

PLANNING COMMISSION

Meeting Date: 9/6/16

ADDITIONAL ITEM ADDED AFTER DISTRIBUTION OF PACKET

- Additional Correspondence Received

Agenda # 2
Farouk Kubba/SU Highlands

→ Date 9/2/16
Time 11:25 AM

Pedersen, Norman

From: Pedersen, Norman
Sent: Thursday, August 25, 2016 3:26 PM
To: 'Kevin Mecum'
Cc: Orlando, Chris; Desmond, Jim; Jones, Rebecca; Jabara, Kristal; Jenkins, Sharon; Brindley, Karen
Subject: RE: Highlands Public Workshop Urgent Request

Kevin,

Thanks for your email.

Since the project was submitted in 2013, five (5) public workshops and a public EIR scoping meeting have been conducted for the project. The last public workshop was held on Oct. 8, 2014. Since then, the Environmental Impact Report was prepared and circulated for public review in June-August 2015. The City received numerous comments on the EIR, and the City has now responded to those comments by completing the Final EIR. The next step for the project is to go to public hearings at Planning Commission and City Council for a decision to be made. You are welcome to comment on the project at the upcoming hearings or provide written comments as you previously have done. All written comments addressing the project, since the submittal in 2013, will be included in the review packets that are presented to the Commissioners and Council Members.

If you have any further questions, please feel free to contact me.

Thanks
Norm Pedersen
Associate Planner
City of San Marcos Planning Division
760.744.1050 x3236
npedersen@san-marcos.net

From: Kevin Mecum [mailto:kevin.mecum@gmail.com]
Sent: Tuesday, August 23, 2016 10:14 PM
To: Pedersen, Norman
Cc: Orlando, Chris; Desmond, Jim; Jones, Rebecca; Jabara, Kristal; Jenkins, Sharon
Subject: Highlands Public Workshop Urgent Request

Hello Norm,

I've formally requested *at least 5 times*, by phone and email, that a public workshop be held for the latest version of the San Marcos Highlands development. It's been 3 years since the Highlands was last presented to the public and we deserve a new workshop so that NEW and current residents can learn about it and provide feedback.

The answer I continuously receive from you is that your boss (a person who wasn't even involved with the Highlands in 2013) doesn't think the public needs a workshop, and that we can learn about it at the hearings.

Now I just heard that a planning commission hearing for the Highlands was just recently scheduled for September 6...

This is ridiculously unfair, and completely contradictory to the precedent set in 2013, in which the public was offered 3 public workshops (all with 40-60 people showing up) AND a Planning Commission workshop.

Again -- please coordinate ***at least*** 1 public workshop, plus enough time for people to evaluate and provide feedback, before hurrying this project through the hearing process.

Kevin Mecum
619-717-6137

Pedersen, Norman

From: Gahagan, Maureen
Sent: Thursday, August 25, 2016 4:08 PM
To: Pedersen, Norman
Subject: FW: San Marcos Highlands Project- Upcoming Planning Commission Hearing

From: WD Jackson [mailto:crsecon@gmail.com]
Sent: Thursday, August 25, 2016 4:03 PM
To: Gahagan, Maureen
Subject: Re: San Marcos Highlands Project- Upcoming Planning Commission Hearing

Hi--Please stop this abomination, seeking to make more congestion and higher taxes where none need be. Traffic is already getting impossible in the area! Construction is the ruin of our city. California has plenty of open spaces inland to accommodate the "need" for more housing.

On Thu, Aug 25, 2016 at 3:17 PM, Gahagan, Maureen <MGahagan@san-marcos.net> wrote:

Hello,

Thank you for your interest in the proposed San Marcos Highlands project.

This email is to inform you of the upcoming Planning Commission hearing which is scheduled for Tuesday, September 6, 2016 at 6:30 p.m. in the City Council Chambers at 1 Civic Center Drive. The attached notice has been mailed to residents of Santa Fe Hills and the surrounding properties of the project site.

For more information, please visit www.san-marcos.net/highlands or contact Associate Planner Norm Pedersen at 760-744-1050 ext. 3236 or by email at PlanningDivision@san-marcos.net

Pedersen, Norman

From: Pedersen, Norman
Sent: Monday, August 29, 2016 8:33 AM
To: 'Brett.Bigelow@ssa.gov'
Cc: Brindley, Karen; Kiss, Lisa
Subject: FW: Draft EIR comments
Attachments: Comments on Draft environmental impact report.doc; Update to comments on Draft Environmental Impact Report.doc

Mr. Bigelow,

Thanks for your comments regarding the Draft EIR for the San Marcos Highlands project. Your EIR comments are included in the Final EIR and can be found on pages 328 to 334 of Volume 1 at the following link:

<http://www.san-marcos.net/departments/development-services/planning-division/planing-projects/san-marcos-highlands/environmental-review>

I do not have record of receiving your subsequent comments from October 26, 2015, but those comments will now be included in the project review package for the Planning Commissioners and Council Members. If you have any questions, please feel free to contact me.

Thanks
Norm Pedersen
Associate Planner
City of San Marcos Planning Division
760.744.1050 x3236
npedersen@san-marcos.net

From: Bigelow, Brett [mailto:Brett.Bigelow@ssa.gov]
Sent: Saturday, August 27, 2016 7:57 AM
To: Planning Commission
Subject: Draft EIR comments

Gentlemen:

Perhaps I have yet to find my comments among so many unsearchable documents or perhaps they aren't included because they were submitted "late". Whatever the cause I am hereby resubmitting them. If they were "late", I find it interesting that correspondence dated October 16, 2015 is included, but my comments dated in August 2015 were not. I am sure I saved the email.

