Monday, November 26, 2007

Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, CA 92123-1666

RE: Comments on Draft Environmental Impact Report
SPA 02-002, TM 5299RPL6, P02-023, LOG NO. 02-19-021, SCH NO. 2004081079; HIGHLANDS RANCH

From: Lookout Mountain Advocates (LOMA)

Introduction:

The Highlands Ranch Project is part of the continuing piecemeal development of this area that has done extensive and irreparable damage to the environment. Approval of this project would be **the death knell to any hope of creating a sustainable ecological system in the Dictionary Hill and Bancroft Creek area.** In the project synopsis, under areas of controversy, the document states that there have been environmental issues raised but they have been addressed and are not viewed as controversial. We strongly disagree that they have been addressed. In addition, natural environments and open space are valuable community resources which promote health and contribute to maintaining the Earth's ecology. Lookout Mountain Advocates (LOMA) opposes the development for this reason along with the many deficiencies in the project that we will identify in responding to the various sections of the draft EIR.

Historically, development decisions that surround this project have been ill conceived and unplanned beginning with the subdivision of the original lots in 1911. The developers proceeded without an analysis of the larger and long-term effects of their decisions. This area was (and still is to a more limited extent) connected to the Sweetwater Reservoir since it is a canyon that is part of the drainage area for the reservoir. Larger animals frequently crossed Jamacha Blvd. when it was a two lane neighborhood artery which had little traffic at night. A wildlife corridor was initially proposed as part of the Pointe's master plan and should have remained a requirement. Development of subdivisions within the Pointe's plan by separate builders (Atlas Homes, Centex) has cut off the connection of the walking trail in the canyon to the trails around the lake. If possible, this concept should be resurrected.

There was a natural spring, Isham's Springs, which filled Hanson Pond and was important in local history. It was located near the corner of Sweetwater Springs Road and Jamacha Blvd. and was vital for the wildlife on this side of Jamacha Blvd. The water from the spring was diverted and the pond destroyed without replacing it as was initially stipulated in the environmental mitigation for the Pointe project. A planned replacement reservoir has never been built. Parts of the canyon were to be preserved as natural open space and plans called for a future riding and hiking trail for public enjoyment; however,

at the south end, the developers responsible for dedicating and maintaining this open space have neglected it. They have failed to provide proper signage to control unauthorized access, and their inaction has allowed the rapid growth of invasive species that threaten the preservation of native vegetation in the canyon. The County should not have allowed this either. While it may be confusing to the lay person trying to understand why the canyon area that was part of the environmental mitigation on the overall Pointe Specific Plan must be officially dedicated by sub-contracting builders, it is ultimately the County's responsibility to enforce these provisions. There was an agreement signed Jan. 24, 1997 with the Environmental Trust, WWI, and the Pointe for the area along Bancroft Creek. Since the Environmental Trust is now defunct, what measures will be established to maintain those areas; and how will the Highlands Ranch project deal with its environmental mitigation involving open space maintenance since its plans still list the expectation of utilizing the Environmental Trust? This broad issue of funding and responsibility for open space preservation and maintenance must be addressed for all the existing mitigation areas before approval of Highlands Ranch. That way a consistent protocol for ongoing monitoring and maintenance of these sensitive areas may be applied in its conditions of approval.

No one seems to be looking at the bigger picture. We have reviewed the Spring Valley Community Plan going back to 1990. It contains many references to goals that are violated by this proposal. It wanted to "encourage development only in areas where necessary public services are easily available." The plan promotes "Preservation of existing semi-rural residential neighborhoods and innovative development to avoid the monotony of tract developments. It proposed to "limit development on steep slopes to very low density and promote clustering in flatter areas." It wanted to preserve "large contiguous blocks of natural open space." It specifically mentions "supporting functional plant and wildlife habitats and/or endangered, threatened, or depleted species as Resource Conservation Areas" and specifically lists Dictionary Hill. It proposed to "require development in harmony with existing topography and avoid extensive and severe grading." This project which proposes to move over a million square yards of dirt/rock certainly does not fit this goal. **We ask the County not approve this project** and **save Dictionary Hill**. The County bought Del Dios Highlands County Preserve which, according to the Union Tribune on Oct. 18, 2007, "was acquired as part of the decade-old Multiple Species Conservation Program, which aims to set aside 170,000 acres to protect 85 endangered species and to help protect the San Diego region's natural beauty." The endangered species on Dictionary Hill also deserve to be preserved.

PROJECT SUMMARY COMMENTS

The peak of Dictionary Hill will be lowered 35 feet by this project. In other words, this prominent and historic landform that distinguishes the community will be GONE. If the local planning group members, the Planning Commission and Board of Supervisors allow this to happen, that will be their legacy in this community.

The Draft EIR states there are no areas of controversy with the exception of general community opposition to any development and that no issues have been presented by the

applicant, the public, etc. that raise areas of controversy other than the Issues to be Resolved by the Decision Making Body (the over-riding findings). It took the developer and her consultants more than a year and six separate tries to provide the County with a package of reports and documents suitable for public review. This project has changed circulation patterns and access routes, and developed new strategies in reaction to informal presentations to the local planning group and other organizations. How can the official SEIR submittal for public input assume "no areas of controversy?" Isn't this process to see if there are areas of controversy? The following comments identify many areas of controversy as well as general community opposition.

Before beginning comments on specific sections of the SEIR, we would like to note the mitigation "below a level of significance" is a subjective standard. Even if the County staff is persuaded that the developer has reasonably attempted to mitigate the huge impacts of this project, it is the community that has to live with the results forever. The track record of this developer in failing to satisfy conditions, in winding up in litigation with former development partners, and in having to negotiate settlements over disputes with Homeowners Associations on previous projects is relevant.

We also challenge the developer's claim of exemptions based on previously proposed projects on the site. The gist of the developer's argument is that Highlands Ranch should be grand fathered in because 1) its on the same site as two projects that received preliminary County approval but were never constructed; 2) it is more environmentally sensitive than its predecessor proposals, 3) it will benefit the community by contributing for flood control, park and traffic improvements that would be required of any major development; and 4) it will improve public safety on the project site, where littering and illegal dumping have been known to occur (primarily because the current applicant and previous owners have completely neglected any responsibility for controlling access to the open space).

It suited the applicant's monetary interests to ignore the site over the years, allowing it to be used for illegal dumping, off road activity, etc. The developer's often-stated concern for preserving sensitive habitat and fragile areas on the property is always juxtaposed against the desired entitlement to develop homes. More of the site could have been preserved if the property owner had posted signs, controlled access and paid any attention at all. It has fallen to local residents over the years to pick up debris, report illegal activity and try to preserve the natural environment as a resource for the community.

We also have to challenge the assertion that this developer somehow is entitled to rights granted on previous projects. It states in the Project Description section that Highlands Ranch supercedes previous entitlements granted on the site since neither of the two approved Specific Plans was implemented. Obviously, neither of the previous projects could be constructed today under current conditions, so what the applicant is entitled to develop is what conforms to the existing zoning subject to today's regulations within the County's discretionary land use process.

AESTHETICS AND VISUAL IMPACT

The visual analysis document provides the following guideline which says that the County must "ensure that every new development proposal carefully considers the community context in which it takes place and makes a conscientious effort to **develop a compatible relationship with the natural setting**, **neighboring properties**, and **the community design goals**." As outlined below, this project does not make this conscientious effort in any of these areas leaving the County complicit in destroying the environment. We agree that the impact can not be mitigated and therefore the project should not go forward.

In relationship to the natural setting, this project has a footprint that divides the natural areas in half, thus reducing their long term viability, as stated in a letter from the U.S. Fish and Wildlife Service in Appendix A, as well as being detrimental in its appearance to the surrounding areas.

By proposing that the houses be built on flat pads and that the main entrance be from Pointe Parkway, the project needs to create constructed manufactured slopes of 25' to 100', which are damaging to the natural environment (problems of run off and replanting) and an eyesore to the neighbors. We have an example of a similar solution visible from South Barcelona (Centex Homes subdivision). **The idea that these concrete trenches, chain link fences, and replanted slopes are aesthetically pleasing would be laughable if it were not so tragic.** Based on the area visible from South Barcelona, we question whether there is a currently available process to successfully blend the manufactured slopes with the natural slopes. Habitats where there is little rainfall are some of the most difficult to restore or recreate. It is natural biodiversity that maintains the ecological system.

