access to the project site;”

LETTER

RESPONSE

Mr. Mark Slovick
July 22, 2014
Page 4 of 6

"The current volume on Mountain Ridge Road is 160 ADT. The project will add approximately 3,220 ADT to Mountain Ridge Road for a total of 3,570 ADT," and

"Mountain Ridge Road is a residential serving road with several vertical curves and design speed as low as approximately 5 mph along certain sections."

Creating a hypothetical road that does not exist and cannot be built will result in a CEQA challenge.

Also, I am not sure how the County will word a Resolution of Necessity to condemn a hypothetical road that does not exist and cannot be built.

Mountain Ridge Existing, built to an approximate design speed of 5 MPH with an average of 160 ADT's is **the existing baseline to which the Alternative must be compared.**

Overview of a CEQA Challenge

The primary purpose of CEQA is to insure that the County is informed about the potential adverse impacts to the environment of a project before the County approves the project.

The County's compliance with CEQA is based on the assumption that the County will proceed in good faith and circulate an EIR for public review that accurately describes the proposed project.

Mountain Ridge Existing is the baseline that the Alternative must be compared to. Mountain Ridge Private does not exist and CEQA states that the EIR must contain a description of the physical environment at the time the environmental analysis is commenced. Mountain Ridge Private is a hypothetical road.

By way or background and to provide some clarity to the numerous Mountain Ridge Roads discussed throughout the County's REIR, the following provides a summary of the key Mountain Ridge Roads:

1. Mountain Ridge Existing is the current road. It is built to an approximately 5 MPH designed speed, has a paved road section of 20 feet, providing two 10 foot travel lanes. It has a 21% grade and very steep (80') vertical curves. The road resides in a 40 foot easement and in parts of the road, the edge of the paved road is surrounded by granite walls or steep sloping wetlands. It is a backcountry small private road, serving about 20 homes with some hair raising "whoop-de-doos" on the vertical curves. In many parts of the road, the easement drops ten feet or more from the edge of the paved road and cannot be used. The existing road **cannot be improved without being rebuilt.**
2. Mountain Ridge Private is used by the County to describe, without clarification, the various versions of Mountain Ridge Existing. It is very confusing because it is never clearly discussed or defined and the definition keeps changing throughout the REIR. Also **there are numerous versions of Mountain Ridge throughout the REIR technical reports** which the County relies on.

LETTER

RESPONSE

Mr. Mark Slovick
July 22, 2014
Page 5 of 6

Some versions of Mountain Ridge talk about design speed exception requests. Some versions of it pertain to a dirt road on the LHR project site. Some versions of it discuss a 2-lane private road. Some versions just call it a private road. There are many references to Mountain Ridge with no discussion or clarification as to: (1) which Mountain Ridge Road is being discussed; (2) what are the existing design specifications of the road being discussed; (3) what levels of improvements (if any) that have been assumed for the road being discussed; and (4) what are the direct and cumulative impacts of making those improvements.

3. Mountain Ridge Improved is the road used by the County as the baseline in the REIR for determining the impacts to the community of the *Mountain Ridge Road Fire Station Alternative*. This road, built to a 30 MPH design speed, is assumed by the County to "exist" in the future at the time the road is "converted" to a Public Road. However, it cannot exist unless the existing road is completely rebuilt and the existing road cannot be rebuilt unless Mountain Ridge Existing is Condemned.
4. Mountain Ridge Public is the proposed Public Rural Residential Collector road built to County Public Road Standards with 30 MPH design speed and is one of the two "Alternatives" discussed. There is also Mountain Ridge Public Option #2 road Alternative, which is the same Public Rural Residential Collector but with road design exceptions requested from the County standards.

The key issue in the REIR is the County made Mountain Ridge Existing **DISAPPEAR**. Mountain Ridge Existing has been **replaced** by Mountain Ridge Improved (a hypothetical road that does not exist).

Thus, for purposes of the Environmental Impact Report, the County created Mountain Ridge Improved and the County required that the road they created be used as the baseline by all of its experts including: traffic; noise; visual, and air quality among others. The result is that the REIR compares the Alternative to a road created by the County that does not exist (the Project).

From a CEQA perspective, Mountain Ridge Improved (a nonexistent road) is not the baseline. Mountain Ridge Existing is the baseline. At this point, the community has a valid CEQA challenge.

However, the ramifications of creating Mountain Ridge Improved is far more serious than a CEQA challenge.

To accommodate the Fire Station, the County requires Mountain Ridge Existing to be a County Public Road (Mountain Ridge Public) and proposes to use its powers of Condemnation to acquire the right-of-way and easements necessary. The right-of-way and easements obtained through the Condemnation process would then be transferred to the private owners developing the project.

Condemnation of private property by the Government (County) is very serious and sensitive issue. One of the key protections given to homeowners by the County is the requirement of an Environmental Impact Review process which looks at all the environmental impacts to the homeowners that will result from the County Condemning their property.

LETTER

RESPONSE

Mr. Mark Slovick
July 22, 2014
Page 6 of 6

An Environmental Impact Report requires the County to determine the impact to the community by evaluating Mountain Ridge Public (known as the "Alternative") to Mountain Ridge Existing. However this evaluation would result in massive significant impacts that could not be mitigated.

As discussed above, the Developers do not have the rights necessary to build Mountain Ridge Improved. Even if Mountain Ridge Improved could be build, it would take a year or more to construct. Mountain Ridge Improved would require: the construction of interim ingress/egress road; relocating utilities; construction in wetlands and waterways; bulldozing and destroying driveways and existing streets; building retaining walls and slopes that would be 50 feet high and require more than 10,000 truckloads of fill. This construction would all occur on a roadway that is 20 feet wide and 2,500 feet long. The result is that if the County followed CEQA standards, as noted above by the Developer, the findings will kill the Lilac Hills Ranch project.

Thus comes the County solution. Rather than compare the proposed Mountain Ridge Public to Mountain Ridge Existing as required by CEQA; **the County will compare Mountain Ridge Public to Mountain Ridge Improved.**

The difference is massive. Neither the County nor the Developer have the rights to build Mountain Ridge Improved. To convert Mountain Ridge Improved to Mountain Ridge Public, although significant, requires mostly increasing the graded width, additional slopes, drainage and adding street lights.

To convert Mountain Ridge Existing to Mountain Ridge Improved requires BUILDING THE ENTIRE ROAD FROM SCRATCH. This is a MASSIVE DIFFERENCE TO THE COMMUNITY AS WELL AS THE HOMEOWNERS WHO ARE LIVING ON THE ROAD.

In summary, using Mountain Ridge Improved (a hypothetical and nonexistent road) as the baseline for the environmental impact report significantly and consciously understates the impacts of the Alternative to the Project and does not comply with CEQA requirements. The EIR must be changed and recirculated for public review.

Using Mountain Ridge Improved for purposes of determining impacts to homeowners whose land and right-of-way is being condemned not only significantly and consciously understates the impacts of the Alternative to the Proposed project; it also does not comply with the intent and purpose of the environmental impact report under the Condemnation process.

Please provide a copy of the County's Requirements for this project.

Please provide a copy of the Scope of Work for each of the technical consultants for this project.