Sent: Friday, October 16, 2015 12:59 AM
To: Pedersen, Norman
Subject: Highlands EIR Update (New Las Posas Landscape)

Comments on Draft Environmental Impact Report

August 26, 2015
1217 Camino Del Sol
San Marcos CA 92069

City of San Marcos California
1 Civic Center Drive
San Marcos CA 92069

Gentlepersons:

Overall, I object to the Highlands project being proposed and want to add my statements and observations regarding the draft EIR. I will make my comments on the draft environmental impact report and any objections to the proposed project section by section.

Section 3.1 is about aesthetics. I do oppose the project based on aesthetic considerations. I disagree with the draft's statement that the scenic vista and scenic resources will be mitigated to less than significant and want to see proposed condition visuals from Quail Valley Park and Double Peak Park. Aesthetics is subjective in nature and personally, I would find the project to have a significant impact that is unable to be sufficiently mitigated to less than significant.

Section 3.2 is about air quality. I have no objections to the proposed project based on impacts to air quality.

Section 3.3 is about biological resource impacts. I do object to the project due to biological impacts. I would like to begin my discussion of biological resources with regard to the project's impact on sensitive species. The chart in 3.3 states that the project would have a significant impact on sensitive species. The same section alleges that this impact would be mitigated to below a level of significance. The mitigation to be used for the California gnatcatcher, *polioptila californica*, for instance is buffering and avoidance. I would like to see examples of successful implementations of buffering and avoidance in the past and to see how the results were measured.

Section 3.1.1.3 mentions a sensitive plant species that is known to be found relatively close to the proposed project site, threadleaf brodiaea, *brodiaea filifolia*. The draft report states that the focused surveys for sensitive plants were conducted in May and June 2014, with a total of 36.5 hours of field time. For all I know the survey was done from May 30, 2014 through June 2, 2014, 4 days. According to Calflora.org, this species can bloom between March through June. In the study, "Effects of Microclimate on Spring Flowering Phenology" *Ecology* by Marion T. Jackson in relatively flat Indiana a range of 11 days for blooming was reported for one species. This knowledge gives me reservations about the study's trustworthiness as regards the alleged absence of endangered plant species on the proposed site.

Section 3.4 is about cultural resources. I would like to see a map showing the project's location in relation to the locations of the earthen dam and reservoir and the location of the adobe wall and well. I do not believe that I can properly comment without this information.

Section 3.5 is about geology and soils. The study states that unstable geologic unit is potentially significant, but mitigated to less than significant. The draft report states, "The soils underlying the project site are compressible and considered unstable for support of fill and/or development." The report states that this will be corrected through grading, but this is just a statement, not necessarily a

fact. I remind the city that there are television shows about engineering disasters. I do not believe the benefit outweighs the potential risks and therefore object to the project based on the geology and soils.

Section 3.6 is about greenhouse gases and I have no objection to the project based on greenhouse gases.

Section 3.7 is about hazards. There is a significant impact due to wildland fires. The conclusion of the draft EIR states that conditions as pertains to hazardous materials on the project site may have changed since preparation of the Phase 1 ESA and an updated report should be done. I reserve comments until that updated report is done. As to the wildland fires, I do not believe that it is mitigated to less than significant. The project will be in a dry brush area and the access to and egress from in the event of an emergency is limited to Borden Road and Las Posas Road. This project actually adds potential danger to the existing neighborhoods in such an emergency evacuation situation.

Section 3.8 deals with hydrology. This project is in an area that would result in potential water runoff towards an area that the city is currently under litigation, Lake San Marcos. I can not in good faith support the project due to potential hydrology concerns, nor do I concur with the statements in the conclusion. I am sure all prior reports for other projects were less than significant and these may be proven wrong. This project could add to the city's misjudgments. Therefore, I object to the project due to hydrology concerns.

Section 3.9 deals with land use .Section 3.13.1 mentions a current deficit in park space, which applies to land use as well. I object to the project for concerns about proper land use.

Section 3.10 is about noise. While the noise would probably be inconvenient during the grading and construction phase of the project, I do not object to the project because of the noise.

Section 3.11 is about population. I do object to the project based on the population growth and its effects on other areas.

Section 3.12 is about public services. I do not agree with the mitigation proposals or the supposed outcomes presented in the conclusion. For this reason, I object to the project on this point.

Section 3.13 is about recreation. As I mentioned in Section 3.9 the city acknowledges that there is a deficit in park acres. This will add to that deficit, so I object.

Section 3.14 is about transportation and traffic. The study states that the level of service (LOS) will be significantly impacted in three intersections. One of them is my cross street, Camino Del Sol. The city plans to mitigate this through timing of traffic lights on Las Posas Road. I want some examples where the city already times lights to mitigate traffic. I want to see for myself that this mitigation will work. Governments are always playing catch up on the traffic situation and most of the studies used are already obsolete. I do not believe that the problem will be sufficiently mitigated and therefore object to the project on this basis.

Section 3.15 covers utilities. While the impact on water supply may be less than significant to the Vallecitos Water District overall, the state of California has drought measures in effect and we are being asked to conserve water. Approving a project that will ultimately expand water used is counterproductive towards that goal. For this reason, I object to the Highlands project.

In section 4.0 about alternatives, I object most strongly to 4.3.6. During the workshops, the city has been telling Santa Fe Hills' residents that there are no plans to connect Las Posas Road to Buena Creek Road.

There might not be specific plans to do so, but your alternative 4.4.3, an alternative project design that would prevent the extension of Las Posas Road to Buena Creek Road, is rejected by the city because the city's plan is to connect the two roads someday. This demonstrates the duplicity of the city towards the residents in Santa Fe Hills.

In conclusion, my objections outnumber the non-objections by a large margin. Therefore, I object to the proposed Highlands project. My cynical view is that the city is pushing this project for tax revenue reasons. Recently the city's growth has been anything but "smart". San Marcos has already lost a lot of its former charm. Let us not destroy it completely.