The project proposes to lower the level of Dictionary Hill by 35 feet. This is active destruction of the natural setting. The top of the hill can be seen from all surrounding areas including downtown San Diego. The idea that blasting off the top of the mountain and putting houses on top does not alter the appearance is disingenuous. **The pictures that purport to illustrate the impact from the west don't clearly show the change of slopes and the disturbed areas of the mountain below the houses.** Above the existing homes on the west side, there will be a strip of natural slope, topped off by chain link fence, concrete trenches, disturbed slopes, and then houses surrounded by artificial greenery. The pictures do not begin to represent the damage to the appearance of the mountain.

Change in Policy re: leveling mountains to build houses.
Spring Valley is not the first community to be adversely affected by developers being allowed to blast off the top of formerly beautiful mountains so that they have a flat area to build houses. Why does this continue unabated? Other cities and counties have actually changed development policies so that mountains can be preserved. If a mountain is solid rock, perhaps there should not be any building taking place. The blasting and rock crushing that are required to level off mountains are harmful to humans and animals,

cause visual, air and noise pollution, and forever change the natural environment and contours of beautiful San Diego.

Concerning compatibility with neighboring community, this project is also incompatible. It will provide the neighbors to the south (La Mesa Ct.) views of a pair of 18' high retaining walls. These walls are supposed to be built of a material that is plantable to make them more visual pleasing. How is this going to be compatible with the surrounding natural environment? Do native plants grow in retaining walls? Who will be responsible for maintaining these plants and making sure they don't spread into the native plant areas? The view to the south will also be of manufactured slopes and more retaining walls.

The manufactured slopes do not meet the guidelines for slope ratios and avoidance of sharp cut and fills to avoid an engineered look. (p 60 of Visual Impact Analysis) The report itself admits that these slopes are in conflict with the Spring Valley Design Guidelines. We strongly disagree with their conclusion that this has a less than significant impact.

The Spring Valley Design Guidelines for use of natural materials or inconspicuous placement of drainage can not be assured either, according the Visual Impact Analysis on p. 61.

Another policy described on p. 64 says that projects should protect the public use of on site vista points. The response says that the land is not accessible to the public so public vistas do not need to be maintained. We dispute this finding. This hill was originally named Lookout Mountain and has been used by the public since that time. There are trails that are used for recreation by the community. This area has never been fenced or posted by the owners and is in continual use by the community.

The houses are cookie cutter types with no architectural merit. We could find no reference to an architect in the plans. Certainly the homes do not seem innovative or adapted to the site.

The last element of the County statement involves the project having a **compatible relationship to the community design goals.** The project report describes the variety of housing in the area as if this were something that was planned. This variety is the result of no plan for many years in this area rather than any "community design goals." The project statement then focuses on the "mass grading" that is currently part of the Pointe project "which provides a visual environment dominated by disturbed land under construction." The visual report goes on to conclude that "implementation of the proposed Project would therefore not result in significant impact to the visual environment as a result of conflict with community character, as the hillside development and mass grading proposed by the Project is generally consistent with existing development in the area." To suggest that the "disturbed land under construction" is part of any community design goal is untrue**.** There have been repeated complaints about the

appearance of the Pointe properties. **To suggest that the community approves of the mound of dirt at the corner of Jamacha Blvd. and Sweetwater Springs Blvd. or that the hillside development on the south of Jamacha Blvd. would meet a community standard for design or aesthetics is ludicrous.** The County also has not always been forward looking enough in representing the views of average citizens and recognizing the long run impact of its decisions on the community. We reject the conclusion that past mistakes justify additional destruction of the visual environment of this community and the County now has an opportunity to conserve this remaining unique area.

AIR QUALITY

The first concern is that the SEIR is incomplete. The McComb grading plan L14800 is not mentioned in this report even though the McComb project directly abuts Highlands Ranch. By adding the NOx, particulate and diesel particulate emissions from the McComb project to the Highland Ranch project, Highland Ranch now exceeds the allowable limits.

There are a number of inconsistencies in the SEIR with respect to the rock plant, Nox and diesel particulate emissions. On page s-7 it states that electricity from power poles will be used for all stationary construction equipment and that an air quality engineer will monitor Nox emissions during crushing operations. The same section states that "should rock crushing plant be required during project grading activities, project implementation would exceed the SDAPCD construction related air quality standards for oxides of nitrogen (NOx) which would be regarded as a significant direct and cumulative impact". Air pollution is not mitigatable. It is there or it is not. Since the SEIR does not state that no engines will be used with the rock plant and they propose monitoring the NOx emissions clearly that is their intent and the air emissions are a significant impact to the community.

On pg 8 of the Final Air Quality Conformity Assessment (FAQCA) it states that they used the Southeast Desert Air Basin characteristics (SEDAB) so that they can use more lenient screening limits. Spring Valley is not in the SEDAB. There are thousands of businesses with SDAPCD permits in Spring Valley, El Cajon, La Mesa and the surrounding area. SEDAB starts at the Tecate Divide (Alpine to Campo areas). SEDAB has far fewer businesses and people. Spring Valley is not a flat sparsely populated area as the SEDAB is. Using SEDAB is inappropriate. The proper screening levels should be used for this project, not the SEDAB levels. There are many people in close proximity to the project here.

Page 10 of FAQCA states that T-BACT (toxics best available control technology) is "only strictly applicable to large populations (such as entire air basins)". This is not accurate. SDAPCD uses T-BACT based on the quantity of specific air contaminants and the type of process emitting them. Once a process is projected to emit toxic air contaminants above a certain threshold appropriate control measures are imposed, typically requiring an air pollution control device such as a thermal oxidizer. T-BACT is in no way based on the number of people impacted. The T-BACT analysis looks at the

closest receptor, be it one person's home or a shopping mall the analysis is the same. This section of the report suggests that there are not enough people near the project for toxics to be a concern. This is not the case. The fact that they are emitting large quantities of a number of toxic compounds, such as diesel particulate and other combustion byproducts, and that there are people near by are the only two necessary data points to show an unmitigatable health hazard caused by this project.

Page 27 of FAQCA notes that use of the crusher and grading caused a NOx exceedance so they propose doing one at a time. Adding the emissions from the McComb grading plan will raise these emissions even higher. Rock crushing plants almost never contain one crusher. For the rock to be usable after it is crushed it needs to be separated into different piles by size. To accomplish this secondary crushers are added to crush the rock into specific sizes. To further segregate the rock and re-crush rock that is too large screens are used. Secondary crushers and screens have their own diesel engines and their own contributions to the onsite particulate generation. It is disingenuous to suggest that secondary crushers and screens will not be used at this project. They were left out of the analysis because the proposed project already exceeds the allowable limits.

Another concern is the basis for the emissions used in table 4a on pg 27 of the FAQCA. Pg 27 starts with, "The identified equipment in Table 4a (and corresponding daily load factors) is consistent with past observed utilization by ISE on similar type projects as well as anticipated construction utilization proposed by the project engineer (source REC Consultants 6/06). Based on these values, no significant air quality impacts are expected due to this operation alone since levels would not exceed the identified CEQA Thresholds". In short they have based this finding just on a report they generated and not on actual emissions data. No reference is made to EPA AP-42 which gives emission factors for all kinds of equipment, including vehicles. It is self serving to create the data you use to show that your work is in compliance with the thresholds. The equipment they use is a guess, the load factor is a guess and the emissions are a guess as well. There is not even a basic comparison between this project and the last. This project is characterized by steep grades, which will have a definite impact in load factor calculations.

On pg 32 of the FAQCA there is a dispersion curve showing a normal Gaussian distribution. This analysis is misleadingly simplistic. If this was an experiment in a closed system with static conditions you can expect a normal bell curve. This project is occurring in the real world. The wind will not be consistent. The character of the material being crushed will not be constant. The amount of moisture will vary. Most importantly the streets will channel the dust further away than their estimate projects. Their analysis does not state that it takes into account the elevation of the crusher relative to the neighborhood. Another area that the PM10 analysis failed to evaluate was emissions from the stockpiles of crushed rock. Even if the stockpiles of crushed rock are kept wet there are still emissions. There is no mention of the PM10 generated when the loader is dumping the material into the crusher. There is no analysis of the PM10 emissions from blasting operations. As cited in pf 26 of the FAQCA a nearby monitoring

station, El Cajon, recorded an exceedence of the PM standards so it is critical that all of the PM10.

The crusher diesel particulate emissions are addressed on pg 33 of the FAQCA. The report fails to document where the diesel particulate and other pollutant emission rates come from. Air pollution does not come in a "one size fits all" category. It is impossible to verify the accuracy of the data if you don't know where it comes from. For all we know all of this data comes from vintage 2007 engines powering the crushers. As stated before this project has a number of serious unmitigatable air pollution impacts. An older engine will typically emit more air pollution. The next grade larger engine will typically emit more air pollution than a smaller engine. The vehicular analysis at least gave us the size of the engine analyzed.