Brett Bigelow

Update to comments on Draft Environmental Impact Report

October 26, 2015
1217 Camino Del Sol
San Marcos CA 92069

City of San Marcos California
1 Civic Center Drive
San Marcos CA 92069

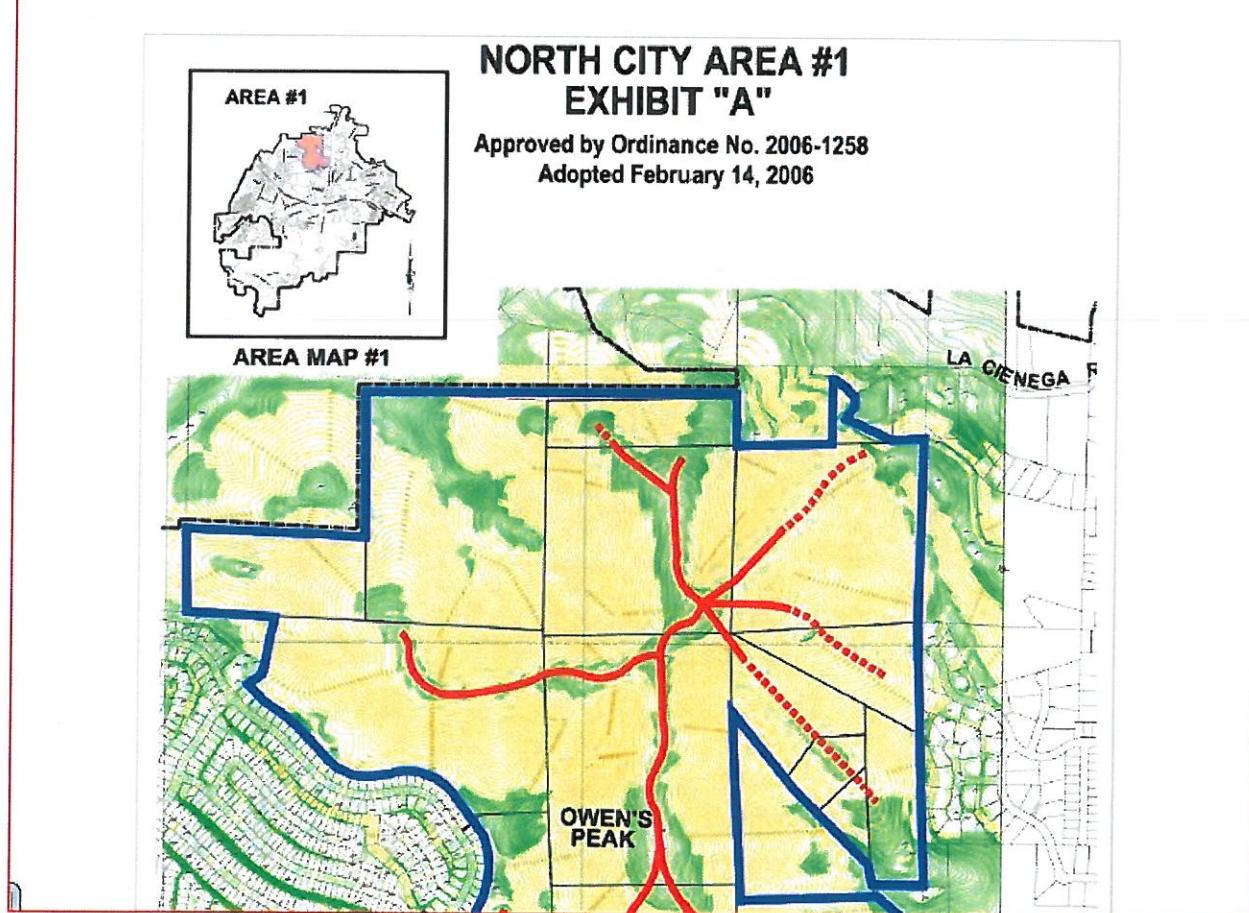
Gentlepersons:

Originally, on August 26, 2015 I had commented under Section 3.1 to the draft environmental impact report that I wanted to see a view from Quail Valley Park. I have subsequently found that view on your website. Thank you for providing all of this information to the public.

On viewing the proposed view from Quail Valley Park, it appears that while the proposed development is not on one of the protected ridgelines, the development itself appears to obstruct the view of a protected ridgeline.