The FAQCA fails to address one of the major sources of air pollution generated by this project. No mention is made of the paints, solvents and adhesives that will be used onsite. Thousands of gallons of paint will be used here. Every home will have many gallons of adhesives used to lay down carpet, tile and laminated surfaces. Solvents will be used to clean up spills, overspray and spray guns. Coatings, solvents and adhesives contain Toxic Air Contaminants (TAC) such as benzene, toluene, xylene, methyl ethyl ketone and others. Given the most modest number of homes to be built, 211 homes, this will result of tons of toxic emissions from this project! Even if they claim to use water based coatings and low VOC materials that does not make the air pollution go away. Water alone does not make paint stick to a wall. Water will not glue a tile in place. Pg 43 of the FAQCA states that "additionally, proposed onsite uses cold generate such substances as volatile organic acids, alcohols, aldehydes, amines, fixed gases, carbonyls, esthers, sulfides, disulfides, mercaptans and nitrogen heterocycles". It does not state where these chemicals will come from. It avoids the whole discussions of VOCs and toxics as a whole. This report is incomplete as it does not address these issues.

Pg 43 of FAQCA makes a blanket statement that offsite odor impacts won't be significant because they are intermittent. Further it does not mention that any actions will be taken to mitigate odor impacts. SDAPCD responds to hundreds of odor complaints per year. They also respond to a high number of complaints about dust and odors from construction sites. To claim that there will be no offsite impacts is wishful thinking on their part. This project, according to the SEIR, could last 5 years or more! One of the types of complaints SDAPCD sees frequently is complaints concerning roofing kettles. These are large mobile tanks, typically with a capacity of 350 gal – 550 gal that are used to heat roofing tar to make or patch a roof. I am certain everyone has smelled hot roofing tar. It is unrealistic to assert that 211 roofs can be created using hot tar and that there will be no offsite odor impacts. It will take months to make that many roofs. To dismiss the offsite odor impacts from this one facet of the project as "intermittent" and therefore insignificant is unrealistic.

Another area which was not analyzed was the water heaters and central air heaters used in these homes. These will be natural gas fired and subject to SDAPCD Rule 69.5 and

69.6. The NOx contributions from these 211 heaters will be substantial and will have offsite impacts, especially in the winter.

On pg 45 of the FAQCA it states that if half of the fireplaces in the development were used at once it would "exceed the allowable threshold in roughly 8.1 hrs". It goes on to state that since this is longer than people would use the fire place to heat their home at night that it is okay. No basis is given for assuming that only half of the people would want to use their fire places at once. Again they are using wishful thinking to comply with the standards. Very few people use the fire place to heat their homes in Spring Valley. Fire places are mainly used for recreational purposes. As we get ready for Thanksgiving I thought about how I and many of my neighbors will be using the fire place this holiday season. Most of us will spend a lot of time home for the holiday, more than 50% at least. I will have a log in the fire place most of the day, more for ambiance than heat. If there is a temperature inversion, as there frequently is in San Diego in the winter time, the smoke from my fireplace and my neighbors will collect up and down the streets. Adding 211 more people will exacerbate the problem drastically. Again the SEIR proposes no mitigation for this effect. To meet the standards they contort the analysis to say that half of the people will use the fire place for a little while. There is no way to accomplish this in practice. The only way to demonstrate compliance with the standard is to not have conventional fire places in the homes. This unfortunately would impact the salability of the homes so it is not proposed. Unlike a number of the issues above, this impact keeps recurring, year after year. Once again, when they cannot demonstrate compliance with a standard it is an unmitigatable impact.

Mitigation measure M-1 on pg 51 of the FAQCA (SEIR 3.1-A) states that they will cut an estimated 50% reduction in NOx emissions by using pole power for the generators. The only generator mentioned is that of the rock plant, which may or may not be used. They are likely referring to the portable diesel engine powered generators that will be brought onsite to power the onsite offices as well as air compressors and arc welders. These engines were not discussed elsewhere in the report and their NOx, PM10 and diesel particulate emissions were not calculated. This is another example of the incomplete nature of this report. You cannot mitigate an engine that is not there. If there is mitigation proposed then that equipment is going to be used. Adding emissions from these portable diesel engines will show that this project exceeds the allowable emission rates.

Mitigation measure M-2 on pg 51 of the FAQCA (SEIR 3.1-A) states that NOx emissions could be reduced an estimated 20% by having a two to four degree timing retard of engines onsite **and** having pre-combustion chambers. The mitigation measure proposes adjusting the timing **or** adding a pre-combustion chamber to the engines. The report takes credit for implementing both items, while proposing to do only one. Additionally there is a difference between the NOx reductions of two degrees and four degrees. This difference is not recognized in the report. There is also no source cited for this 20% NOx reduction. Without a proper citation these NOx reductions are nothing more than wishful thinking on the part of the report writers.

One of the most glaring falsehoods in the FAQCA (SEIR 3.1-A) is found on pg 51 in mitigation measure M-3. It proposes to have a "County approved Air Quality engineer" monitor the NOx emissions and implement applicable control measures. The County does not have an air quality engineer certification, credentialing or approval program. It simply does not exist. This engineer supposedly could monitor NOx emissions, yet there is no test procedure for doing so. There is no equipment or sampling protocol for monitoring NOx emissions at a construction site. They just don't exist. The entire construction site cannot be sealed off and sampled to see if a NOx limit has been breached.

Mitigation measures M-4 and M-5 (SEIR 3.1-B) propose to replace ground cover as soon as possible to achieve an estimated 10% emission reduction and enclose, cover or water the land twice daily. "As soon as possible" is purely subjective and impossible to quantify. It could be days, weeks or months depending on the use of the cleared land. Some of it will undoubtedly be left bare for months. There is not even an estimate of area used to back up this assertion. Mitigation measure M-6 talks about using reclaimed water to control dust, but there is no mention of where this water will come from. There are no catch ponds on site schematics to collect the water for reuse.

Measure M-7 (SEIR 3.1-B) states that all grading and excavating operations will be suspended when the wind speed exceeds 25 mph. Nowhere in the report does it say who will measure the wind, how they will measure it or how frequently they will measure it. This measure is so vague that someone watching the 10pm news the day before the project started and seeing that the wind for the City of San Diego was not projected to go over 25 mph could decide that no grading or excavation would he halted for the duration of this multi year project. This measure also fails to take into account other activities onsite that generate dust such as rock crushing and stocking material in the storage piles. Cessation of grading and excavating when the wind speed reaches 25 mph does not demonstrate compliance with the visible emissions standards of SDAPCD Rule 50 or the California Health and Safety Code section (H&S) 47101. These two regulations cover all operations onsite that generate dust or smoke. Not one mitigation measure is proposed to address these regulations.

Measure M-8 (SEIR 3.1-B) states that 2' of freeboard will be maintained in all trucks hauling dirt, rock, etc. No one is tasked with ensuring that this is done. Neither the truck driver nor the loader operator will be in a position to verify the freeboard height. Additionally since this is a requirement of CVC 23114, per the FAQCA, this is a requirement of the law. Compliance with legal requirements is not a mitigation measure, it is a requirement.

Measure M-9 (SEIR 3.1-B) states that vehicle speeds will be reduced to 15 mph to reduce dust generation. The report fails to state what the speed limit was before the reduction. Nowhere in the report does it state that a 15 mph speed limit sign will be posted and no one is tasked with ensuring compliance with this requirement.

Measure M-11 on pg 52 of the FAQCA (SEIR 3.1-B) states that the name and telephone number of the person or persons designated to monitor the dust generation will be provided to SDAPCD. This measure accomplishes nothing. SDAPCD does not call sites to ask about dust generation. Additionally the only dust mitigation measure this person can do per this item is increase watering. It is unclear who will be authorized to stop work in the case of excessive dust generation.

Measure M-12 (SEIR 3.1-B) states that prior to land clearance they shall note on a sheet of paper the dust control requirements. The measure does not state who will get the paper or even that they will implement any of the dust control measures.

Measure M-13 (SEIR 3.1-B) states that the streets will be swept at the end of each day "preferably with water sweepers using reclaimed water", but only if "visible soil material is carried onto adjacent public paved roads". This mitigation measure suggests that it is alright to leave dirt on the numerous private streets in the area. Again reclaimed water is assumed with no provision for its appearing on the site. Additionally since water use is only "suggested" a street sweeper using dry methods, which we have all seen spewing dust down the street, is acceptable. Dry street sweeping will likely violate SDAPCD Rule 50 and H&S 41701.

Measure M-15 (SEIR 3.1-B) again states that a County approved air quality engineer will monitor air pollution onsite, this time it is PM10 they are monitoring. Again there is no county of San Diego certification procedure, process or credentialing for this air quality engineer. Again there is no sampling equipment or protocol that will allow anyone to be able to calculate site PM 10 emissions in a real time or daily basis. Again this is untrue and designed to make it seem like they are monitoring the air pollution at the site when they cannot. There is no description of the sampling units, no site map of where the samplers would be placed, no frequency of monitoring. No mention is made of the dust generated by blasting operations and the moving of the rock from the blast area to the crushing area. This is a significant oversight.

SERVICE AVAILABILITY LETTERS FROM SCHOOLS, AGENCIES

Additional inadequacies of this report are found in the letters from various agencies impacted by this development. The letter from the Grossmont Union High School District states that there are no plans to increase the size of Monte Vista High School to accommodate these new residents and that developer monies cannot be used for that purpose. The letter from the La Mesa Spring Valley School District states that this is one of a number of housing projects in the area being developed and that school zone boundaries may need to be adjusted to accommodate the additional children. The letter from the Sheriff's Dept states that "The proposed project is in Sheriff's beat #629 which has one of the highest crime rates in the County". The letter goes on to recommend that private security personnel be acquired for the new project. Mitigation of none of these concerns is addressed in the SEIR. These are all significant unmitigatible items.

BIOLOGICAL RESOURCES

Environmental and Biological Issues

Introduction

The uniqueness, rarity and species richness of our Coastal Sage Scrub (CSS) Habitat, make it worth preserving. Extensive surveys and documentation reveal 70% to 90% have disappeared since the early 1940's. Spring Valley and Dictionary Hill contain some of the very finest remaining CSS on San Diego County's unincorporated urban boundary. Many homes already skirt Dictionary Hill but are divided by numerous finger canyons with extensions of similar Coastal Sage Scrub habitat that occurs on Dictionary Hill. These canyons are visited by the birds and mammals from Dictionary Hill and quite possibly from farther South and to the East where open space and vast preserves, such as the National Wildlife Refuge are in close proximity to this mountain.

Fragmentation of habitat is known to reduce species viability**. Appendix A, Initial study by UFWS and DFG** questioned the "development's bifurcation" of the on site open spaces. The current proposed development plan of 211 homes, which follows the entire ridge top, would continue to restrict movement to and from on site and off site open space to the East and South east**. The plan as currently proposed continues to bifurcate the open space and is not substantially different from previous plans.**

Dictionary Hill as a Safe Haven

The project's "induced impacts that may induce fragmentation of open space and isolate wildlife and native vegetation communities" as outlined in **Appendix A 5F, is not completely addressed**. The proximity of the vast open space such as the National Refuge to the south has very likely allowed and continues to allow many bird species to move across areas of open space on to Dictionary Hill. **Mammals that are noted in the Appendices such as Deer and Bobcat which may not be Dictionary Hill residents have been observed indirectly in the species lists but not observed directly in surveys.**

Direct observations have been made by Dictionary Hill residents of the local mammals, and these observations suggest that this habitat very likely is a refuge for animals from the South and East. **Bobcats were observed directly** in the mid nineties and on several occasions following both of the most recent fires in 2003 and 2007 and with less frequency one to two years following the fire recovery period. These observations were at South Barcelona, East side of the Dictionary Hill and Ivy St. west side of Hill. If the ability of these mammals to move freely on Dictionary Hill is restricted further, during critical periods such as drought and frequent fires, their long term survival would be jeopardized. Movement of both Bird and Mammal species would be threatened by the proposed development and the narrowing of corridors to the south and restrictions of movement of mammals such as: Deer, Coyote, Bobcat , Grey Fox,and Raccoon onto Dictionary Hill and into the finger canyons to the North and North west would be

prevented. Studies of the effects of fragmentation have been noted by many biologists such as the eminent California based ecologist **Jack Soule.**

Analysis of Highlands Ranch MSCP Draft Findings of Conformance

In MSCP Draft findings Part 2 Biological Resource Core area Determination, 1b
Although it is not pre approved mitigation area, the property is likely to be accessible, in spite of Jamacha Roadway, from open space and the national wildlife refuge to the south and east. A factor which should not go unnoticed is the similarity of the placement of Dictionary Hill at the urban boundary of San Diego's metropolitan and suburban neighborhoods. Like Cowles Mountain, where wildlife moves from Mission Trails park across an even larger roadway at Mission Gorge Road, wildlife movement likely flows in a similar manner onto Dictionary Hill, although with its own impediments, across Jamacha Blvd from the South and East onto the Dictionary Hill natural open spaces to mate, forage and utilize the coverage of the Coastal Sage Scrub habitat. Although there are large obstacles to mammals, the topography still allows movement, to a degree, as mentioned in the paragraph on Dictionary Hill as a wildlife "safe haven". (1b) This warrants further study and possible reassessment.

Part 2 Biological Resource Core area Determination, 1c

The site although containing obstacles, previously mentioned should not be characterized as mentioned PG 4 of the MSCP report: one without a" regional connection". The topography, indeed, "contains adequate vegetation coverage and provides visual continuity so as to encourage the use of the corridor by wildlife." It contains numerous California Gnatcatchers, 28 in just this report and, probably families, on site and in the surrounding canyons, and should be studied further to determine the extent that Dictionary Hill is a primary linkage /corridor between Southern populations and northern populations of the California Gnatcatcher.

Part 2 1d

The report states Dictionary Hill to be an "isolated patch of land". Dictionary Hill contains high quality habitat on the site and in part is adjacent to MSCP lands and proximity to vast tracts of preserved land to south. With the on site footprint of nearly 200 acres of Diegan Coastal Sage Scrub the adjacent off site Coastal Sage Scrub , Dictionary Hill should not be characterized as it states in this report as an "isolated patch of land". **Further study should be required to determine if the project should be considered part of BRCA.**

Part 3 (1)
The "habitat stewardship plan" does not clearly show that the impacts of the project and monitoring and maintenance of the proposed remaining open space will be adequately addressed.

As this proposal is written, there would be unknown impacts to sensitive plant populations for least 4 sensitive plant species: San Diego Golden Stars, Dudleya variegata, Salvia munzii, Ferocactus viridescens. Offsite mitigation is not specified as to location or quality of land to serve as mitigating purposes in this report. Current studies of the remaining Coastal Sage Scrub viability in areas burnt by the last two most recent fires may negate the possibility to mitigate with same or similar habitat that includes these species. The combined ecological factors such as metavolcanic substrate, decomposed metavocanic soil clay types which support and include remnants of a rare northern limitary of the Coastal Sage Dominant such as Munz's Sage and the unique sensitive plant associations of Dudleya variegata with Coastal barrel Cactus make this location unlikely to be mitigated adequately on or off site. The rare Metavolcanic clay substrate which is the basis for the Goldenstar populations is in need of further study considering the on site loss proposed by the project. Overlapping the Goldenstar Populations are islands of native grasses encompassing the East, Northeast and North flanks of the mountain. These lay onsite and off site and are not mentioned with any precision in this report. The Montemar access and northern clustered houses cut through these patches, some several hundred square feet in size of Nasella pulchra and possibly Nasella lepida. Native grasses which are indicators of "Native Grassland Habitat" are not fully addressed in this report. This may have been discounted because of off road vehicular traffic which has been allowed to transgress over these unique swathes of "native grassland" communities for prolonged periods. Because of these factors the **on site and nearby off site rare "native grassland plant habitat" deserves further study**. Careful monitoring and protection of these areas is warranted. The location of the northern 1/3 third of the project places these native grass areas in jeopardy.

Of the six habitat types that are listed, not only is the native grass land potential not fully addressed, but an eighth possibility, that of the rare habitat known as "Coastal Chaparral" may have been prematurely dismissed. Previous studies have shown that Adenostoma fasciculatum, Xylcoccus bicolor, and Ceanothus spp existed on the northerly steep portions of the Hill. These are not identified in 2002 or 2003 species lists or in the current report and may not have been noted because of an oversight particularly in areas of difficult access or where fewer transects were taken. More study is warranted for the previously documented Coastal Chaparral.

Biological Resources Report

3.2. 1, 2, 3 Existing Conditions

As mentioned in the previous response to the MSCP Draft Part 3(1) the extent and number of habitat types are not fully addressed. The proposed northern and main approach to project would disturb if not eliminate much of the native grass habitat mentioned above.