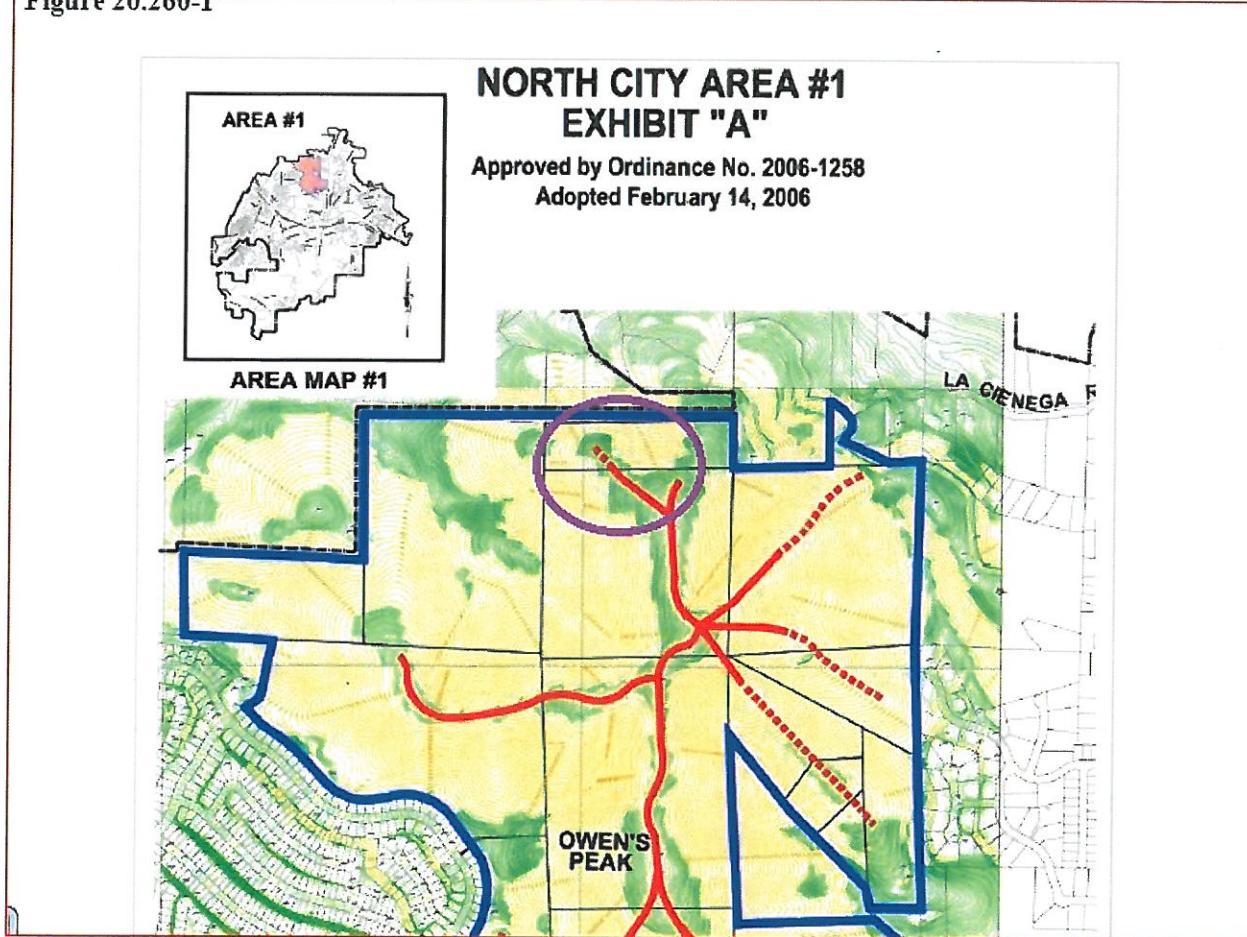
Here is the protected ridgeline as Exhibit A in the ordinance:

Figure ZO.260-1



Here is the ridgeline affected:

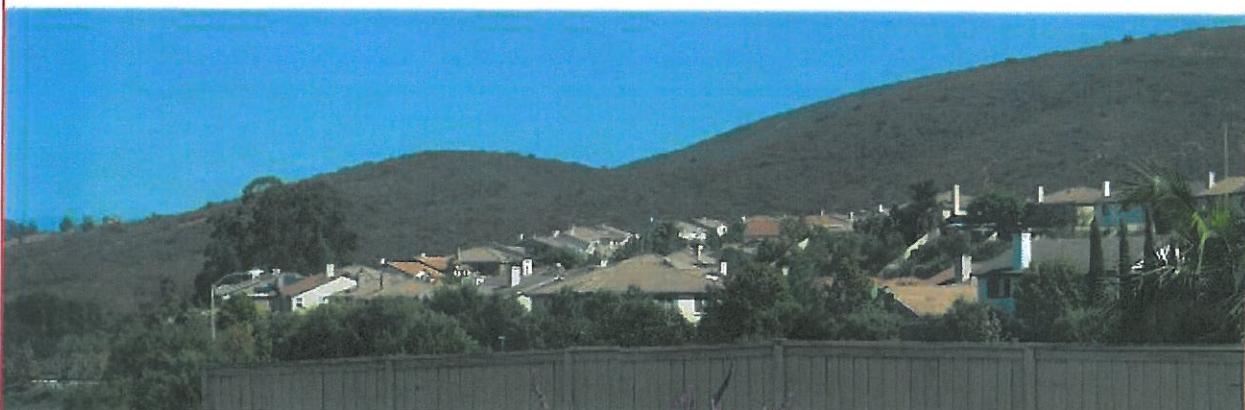
Figure 20.260-1



Here is the proposed view on your website:

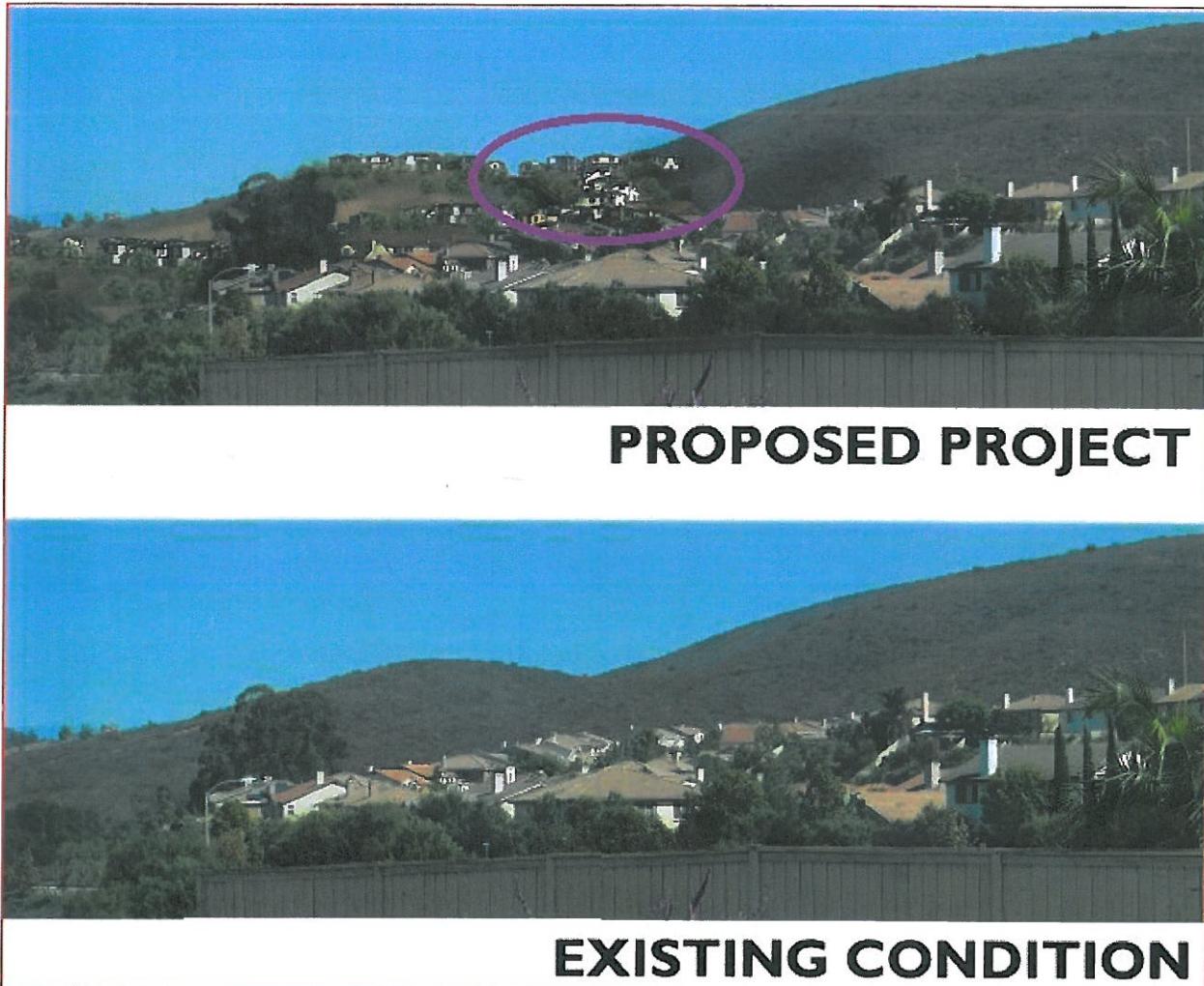


PROPOSED PROJECT



EXISTING CONDITION

Here I circle where the protected ridgeline is affected:



As you can see, I believe that the project has a significant negative effect on the aesthetics of the city. I also feel that since the voters approved the measure to protect the view of these ridgelines, the voters should also vote on any proposals that affect these views. Thank you for allowing me to update my comments.

Sincerely,

Brett Bigelow



RECEIVED

SEP 02 2016

CITY OF SAN MARCOS
PLANNING DIVISION

City of San Marcos
Planning Commission
1 Civic Center Drive
San Marcos, CA 92069
September 2, 2016

Sent by email: planning.comm@san-marcos.net
NPedersen@san-marcos.net
Norm Pedersen, Associate Planner

RE: Comments on San Marcos Highlands Development Project, P13-009

Dear Planning Commissioners:

I am writing to you on behalf of the Buena Vista Audubon Society, an environmental organization with more than 2,000 member households in the North County coastal area. Our mission includes education and advocacy to preserve wildlife and native habitat in the region. We have reviewed environmental studies associated with the proposed 293-acre San Marcos Highlands residential development since 2013 when we submitted comments on the Negative Declaration, and again in 2015 when we reviewed the Draft EIR and submitted further comments during the public review period. At both times we expressed our concern that this development as proposed would have significant and unmitigated environmental impacts on sensitive wildlife species and habitats, and is not consistent with regional habitat plans and agreements.

About 52% of the project site is in the County of San Diego and 48% in the City of San Marcos. The County portion of the Highlands site is designated as a Pre-Approved Mitigation Area (PAMA) in the County's draft North County Multiple Species Conservation Program (NC-MSCP). The PAMA is designed to steer development outside the area and set up design criteria and mitigation standards for any development in the area. The city portion of the site is included in the Multiple Habitat Conservation Plan (MHCP) which also identified onsite Biological Core and Linkage Areas due to the presence of valuable biological resources. These environmental planning agreements have been designed and established to protect endangered and threatened species and their habitats. Therefore, it is essential that new development be consistent with these plans, and the San Marcos Highlands project is not.

The project site is covered with sensitive coastal sage scrub (CSS) habitat in which the federally threatened California Gnatcatcher was identified, and wetlands habitat. The project will remove 77 acres of CSS and impact the wetlands habitat that runs through the property. It will also severely constrain wildlife movement between two of the largest remaining open space areas in northern San Marcos and the County.

The wildlife corridors proposed in the project are inadequate based on wildlife studies of other areas. The corridor along the north side of the site is a crucial linkage between the conserved habitat on the southeast side of the project and the conserved areas to the northwest, such as the Buena Creek Gnatcatcher Conservation Bank. This corridor is 400 feet wide at its narrowest points, not including fuel modification zones, substantially

less than the minimum width of 1,000 feet for a sustainable wildlife corridor normally required by the resource agencies. Wildlife also moves along the creek, which flows southwesterly from the northern side of the site, and these riparian corridors are impacted and not buffered enough to encourage and accommodate wildlife movement. Another problem is the inadequacy of the wildlife under-crossing of a road proposed to be built over the creek as it is too long and narrow for deer to realistically use.