3.2.(2,3) Determination of Significance

The attempts to minimize the footprint and "edge effects" by the clustering of the proposed home sites does not lessen the extent of fencing, hardscape and landscape structures which would be barriers to sensitive species. These barriers to movement on site would adversely affect: California Gnatcatchers, Coastal Horned Lizard, Bell's Sage Sparrow, Southern California Rufous Crowned Sparrow, San Diego Black Tailed Jack Rabbits, Coastal Rosy Boa, and Orange Throated Whiptail Lizards.

3.2.3 A, B Analysis of Project Effects

As previously mentioned, the habitat listings may be incomplete and therefore the calculations of area covered by grassland and the types of grasslands and possibly Coastal Chaparral may not accurately depict the direct and indirect impact to all habitat types and because of this the BMO guidelines and the subsequent mitigation ratios would be in need of recalculation based on the impact to the areas covered by these unlisted and/or unobserved habitats. The result would be higher mitigation ratios for the listed sensitive species. Sedimentation/ and siltation increases have already been reported for depths of up to two feet from the The Pointe development, which had numerous established barriers to runoff. The northern branch foot of the project and the Montemar access point to the west of Bancroft Canyon could impact the Bancroft Creek Drainage. Although the current report states there would be no impact, the 50 specimens of Southwestern Spiny Rush (Juncus acutus spp. Leopoldii) could be impacted by similar possible erosion effects from the anticipated run off onsite.

3.2.3 (C,D)

The report states that California Gnatcatchers have already been forced to adapt, with some success, to the Dictionary Hill residential areas. The project imposes greater habitat fragmentation and increases edge effects. The extent of this impact would be poorly understood for what is known to be an already vulnerable species. The report makes statements that diminish or do not fully realize the impacts of fragmentation and Edge effects for the California Gnatcatcher and the mitigation ratios should be reconsidered.

3.2.3. D

The report acknowledges loss of foraging habitat for raptors from grassland reduction. The Northern Harrier formerly known as the Marsh Hawk is sighted on a daily basis hunting on Dictionary Hill. The assumption that this predator(s) would resume foraging along the Sweetwater Reservoir is overstated. The raptor population along the reservoir will undoubtedly be impacted by the loss of the majority of the foraging areas on its south shore. The possibility of the stress on local Harriers by displacement of the Harriers on Dictionary Hill and crowding more individuals on the same species into an already filled geographic area is a threat to the overall fitness of the population. The adjoining National Wildlife refuge will not be suitable for foraging by predators, such as the Harris Hawk,

for the foreseeable future due to devastating fires in October 2007. The future of the habitat and the species surrounding Mt. Miguel, the lower Sweetwater drainage, and Sweetwater Reservoir is unknown at this point in time. The future of Dictionary Hill animals based on available habitat in the aforementioned areas is uncertain. However, in the aftermath of recent devastating wild fires, the potential for repopulation over time should be seriously considered.

Conflict with HCP Provisions and Criteria 1-6

1. The project does not fall under the pre approved mitigation. However, in parts of San Diego County, particularly incorporated areas nearby, MSCP determinations are not finalized. The biological value of this highly diverse site with numerous sensitive plant and animal species and its association with unique soil types **warrant further evaluation for consideration of placement in the MSCP plan for preservation.**

2. As mentioned previously, Dictionary Hill should not be characterized as "surrounded" because **vast tracts of preserved open space lie to the South and the East with corridors for "wildlife's continue existence**" **which is supported by observations of Mammal and Bird movement on and around Dictionary Hill.** The project footprint would decrease the long term survival of wildlife by reducing remaining corridor viability.

3 and 4 .The Project Area, as previously mentioned, is within 1- 2 miles of a large open space preserve and serves to allow movement of numerous large mammals, and birds. The vegetation provides coverage and visual continuity for wildlife residents and visitors. The Highlands Ranch Site should be reconsidered as a "regional connection" to its neighboring open space preserves to the east and south. **The characterization of several hundred acres of high, medium and low quality Coastal Sage Scrub as "a small isolated patch of land" is misleading.**

5 (Not pertaining to this site)

6 The report findings for Highlands Ranch state that it fully meets the BRCA criterion #6 and contains a "high number of sensitive species."

P 3-23

The runoff on the north slope and northeast section of the development in the vicinity of Montemar would impact the Southern Willow Scrub and the Riparian habitat with excess runoff and resulting siltation events. The Project exacerbates the already well known phenomena known as fragmentation by reducing the migratory wildlife corridors and their connections to the south and the east and further restricts movement to neighboring finger canyons to the west and north and the east.

P 3-24

As previously mentioned, the EIR proposed mitigation ratios may result in inaccurate mitigation ratios based on an incomplete evaluation and identification of habitat types. Most notably Native Grassland and previously reported but unobserved Coastal Chaparral spp. **The proximity, less than one mile, of Coastal Sage scrub has shown that on Dictionary Hill the California Gnatcatcher is an important adjunct group (Ogden 1993) to the Lower Sweetwater/San Miguel Mountains core reserve area.** Although the site's California Gnatcachers , Rufous Crowned Sparrows and Bells Sage Sparrows and other bird species are already impacted by substantial "edge effects" the project would further increase that impact and is unable to predict or accurately quantify the losses of these sensitive bird species populations. Long term studies of the urban edge effects are poorly understood and it should not falsely be assumed that Gnatcatchers and the other Dictionary Hill bird populations will be able to adapt to the increased impact of the project.

3.2.4

A sensitive plant study area of a two mile radius from the center of Highlands Ranch is being conducted based on the predicted occurrence of Dudleya variegate, Muilla clevelandii, Salvia munzii and Coastal Barrel cactus on similar soil types and eco region. The listings of contributions although mentioned, are not detailed enough to determine the extent project's cumulative impacts. The cumulative projects impact on the above sensitive species would need to be carefully looked at regarding the consequences of the recent fire on Mt Miguel and the lower Sweetwater drainage. These surrounding populations will undoubtedly be seen as even more rare if not extirpated by the 2007 fire. In light of this, a detailed analysis of the loss of these specific populations within the 2 mile radius and adjacent habitat should be undertaken. There is a possibility that some of these nearby regions will never recover and could not be used to mitigate in accordance with the MSCP therefore they would not reduce cumulative impacts with in the MSCP sub region. **Proposed mitigation in the vicinity of Dictionary Hill would have to be reevaluated, based on the recent extensive possible habitat losses due to two fires in rapid succession in numerous nearby locations, to monitor their level of significance in accordance with the MSCP plan. The potential loss of habitat in the San Miguel Mountains and Sweetwater drainage is noted by the work of Richard Halsey. "Frequent fires contribute to the 'type-conversion' of coastal sage scrub to annual grasslands dominated by non-native grasses."**

Water Surfacing and Species Impact

The entire north side of Dictionary Hill has had a moratorium on septic systems for nearly 20 years because of water surfacing and the threat to the public health. The surfacing is the result of the predominant very shallow Metavolcanic soil and rock types of which Dictionary Hill is composed. The surfacing phenomenon is well known because of these occurrences. Although water percolates rapidly, it surfaces just as easily over the solid rock in other nearby locations.

The project necessitates irrigation as planned and the runoff is unlikely to be captured before running underground and surfacing just as it has in the surrounding canyons and slopes. Although supposedly it is monitored by the County and OWD, a human induced stream of water drains continuously from the OWD tank and has altered the ecology by introducing numerous exotic Mediterranean grasses, opportunistic Composite spp., and Carpobrotus. Additional water in a Coastal Sage Brush environment threatens sensitive species and in particular, the Coastal Horned Lizard and although extremely rare on the hill it has been observed in every Biological Survey since the 1980's. Water increases the prevalence of exotic Argentine Ants which predate on the native Harvester Ants, the sole food source for the **Coastal Horned Lizard and the Orange throated Whiptail , both sensitive species and observed on site**. These also occur in open space adjacent to the project site. The **Biological Resources Report** P 3-20 does not guarantee a moisture buffer**. The content of P3-20** diminishes the known information on the invasive species such as the Argentine Ant which have plagued California's ecosystems for decades. By only mentioning this well documented ecological phenomena as "current research" the ecology of this sensitive species, Coastal Horned Lizard, has not been addressed adequately in this report.

Further habitat degradation is inevitable from the proposed additional water use surrounding the summit of Dictionary Hill. The likelihood of increased erosion from the project's additional ridge top water will encourage invasive exotic grasses and other opportunistic species which are known to out compete natives **as mentioned in the MSCP Draft finding Pg 9.** The proposed extensive hardscape make increased run off inevitable and its capture is unlikely. The excess water surfaces frequently as is understood by the County Land Use department for the vicinity of Dictionary Hill mainly because of the shallow top soil layer and the extensive Metavolcanic Rock origins of the entire hill.

Some Final Comments Regarding Highlands Ranch Project Impact on Sensitive Species

The 2007 REC survey of the Highlands Ranch Project vegetation communities and plant and animal lists, on site and offsite are extensive but may not adequately acknowledge previous studies from 1983 and in the late nineties. Further statements in Appendix A pg 4 may not have been adequately addressed. Locally occurring state listed and narrow endemic species that are on or near the subject property may not have been noted sufficiently to describe their local status and distribution. A cursory look at the species list reveals that the current list of animals fails to mention several commonly seen birds on Dictionary Hill, although these may appear on previous EIR reports: White Tailed Kite (Elanus leucurus), Western Bluebird, Blue Grosbeak, and Black Headed Grosbeak. There certainly may be more species because of the richness of the habitat.

1. Please note the following significant recent finding. Very near the center of the proposed development an unlisted species, Ericameria palmeri subsp. palmeri. was discovered to be present and was confirmed on 11-11-07 although it was not mentioned in any previous surveys**. The report not only fails to identify this specimen but the**

tables that accompany the Biological Appendices suggest that it is not likely to be found on site, which is inaccurate. It is well documented by Biologists within 1-2 miles of the Highlands Ranch Project site near the lower Sweetwater Drainage. Please see attachment- submitted by from Jolynn Robins regarding the previously unlisted Ericameria palmeri subsp. palmeri.

The Coastal Cactus Wren, a sensitive species, is not mentioned to be significantly impacted. Its presence is well known in the unpreserved canyons to the north and west of the site which contain habitat with populations consisting of hundreds of individual native Opuntias. (Personal Comm. Phil Unitt 2001) **Groups of 6 at a time were seen on exotic Opuntia spps and native species, between 1996 and 2006 near the intersection of Grand Street and Helix St and the Northwest slopes in the open spaces within residential boundary to the Mountain**. The Dictionary Hill habitat is the logical primary route to access the open spaces to the south and east and would certainly impact the movement of this sensitive species.

There are remnant populations of Rhamnus crocea that were possibly previously more common and may have incompletely recovered from previous fires. This is the host to the Hermes Copper, a sensitive species, and although not observed may still exist on Dictionary Hill because of its richness in invertebrate species.

The potential for the presence of the Quino Checkerspot butterfly based on the past evidence of its presence as noted in the 1983 EIR its Biological survey and should not be overlooked and its rediscovery should be methodically pursued. Plantago erecta and Owl's Clover, the host for this rare species is present in sufficient numbers to support this species and habitat for this species exists on Dictionary Hill.

All of the preceding points speak to the necessity of continued survey work and monitoring of the Dictionary Hill site.

History of Dictionary Hill as a Biologically Significant Site

The overall ecology and biodiversity of Dictionary Hill has proved unique in the past and in need of study in the future. Historically, Ecologists, Biologists, Zoologists and Botanists from local Colleges and Universities have utilized Dictionary Hill since the 1950's for ecological studies, pollination studies and plant and wildlife surveys. This practice continued until the early 1980's. EIR's continued on Dictionary Hill, providing greater scientific information throughout the 1980's and 90's into this millennium. The biological interest in Dictionary Hill led to scientific break through in insect behavior studies when the phenomena known as "hilltopping" was first described by Oakley Shields, 1967 and 1968. This is mentioned, by Ms. Robyn's, in other sections of the community's response to the Current EIR regarding the current EIR's insect species list omissions.

It was observed that on the summit of Dictionary Hill, insect species gathered in higher concentrations than surrounding parts of their habitat and it has been theorized that this

serves a function in insect mating behavior. This phenomenon is still not completely understood but to the extent it is understood it has greatly facilitated the surveying of all insects and the understanding of their ecology. It is hoped that the remaining habitat on Dictionary Hill will be preserved in its entirety with substantial restoration and a minimal impact of carefully designed trails for public access. In this way the Dictionary Hill would serve the region as a natural setting for recreational walking, ecological studies by schools, and use by Spring Valley residents, just has the residents to the north enjoy the natural surroundings of Cowles Mountain and Del Dios Highland County Preserve.

Submitted by Jim Merzbacher

The following was submitted by Jolynn Robbins:

The Biology Report of the Highlands Ranch EIR has omitted five species that are present on Dictionary Hill. These omissions include the following butterflies: the Red Admiral (2006), Pale Swallowtail, Mourning Cloak, and Comstock's Fritillary, (all observed 2006-2007). Each of these was documented to be present on Dictionary Hill by an in-depth study on hilltopping in 1967-1968, by Oakley Shields. Missing from the Plant Species list was Ericameria palmeri ssp.palmeri, also known as Palmer's Goldenbush. This plant was observed by three people on the Highlands Ranch site on 11-11-07. It is listed as 2.2 by the California Native Plant Society, which is: rare, threatened, or endangered in California, but more common elsewhere and fairly endangered in California. The report fails to adequately reflect current biological diversity on Dictionary Hill and under-estimates the conservation value of the site.

Dictionary Hill is a community treasure that is of high conservation value because of the presence of rare plants and animals, as well as high quality habitat. Dictionary Hill has historical significance and adds a unique character to the community of Spring Valley. It provides an excellent educational resource for students and professionals who wish to learn more about the hilltopping phenomenon, which is not fully understood to this day. Having recently seen the devastation brought on by wildfires, it is time to consider more seriously the importance of saving open space and habitat. Dictionary Hill is not only a sanctuary for wildlife, it is a resource for Spring Valley citizens who value it as a peaceful retreat to enjoy nature at its finest.

NOISE

Noise levels were measured at two different locations, both in July 2003 before the Highlands Ranch portion was built above South Barcelona. Now there is more noise and building 211 more homes will just add to that. **The County should require a new measurement**. Also, why was sound measured at the end of South Barcelona facing north? The sound will be more likely to affect residents at the top of Ledgeside and other hills since the traffic generated from this project will end up on Austin and Sweetwater Springs.

Bancroft Creek Canyon has been set aside as an **open space mitigation area** for many years to mitigate development nearby, already built. On page 3-52 of the chapter on noise, the developer mentions that the "on-site eucalyptus woodland area"… "could be exposed to noise levels up to 83.6 decibels as a result of blasting operations which is regarded as a significant impact". If this is a dedicated open space mitigation area, why is blasting allowed which will affect the birds in the area? Raptors and gnatcatchers are mentioned as being in this area, and "nesting sites" are identified on a map.

The County's threshold for construction activities is 75 dBA (decibels). On one page, the report states "the blasting would not exceed the average receptor noise level of 75 dBA"; however the 2nd paragraph on page 3-52 states "Construction equipment operation, haul truck pass-by, and blasting noise levels could be as high as 95.6 decibels, which would result in a significant indirect impact (**Significant Indirect Impact 3.4-A)**. In addition, rock crushing operations can generate potential noise levels up to 86.5 decibels at 50 feet and therefore could exceed 60 decibels beyond the Project disturbance footprint, resulting in a significant indirect impact to avian habitat." The **accumulated noise** of all these activities is very much downplayed in this report.

On page 3-52, the report states: "Based on the California gnatcatcher's apparent tolerance of noise, noise impacts outside the breeding season are not expected to be significant. Nonetheless, the potential exists for significant indirect impacts to the California gnatcatcher during the breeding season". **Does research exist to back up this claim that gnatcatchers are tolerant of noise?** If it's true that gnatcatchers are tolerant of noise, then why does the report state later on in Appendix F, page 22, that a "County certified acoustical engineer" will monitor the area whenever the "Project Biologist" has reasonable cause to suspect noise impacts on nearby nesting birds"? When road work was done on Jamacha Road in Rancho San Diego this year, the contractor was required to build huge plywood walls to shield the gnatcatchers during the nesting season. These walls were left up for many months, which does not lead one to the conclusion that gnatcatchers are very tolerant of noise.

On page 16 of Appendix F, the report says "should rock crushing be required". **Will WWI be crushing rock or not?** Why is it left up in the air? How can citizens comment on the noise and dust of a rock crushing operation if they don't know if it will take place or not? On the other portions of Highlands Ranch, there was significant rock crushing. Nearby neighbors were very much impacted by the constant noise and dust from this operation. The County should require that this wording be less vague.

Biological Contingency Plan? On page 22 of Appendix F, the Project Biologist will be required to carry out weekly noise monitoring and to alert the Project Engineer each time he suspects there is too much noise for nearby avian nesting sites. Who monitors this to make sure this happens? The County? Nearby residents? Besides, once this noise is happening, those birds will surely have abandoned their nests. The project report states that **mitigation "may include avoidance or implementation of suitable noise reduction features** such as temporary attenuation barriers constructed from hay bales or ¾-inch thick exterior plywood". This canyon is very steep and rocky and does not seem

amenable to this type of barrier, not to mention what building the barriers will do to nearby flora and fauna.