What is the point of the considerable resources expended by government agencies on environmental planning if these are disregarded when actual development proposals come forward? Environmental planning is important for the sustainability of wildlife in our region and it is essential that new development be designed to accommodate the biological constraints of any particular site.

In conclusion, we believe that the project is inappropriate for this location, and would have significant and unmitigated environmental impacts. Therefore, we request that you deny approval of the EIR and the San Marcos Highlands project, and suggest that the property owner consider a project alternative that does not significantly impact biological resources. The California Environmental Quality Act (CEQA) requires alternatives analyses to examine whether impacts can be avoided or minimized and still meet project objectives. There are several alternatives that have been included in the San Marcos Highlands EIR, namely the County Zoning Alternative, Reduced Project Alternative, Increased Habitat Linkage Alternative, and Environmental Superior Alternative, that could be examined further to determine if they could reduce significant impacts identified in the proposed project.

Thank you for your consideration of our views on this important matter. If you have any questions, I can be contacted at 760-942-5167 or at [jmherkowitz@yahoo.com](mailto:jmherskowitz@yahoo.com).

Sincerely,

Joan Herskowitz
Conservation Chair
Buena Vista Audubon Society

Pedersen, Norman

From: Pedersen, Norman
Sent: Friday, September 02, 2016 8:19 AM
To: 'swhumphrey7@cox.net'
Subject: RE: San Marcos Highlands Project

Mr & Ms Humphrey,

Thank you for your comments regarding the proposed San Marcos Highlands project. Your comments are an important part of the review process, and will be included in the review package for the upcoming Planning Commission hearing on September 6th.

If you have any questions, please feel free to contact me.

Thanks
Norm Pedersen
Associate Planner
City of San Marcos Planning Division
760.744.1050 x3236
npedersen@san-marcos.net

-----Original Message-----

From: swhumphrey7@cox.net [mailto:swhumphrey7@cox.net]
Sent: Thursday, September 01, 2016 9:15 PM
To: Pedersen, Norman
Subject: San Marcos Highlands Project

Norm Pedersen
Associate Planner
City of San Marcos Planning Division
760.744.1050 x3236
npedersen@san-marcos.net
SAN MARCOS HIGHLANDS PROJECT

Request that the project not be approved. The project has not improved over the many years. It does not have the support of the surrounding community. People consistently show up to oppose it. There are strong feelings against this project. Please deny the project again.

Tom & Sue Humphrey
1914 Esplendido Ave.
Vista, CA 92084

760-727-2313

San Marcos Planning Commission
1 Civic Center Drive, San Marcos, CA, 92069

RECEIVED

SEP 02 2016

CITY OF SAN MARCOS
PLANNING DIVISION

Thursday, September 1, 2016

Dear Planning Commissioners,

I am writing you in opposition of the San Marcos Highlands Project. I have thoroughly reviewed the details of this project, it simply is urban sprawl. Mr Kubba owns the land and I want him to develop his land if he desires as he has every right to. His land is half in the city and half in the county. The part of his land he wants to place 189 Homes is mostly on county land. Current zoning there is 1 house per 10 acre. Mr Kubba is requesting San Marcos to request a city border extension to encompass his homes. This requires LAFCO approval. This current project does not take into account any of the county guidelines and is completely counting on LAFCO approving the re-drawing of city boundaries. As such this project is being disingenuous with the EIR process and not explaining the current reality of the land.

This is being done piecemeal. The city of San Marcos is interested in extending Las Posas to Buena Creek, as lead agency they have a horse in this race, to get half the road built without the correct environmental scrutiny. Mr Kubba's homes will bisect one of the last contiguous blocks of coastal sage scrub in San Diego County. He is only leaving 400 feet at the Northern end for animal migration, the recommended corridor is 1000-2000 feet not 400 feet.

It's a bad project, we the community for many years have spoken with Mr.. Kubba about downsizing his project. He steadfastly holds on to 189 homes. He is not working with the community. Please read my comment letter in the EIR where I go into some more detail.

Please planning commissioners, look at this project yourself and ask yourself if it truly is a good project. If it isn't please send a disapprove message as previous planning commissions have done. This is not a new and improved project. It's the same one, same sprawl.

If this project is to go forward it needs to take into account the extension to Buena Creek Rd, so that proper environmental scrutiny is applied to the entire area. The piecemeal nature of trying to get an approval for 189 homes then leaving for later the issue of extending Las Posas to Buena Creek is not the correct way to do this. Almost 80 letters in the EIR most all have serious concerns with the project as proposed. Please take the time to read those comments you will see a common thread of this not being a good project as proposed.

Thank You,

Tom Byrne

Resident since 1993

1388 Corte Bagalso, San Marcos

Pedersen, Norman

From: Pedersen, Norman
Sent: Thursday, September 01, 2016 5:47 PM
To: 'Sandra Farrell'
Cc: Brindley, Karen
Subject: RE: San Marcos Highlands

Sandra,

Thanks for your email.

The visual simulation locations are determined by City staff in consultation with the City's environmental consultant and visual analyst. Locations are selected to give a representative view of the project site from roads with public access and public spaces such as parks. Of that, locations are also chosen where all or most of the site can be viewed. The focus is on public views and not private views. The EIR provides visual simulations showing the following:

- (1) View from the north side from Robinhood Road which is a private road used by the general public.
- (2) View from the west side from the aqueduct which will be a public trail as part of the project.
- (3) View from the south side from Avenida Leon which is a public street.
- (4) View from the south side from Foothill Park which is a public park.
- (5) View from the south side from Ardilla Way which is a public street.
- (6) View from the center of the development from Park C which is a future public park.
- (7) There are no adequate public views of the project development from the east.