Page 3 of Appendix F describes the **phasing in of the development over a period of five years,** but states that "market conditions may accelerate or extend this schedule". Phase 1 could provide for the extension of Pointe Parkway, and extension of utilities to the site, and construction of 67 homes. Will the entire hill be blasted off, rock crushing commence, nesting sites possibly disturbed, endangered plants destroyed, but then only part of the project be built? What happens to the rest of the hill if the remainder of the project is never built? It is forever environmentally and visually destroyed.

On page 3-56 of the Noise chapter, the report states "Project implementation would not lead to a **long-term cumulatively considerable increase in noise impacts**". These assumptions are based on the premise that this land is a flat plane and already has noise impacts as measured at two stations. (see chart on p. 3-50). In fact, this is a very hilly, uneven area with many small canyons, rock outcroppings, and trees that block sound. When one is hiking in these areas, there is very little sound to be heard. It's truly something that needs preserving from development. It's misleading to measure at the top of the hill and next to South Barcelona Street where there is noise from traffic, the new Highway 125 and barking dogs, etc. The canyons are very quiet now; they won't be once this development takes place.

The effects of blasting are very much downplayed in this report. Under the grading plan description, the report says "depending on the density of rock encountered, drilling, blasting, and/or rock crushing may be required to reduce fill material to suitable size for use as a roadway sub-base." It is obvious that blasting will be necessary. The mountain is solid rock. How can more than a million cubic yards of fill be generated from solid rock without blasting and rock crushing? We have seen an example of how this process works when part of a mountain taken down as part of building the interchange for highways 125 and 54. Complicated formulas, charts and wording are used to full effect. However, no formulas can hide the fact that the blasting can have lasting impacts on nearby residents. Those of us who experienced the blasting from the former phases of Highlands Ranch development know that this can crack walls and concrete and cause other damage. During the blasting for the Centex project off Pointe Parkway, residents on South Barcelona experienced a very large blast one day that cracked chimneys and left cracks in patio floors and driveways. When called to task, the so-called regulators allowed the developer to scoff at their protests despite the fact that residents who were actually home during the blasting operations, felt sharp jolts and experienced the shuddering of the homes similar to an earthquake. Specific rules should be established with an opportunity for homeowners to document the condition of their property before blasting operations and an independent monitoring consultant should be utilized to investigate any complaints. This monitor should also have the authority to halt blasting operations if significant damage occurs until the county has the opportunity to review the matter and determine if changes to the regulations are warranted. The developer should also be required to set up a special fund to pay for any repairs to local homes or properties caused by blasting operations associated with the project.

Blasting of this magnitude can also have a severe effect on birds and animals in the area. Additionally, it was discovered that the last company that did blasting for Atlas Homes had other safety violations on record. The County needs to carefully monitor blasting activities by developers and screen blasting companies.

Highlands Ranch EIR – additional noise comments, Chapter 3.4

Chapter 3.4 of the EIR, titled Noise, contains a number of gross errors and inaccuracies. The supporting Acoustical and Vibration Assessment Report attached as Appendix F is based on an extremely narrow analysis of the site. The tests performed for the report are so limited that they give the appearance that they were specifically designed to arrive at a desired conclusion regardless of real conditions.

The section 3.4.3-A is labeled "Short Term Construction Noise". The generally accepted definition of "short term" is a period of less than one year. The estimated duration of the grading portion of the project, as stated in the EIR, is at least 1.5 years. The grading proposed is of such monumental proportions as to make it equivalent to strip mining or quarry operations that would never be permitted in a residential area. The EIR states that market conditions could cause the grading portion of the project to exceed that estimate. The history of local market cycles, current market conditions and the experience with the last phase related to the development indicate grading operations will last at least 2-5 years. In reality, the project will have significant long term noise impacts on the area. Portions of the mitigation area related to the project are still unfinished well over a decade after ground was broken.

Table 3-16 of Chapter 3.4 provides predictions as to the noise levels during the construction. The table provides a mix of figures that match generally accepted estimates with those which are lower than industry norms. For example, a "dozer" is generally acknowledged to generate 85 dBA while the report shows 75. The 85 dBA level is based on average soil conditions. The rocky terrain of the site would result in significantly higher noise levels. The table shows the noise level for a "haul truck" as 70 dBA. The generally accepted noise level of a "dump truck", as commonly seen on highways, is 84 dBA. The "haul trucks" used for the site's grading operations will most likely be of the off road variety commonly used in quarries or open pit mines which have higher noise levels than the on-road versions.

The table fails to show some important qualifications regarding equipment such as rock drills. While the table does show 85 dBA, which is the industry norm for the generic category of "rock drills," it does not indicate that this figure is for non-impact drills. The conditions on the site, "large granite rock masses," would require rotary impact drills which have much higher noise levels (90-110 dBA). All previous grading in (Otay water tank) and adjacent to the site (previous phase of project) used rotary rock drills.

The EIR states "onsite rock crushing may be necessary". Removing 35 feet off the top of a mountain known to be almost solid granite will definitely require rock crushing of

monumental proportions. The EIR proposes using a "sixteen foot high berm enclosure" to attenuate the sound. The lack of any significant amount of existing loose material on site means the berm will have to be constructed of crushed rock from the very operation the berm is supposed to be mitigating. Such a crushed rock berm would be reflective rather than attenuative and any suggestion that is would reduce noise levels to an acceptable level should not be taken seriously. In a previous phase of the project, the noise from rock crushing equipment on the south side of Dictionary Hill was clearly heard in neighborhoods north of Dictionary Hill. If a barrier of several hundred feet of existing mountain failed to reduce the sound then a berm would certainly fail as well.

It should also be noted that all of the noise estimates are based on measuring the propagation over level terrain. The proposed project is located on the top of a mountain with conditions that increase the distribution of noise. The study done by Investigative Science and Engineering did not take this into account and they did not conduct any studies which would properly measure the effects of noise generated on the project site.

Observations during the construction of the Otay Water District storage tank on the site dramatically demonstrate how far noise generated on the site travels with very little attenuation. The warning horns used just prior to blasting during that project (generally acknowledged to be 85 dBA) could be heard for miles.

The EIR, on page 3-53, estimates the average construction noise level to be over 87 dBA at 50 feet and 76 dBA at 160 feet (with very conservative sound estimates). To put this into context, the Federal Aviation Administration, in their report 36-H1 "Noise Levels for U.S. Certificated and Foreign Aircraft", shows aircraft that typically use Lindbergh Field emit 78 to 96 dBA on takeoff (less when measured at 50 feet as used in the EIR). Lindbergh Field has approximately 600 takeoffs per day, about one every two minutes, so the average noise level is very similar to the proposed construction. Therefore, the project would be noisier than operating a busy commercial airport on the site for the duration of the grading. The long multi-year project and its related noise, even in the most optimistic case, will definitely result in significant detrimental effects to the residents in the surrounding area.

The EIR states that "no acoustical impacts to adjacent residences would occur as a result of blasting operations". The supporting report refers to standard models for calculating blast noise levels that assume level terrain and sound absorbing surfaces common in most environments. However, the blasts will be elevated and the surrounding surfaces (rock) are highly reflective. Therefore, the predictions are not accurate. Blasting conducted during the previous phase of the project dramatically demonstrated that the noise levels from blasting were significant for a broad area extending for miles.

The EIR completely ignores seismic shock waves from blasting operations. The Acoustical and Vibration Assessment Report contains a section titled "Construction-Related Ground Motion Modeling". It evaluates "ground motion due to proposed blasting operations" based on measurements taken at one site, referred to as VML 1. The choice

of this particular location and the lack of any other studies raise serious questions about the report's conclusions.

VML 1 is located in a very unique area of the project site as it is the only one with significant layers of relatively soft alluvial soils. Such soils naturally have very high attenuative properties that significantly dampen shock waves. They rarely reflect any ground motion except in extreme cases where the motion is of such intensity as to cause liquefaction. This location does not provide any indication as to the impacts of "construction related ground motion" where the construction will actually take place. Therefore, this data should not be accepted.

As the EIR and the supporting report acknowledge, the site consists primarily of very hard granite rock. The body of knowledge relating to blast-induced shock waves through such strata shows little attenuation over long distances, far beyond the 200 feet referenced in the report. There is even some evidence (see "Propagation characteristics of blast-induced shock waves in a jointed rock mass" in Soil Dynamics and Earthquake Engineering) that certain conditions, similar to those found on the project site, may actually amplify shock waves.

Many of the residences in the area surrounding the project site are low rise, two story structures. Their foundations are frequently on or very close to the underlying bedrock. This rock mass is largely intact throughout the area and shock waves to any part of the rock mass are propagated to those homes.

The supporting report acknowledges that shock waves with a velocity of 2 inches per second or greater will cause damage to structures. The common belief is that structures more than 300 feet from a properly conducted blast will encounter shock waves of less than that magnitude. This is based on the general attenuation of average soils (loam, sand, gravel, etc.). As noted in the EIR and the report, the soils on the site not of that type. The Motion Decay Model used in the supporting report uses a peak particle velocity of 1 at the point of detonation with duration of one second. This is extremely conservative as previous blasting in and around the project site resulted in higher velocities (1.5 – 2 ips) and longer durations (2-5 seconds). It is very unlikely that the proposed project will encounter softer rock than previous projects.

Previous blasts have resulted in numerous cases of property damage well beyond the common blasting perimeter of 300 feet. After the blasting for the Otay Water District water tank on the site, water mains began to leak on Cuyamaca Court and La Mesa Court, over 1,800 feet away. It took almost a year for Otay to complete the repairs. Less than a year after the blasting, a SDG&E transformer on La Mesa Court failed well short of its service life and had to be replaced.

After blasting in 2003 for the previous phase of development adjacent to the site, many homes well beyond the 300 foot perimeter experienced cracking of drywall, floors, patios, and chimneys. The shock waves were clearly felt by the San Miguel Fire dispatcher nearly a mile away. The blasting contractor ignored the complaints of damage.

The county authorities responsible for oversight and protection of the neighboring properties said they did not have the resources to investigate. The contractor assumed correctly that there would be no consequences from the county and continued to violate the permit. Nothing has changed regarding the availability of oversight and enforcement resources so damage to existing homes is likely to be repeated.

Questions need to be raised about the effects of the proposed blasting for Highlands Ranch Project. Research conducted by the U.S. Department of Energy at Rio Blanco in 1973 provides some clear indications. Rio Blanco is located in a rocky area in northwest Colorado. The portion of research that directly applies to the proposed blasting is detailed the project's report titled "Blasting Damage Criteria for Low-Rise Structures". Tests concluded that instrumented residential two story structures six miles from the detonation site experienced shock wave velocities of 3 inches per second. Of specific note for two story homes is that the roof structures showed shock wave velocities of 9 inches per second. Not only did the shock wave extend far beyond the expected range, the shock wave was amplified relative to the height of the structure to levels that would cause serious structural failure.

The body of evidence clearly indicates that even one or two blasts on the site will very likely result in mild to moderate property damage to surrounding homes. The quantity, frequency and duration of the project's proposed blasting will most definitely result in substantial damage and diminution of property values. The existing homes in the area and the rock strata on which they are built preclude the use of blasting of any kind on the site. These noise and seismic issues also preclude the use of any other mechanical means of altering the topography to the extent proposed by the project.

TRAFFIC/TRANSPORTATION

The SEIR directs most of it attention to impacts on major roads and intersections but fails to discuss the most important point. **There is not way for the cars to get to any major roads.** This area is surrounded by residential neighborhoods with residential streets. There is no way for the traffic from this development to reach these major roads. No residential street is compatible with this increased traffic and the owners of existing homes on Pointe Parkway certainly do not want additional 400-800 trips in front of their homes. The project proposes that half of the traffic will exit to Montemar, which will then increase traffic on Austin and South Barcelona. These are also residential streets and this traffic will have a profound impact on existing neighborhoods.

Most of the traffic analysis discusses off site impacts to major roads and intersections and implies that contributions by the applicant to signalization projects and the Traffic Impact Fee program will mitigate the impacts. It doesn't say a lot about the specific traffic impacts to Montemar from the secondary access point; however, it does describe the existing condition of Montemar as follows:

"Montemar Drive is a two-lane residential facility servicing residential properties in the area. Based upon field reviews, Montemar Drive is an improved public street within a

dedicated right-of-way of 52 feet, and built to interim Public Road Standards (i.e., paved width of 28 feet). Montemar Drive cannot meet the minimum County design standards for horizontal sight distance, vertical grade, or shoulders using the existing right-of-way. In order to meet minimum County standards, this facility would require extensive right-of-way acquisition, condemnation of existing houses, grading and realignment."

This street is proposed to accept a moderate amount of new traffic from the proposed project. In addition, a 13-lot subdivision taking access off Montemar in close proximity to this location will soon begin construction, adding more daily trips to this winding road segment. Since this is a new proposed secondary access/exit point to Montemar Street, **we believe that the applicant for Highlands Ranch should be required to provide specific notice of public review and public hearings on their project to all the residents on Montemar Street between Austin Drive and Helix Street so they can be informed about the potential impacts.**

FIRE PROTECTION

The fire protection plan calls for installation of non-combustible walls ranging in height from 10 to 18 feet near certain lots where there is no opportunity to provide 100 foot clearing. These walls will have an emergency fire sprinkler system that can spray the native vegetation to the 100-foot threshold. The fire plan says the responsibility for maintenance of the system will fall to the future HOA. **It would seem prudent to require notification of this responsibility and its estimated cost for all potential future residents.**

RECREATION

Dictionary Hill/Lookout Mountain and Bancraft Canyon are the last significant open spaces which provide hiking trails in a natural wildlife setting for the Spring Valley community. Developing this area will forever remove this valuable asset from the community.

Currently, various hiking trails from all sides of the community build a network of trails. Most trails meet on top of Dictionary Hill, offering a 360 degree view to multiple mountain ridges including El Capitan and Cowle's Mtn. The view extends all the way to the ocean, downtown San Diego, Mexico, and to East County.

The hiking trail network allows easy access to the community from all directions of Spring Valley. This allows community members to meet from different areas of Spring Valley, which in turn fosters a sense of community and belonging. Health, fitness and anti-obesity studies have proven that easy access to recreational area increases utilization and provide better outcomes for wellness.

The description of existing conditions under Recreation in Section 4.1.4.1 is not accurate. The outlined distances and accessibility to local parts in this community is much further than listed on Table 4-6. Sweetwater Park is the only comparable recreation area to

Dictionary Hill/Bancroft Canyon, because they both provide hiking trails in a natural wildlife setting. However, Sweetwater Park is in fact 8 miles and not 3.75 miles away from the described community (using Map Quest and 9783 Ivy St, SV as a reference point). A drive all the way to Briarwood, San Diego, is required to enable people to hike the trails.

Further, the remaining local parks are much further away (using the street system) as listed on Table 4.6. According to Map Quest (9783 Ivy as a ref point) Sweetwater Lane Park is not .05 miles, but 3 miles away. Skyline Park and Lomita Park belong to San Diego and National City respectively. In conclusion, there are no local parks in this neighborhood providing such a vast opportunity for recreational activities (hiking, mountain biking, wildlife watching, bird watching, field trips to enjoy local plants, or tadpole catching)!

According to San Diego County Parks Department the desired standard for acres of parkland/1000 persons is 15 acres/1,000 using the Recreation Element standard. However, parkland ratio in unincorporated areas is **1.5 acres/ 1,000** (Part XII Public Facility Element San Diego County General Plan page X11-3-12). Dictionary Hill/Bancroft Canyon is a valuable -and last- resource for recreation/parkland in Spring Valley. This land should be utilized by the County of San Diego to fill this gap and meet the desired standards of the San Diego County General Plan.

The Highland Ranch Project would destroy a beautiful and utilized neighborhood and regional park for the existing community of Spring Valley. Highland Ranch Project proposes two private parks on an already existing regional wildlife recreational area assessable to all members of the public. The development would destroy the beauty and variety of existing hiking trails. Many of those trails lead to the top of Dictionary Hill and its 360 degree view, which unites the communities of Spring Valley. The development would destroy a variety of wildlife, which makes this land so valuable and enjoyable for the community.

The County of San Diego has the opportunity to protect valuable land for parkland and recreational purposes, greatly improving the quality of life for all the citizens of Spring Valley and surrounding communities. The County of San Diego has the opportunity to create a second Mission Trails Park in the heart of Spring Valley.

"The Noblest Motive is the Public Good". We can preserve a local wildlife area with already existing hiking trail and exceptional variety of plant and animal species. We could further develop this land into a regional parkland area for all the 60,000 people in Spring Valley and their neighbors. (This would also provide a local park for all the families living in the lower socioeconomic neighborhoods of Casa de Oro, who have no local park available.) Faced with the choice of a local regional park serving 60,000 people or 211 families with two private parks and surrounding broken, disconnected hiking trails leading to nowhere, we urge the representatives for the County of San Diego to base their decision on the welfare and health of the entire community.

Respectfully submitted by

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