Thank you for your 3 suggestions for visual simulations from Esplendido Avenue in your EIR comments. However, the western view was chosen from the aqueduct instead of Esplendido Avenue, because that location provides the best public vantage point of the project development from the west. In response to your suggestions, 2 locations were simulated from Esplendido Avenue and are provided in the Response to Comments in Volume 1 of the Final EIR. As you can see in those visual simulations, view of the project development would be limited from Esplendido Avenue due to the distance and a hill which partially blocks the view. A simulation was not produced from the end of Esplendido Avenue, because the cul-de-sac is surrounded by private homes. Any view of the project site is limited to a narrow view down a private driveway with trees on both sides. In addition, the submitted photograph appears to be zoomed, and not taken with a standard focal length used for visual simulations.

The EIR has provided an adequate number of visual simulations to show the scope of visual change with the project development from those directions that provide the best views from a public vantage point. Based on the visual analysis, aesthetics impacts are determined to be less than significant for the project.

If you have any further questions, please feel free to contact me.

Thanks
Norm Pedersen
Associate Planner
City of San Marcos Planning Division
760.744.1050 x3236
npedersen@san-marcos.net

From: Sandra Farrell [<mailto:sifarrell@cox.net>]
Sent: Tuesday, August 30, 2016 8:01 PM
To: Pedersen, Norman
Subject: San Marcos Highlands

Hi Norm,

Can you tell me who makes the decisions on what is shown in the FEIR? I ask because that simulations be provided from the end of Esplendido Ave nearest to the project in the FEIR. I see that simulations were only done from middle sections of the street that don't really show the project's full impacts. In addition, photo simulations in the FEIR were done from private roads and I remember you saying visual simulations were to be done showing project impacts from public streets. Can you provide clarification on why the above was done? I made my own as part of the "Fair Argument" to show there may be an impact and it should be studied.

Thank you very much.

Sandra

Sandra Farrell
1900 Esplendido Ave
Vista, CA 92084

760-415-3349

Pedersen, Norman

From: Pedersen, Norman
Sent: Friday, September 02, 2016 9:13 AM
To: 'kaletta@me.com'
Subject: FW: Highland Project - P13-0009

Mr. Kaletta,

Thank you for your inquiry regarding the proposed San Marcos Highlands project.

As Las Posas Road is the primary means of access for the proposed project, the applicant will be responsible for the dedication, design and construction of Las Posas Road within their proposed subdivision. Although the City's and County's General Plan depicts Las Posas Road extending northerly to Buena Creek Road, the project applicant is not obligated to participate in this extension nor are there any current plans to extend Las Posas Road north of this proposed subdivision. If Las Posas Road is extended in the future, the proper City and County approvals will need to be obtained.

The narrow strip of land, north of the project, follows a natural drainage course and is owned by the project applicant. As part of the project's regulatory permits with the resource protection agencies, the applicant is required to include this property as preserved open space.

The subject property is zoned as a Specific Plan Area which allows for up to 230 homes. The developer proposes to develop 189 homes, a public park, and 2 private mini-parks. The project will also include trail connections between Santa Fe Hills and the aqueduct trail to the northwest, a trail circling the project's riparian habitat preserve, and trail access to the existing unimproved trails within the eastern portion of the project site. As part of the project, approximately 210 acres will be set aside as permanent biological open space. This open space area will be dedicated and managed by a conservancy in perpetuity. No future development will occur within the open space.

If you have any questions, please feel free to contact me.

Thanks
Norm Pedersen
Associate Planner
City of San Marcos Planning Division
760.744.1050 x3236
npedersen@san-marcos.net

-----Original Message-----

From: Planning Division General Email
Sent: Thursday, August 25, 2016 8:11 AM
To: Pedersen, Norman
Cc: Brindley, Karen
Subject: FW: Highland Project - P13-0009

-----Original Message-----

From: Nam Kaletta [<mailto:kaletta@me.com>]
Sent: Wednesday, August 24, 2016 8:16 PM
To: Planning Division General Email
Subject: Highland Project - P13-0009

Good Morning,

I am just curious about the fact that Las Posas Road is not part of this plan. How is it going to get built and who's paying for it? If the builder is going to benefit mostly from the road, I'd think they should pay for it. Also where is it going, since the narrow strip of land that is shown will be set aside for nature preserve.

I love hiking that area and hate to see it all gone to development, but realize that nothing stops developers and their money. So I accept this is going to be built, and like that a large portion is set aside for open space. What guarantees are in place that the open space will stay open and not get developed at a later date?

Thank you for your time and effort.

Best Regards,
Matt Kaletta

RECEIVED

SEP 02 2016

CITY OF SAN MARCOS
PLANNING DIVISION

Mary H. Clarke

Co-Chair, North County MSCP/MHCP Task Force
Sierra Club, San Diego Chapter

2006 Trevino Ave.
Oceanside, CA 92056
760-453-2311

September 2, 2016

City of San Marcos
Planning Commission
1 Civic Center Drive
San Marcos, CA 92069

By e-mail to: Norm Pedersen, Associate Planner, NPedersen@san-marcos.net, and
planning.comm@san-marcos.net

RE: San Marcos Highlands project, P13-009
Planning Commission agenda of Sept. 6, 2016

Dear Planning Commission Chair, Eric Flodine, and Commissioners Carl Maas, Bruce Minnery, Steve Kildoo, Kevin Norris, Wendy Matthews, James Schaible (Alternate) and Bill Jacoby (Alternate):

INTRODUCTION

I am writing on behalf of the North County Multiple Species Conservation Plan (NC-MSCP)/Multiple Habitat Conservation Plan (MHCP) Task Force of the Sierra Club, San Diego Chapter. Our Task Force has been involved in the development and implementation of Habitat Conservation Plans in North County since the mid-1990s. We are very familiar with the MHCP and San Marcos' draft subarea plan and with the County's draft NC-MSCP. The purpose of these plans is to conserve a connected system of biologically viable habitat lands in a manner that maximizes the protection of sensitive species and precludes the need for future listing of species as threatened or endangered. The Plans seek to maintain biodiversity and ecosystem health in the region while ensuring quality of life and economic growth opportunities.

Early in the planning processes, core areas of valuable habitat and corridors linking these core areas were identified in North County. In the MHCP, these areas were identified as the Biological Core and Linkage Areas (BCLA). In the draft NC-MSCP, they were identified as Pre-Approved Mitigation Areas (PAMA).

BACKGROUND

About 52% of the San Marcos Highlands project is in the County and 48% is in the City of San Marcos. The portion in the City is in the MHCP BCLA, due to the valuable environmental resources on the site, including coastal sage scrub (CSS) and wetlands

habitat. The portion in the County has been identified as PAMA in the draft NC-MSCP. (A PAMA is an area identified by the Wildlife Agencies for high biological value in which preservation will be encouraged.) The entire Highlands property contains CSS and wetlands habitat: Agua Hedionda Creek runs through the property. The Highlands property is a wildlife corridor between two large open space areas – the San Marcos Mountains to the southeast and an unnamed mountain range to the northwest.

ISSUES

A major problem from the environmental perspective is that the Highlands project will severely constrain wildlife movement between the southeast and northwest, particularly in the County portion of the property. A wildlife corridor is proposed on the north side of the project, but it is only 500 feet wide, and has a pinch point that is only 400 feet wide for about 500 feet in length.

Another serious problem with the Highlands project is that about 77 acres of CSS will be removed, the majority of which is in the County. This violates the purpose of the PAMA, which is to preserve valuable resources inside the PAMA. The CSS on the County portion of the property is occupied by the California coastal gnatcatcher, a threatened species.

Wildlife also moves along the creek, which flows from the north to the southwest. Looking at the project maps, it appears that this corridor is quite constrained. In my comment letter on the draft EIR, I asked how wide the wildlife corridor along the creek will be, but the Response to my question was not clear. A wildlife corridor is needed along the creek that meets the standards in the MHCP and draft NC-MSCP for width of wildlife corridors.

Another problem is an inadequate wildlife undercrossing of a road to be built across the creek. The undercrossing is too long and too narrow. It will not allow deer to safely cross under the road. This problem needs to be addressed, both for the safety of vehicles using the road and for the wildlife trying to move along the creek.

REQUEST TO PLANNING COMMISSION

The final EIR (FEIR) presents alternatives to the currently proposed project. It appears that several of the Alternatives, including the County Zoning Alternative; the Reduced Project Alternative; the Increased Habitat Linkage Alternative; and the Environmentally Superior Alternative, may have better outcomes for the environmentally sensitive resources on the site than the currently proposed project. However, we have not had time to fully analyze and understand these alternatives. We request that the Planning Commission deny the currently proposed project and ask the developer to work with the opposition groups and individuals to develop a plan that is more environmentally sensitive and respects the needs of neighboring communities.

CONCLUSION

Of course, the preference of our Task Force would be the No Project Alternative, which would preserve the habitat and wildlife corridors on the entire Highlands site. However, we understand that the owner of the property, Mr. Kubba, has the right to develop his property in accordance with laws and regulations. In order to preserve the entire site, we would need to purchase the property for conservation. In the 2007-08 timeframe, we worked with Mr. Kubba to try to acquire the property for conservation. An appraisal was done, and the appraised value of the approximately 280 acres was \$9.5-10 million. Unfortunately, we were not able to make a deal with Mr. Kubba because his price was higher than the appraised value. (The funds for acquisition would have come from park bond funds and Transnet mitigation funds, which are public monies that are constrained by the appraised value.) This was a big disappointment to all of us who worked on trying to purchase the property for conservation.

We sincerely hope that the Planning Commission will require the developer of the Highlands project to produce a more environmentally and community sensitive project. We will make every effort to work with the developer and his representatives to achieve better outcomes.

Sincerely,

Mary H. Clarke

CC: Wildlife Agencies

ACOE

LAFCO

EHL

Sierra Club – SD Chapter, Conservation Chair

Pedersen, Norman

From: Pedersen, Norman
Sent: Friday, September 02, 2016 11:14 AM
To: 'Tom Byrne'
Subject: RE: Would like to request video of planning commision meeting on P13-0009

Tom,

Thanks for request. Unfortunately, video recording of Planning Commission hearings is not available. However, you can request an audio recording of the hearing. Your comments from your previous email will be included in the Planning Commission review package. If you have any questions, please feel free to contact me.

Thanks
Norm Pedersen
Associate Planner
City of San Marcos Planning Division
760.744.1050 x3236
npedersen@san-marcos.net

From: Tom Byrne [mailto:tom.j.byrne@gmail.com]
Sent: Thursday, September 01, 2016 7:56 PM
To: Pedersen, Norman
Subject: Would like to request video of planning commision meeting on P13-0009

Hi Norm,

In lieu of any public workshops in 2016 on the Highlands , I would like to request that the Planning Commission meeting this Tuesday be recorded and posted for the community , so those that cannot attend the meeting this Tuesday can at least see and hear what occurred.

Its common to do this for City Council meetings, as such I would request due to the community response on the Highlands project that the meeting be recorded if at all possible and made available to the public.

Please include this request in the package to the Planning Commission this Tuesday. I will go on record as opposing the Highlands project and would request the planning commission read my comments in the FEIR as part of their research on why I and many others are opposed.

Thank You,

Tom Byrne
1388 Corte Bagalso
San Marcos , CA 92069