

PLANNING COMMISSION

Meeting Date: 9/6/16

ADDITIONAL ITEM ADDED AFTER DISTRIBUTION OF PACKET - # 3

- Additional Correspondence Received
- City Response to Previous Letters Sent on 9/2/16

Agenda # 2

Farouk Kubba / SM Highlands

→ Date 9/6/16
Time 4:30 PM

Pedersen, Norman

From: Pedersen, Norman
Sent: Tuesday, September 06, 2016 7:56 AM
To: 'CHIMOHOME@aol.com'; planning.com@san-marcos.net
Subject: RE: SAN MARCOS HIGHLANDS P13-009 OPPOSITION

Lindsay,

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 Planning Commission hearing today.

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: CHIMOHOME@aol.com [mailto:CHIMOHOME@aol.com]
Sent: Friday, September 02, 2016 10:05 PM
To: planning.com@san-marcos.net
Cc: Pedersen, Norman; chimohome@aol.com
Subject: SAN MARCOS HIGHLANDS P13-009 OPPOSITION

September 2, 2016

To: Planning Commissioners:
Chairperson, Eric Flodine,
Carl Maas,
Bruce Minnery,
Steve Kildoo,
Kevin Norris,
Wendy Matthews,
James Schaible (Alternate)
Bill Jacoby
(Alternate)

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

Ref: San Marcos Planning Commission Hearing on San Marcos Highlands
P13-009, September 6th Hearing
Dear Commissioners,

I am a resident of the Buena Creek Valley and have been aware of this project for several years. Despite this project coming before the Planning Commissioners over these past years, it was not supported by the PC, yet here it is again with apparently little change to the original submission and with the map expired after the City Council failed to give it an extension years ago.

There are so many concerns: density, biological, environmental, and traffic impacts, along with the cumulative impacts if ultimately this projects results in an extension of Las Posas Road to Buena Creek Road which is already plagued with unmitigated traffic congestion with no resolution in sight.

52% of the project lies within the County of San Diego, in high value habitat for plants and wildlife, and the Wildlife Agencies have repeatedly expressed concern over the years about the biological and environmental damage this project will cause.

This proposed development is the wrong project for this site and the applicant should create a project with less damaging impacts and density, following the County General Plan for the 52% of the property which falls outside the City of San Marcos. The County General Plan would allow for a maximum density of 13 homes where the City currently plans to place about 136 of the total 189 homes.

The project needs to respect the existing community character of the land it intersects and consideration must be given to the impact to the rural residents who live adjacent to the project. Furthermore, the project should be re-designed to allow for the recommended wildlife corridor outlined in the MHCP documents and by the Wildlife Agencies so wildlife can move through the site to access water along Agua Hedionda Creek.

Due to the many flaws in this project which have been clearly represented to you by several governmental agencies, along with the Twin Oaks Valley Community Sponsor Group and in public comments submitted over the years, it should not be approved at this time and the applicant should be advised to submit a project that has less environmental and biological impacts, staying within the County General Plan for density.

Respectfully submitted,

Lindsay Townley
2353 Lone Oak Lane,
Vista, CA 92084
chimohome@aol.com

c.c. Norm Pedersen, Associate Planner,
NPedersen@san-marcos.net,



County of San Diego

RECEIVED

SEP 07 2016

CITY OF SAN MARCOS
PLANNING DIVISION

MARK WARDLAW
DIRECTOR
PHONE (858) 694-2962
FAX (858) 694-2555

PLANNING & DEVELOPMENT SERVICES
5510 OVERLAND AVENUE, SUITE 310 SAN DIEGO, CA 92123
www.sdcounty.ca.gov/pds

DARREN GREYLER
ASSISTANT DIRECTOR
PHONE (858) 694-2962
FAX (858) 694-2555

September 6, 2016

Norm Pedersen, Associate Planner
Development Services Department
City of San Marcos
1 Civic Center Drive
San Marcos, CA 92069

Via E-mail: Norm.Pedersen@cityofsanmarcos.org

**COMMENTS ON THE FINAL EIR (EIR 15-001, STATE CLEARINGHOUSE NO. 1999071007)
FOR THE SAN MARCOS HIGHLANDS PROJECT NO. P13-0009 (SP 13-001, TSM 13-001, CUP
13-010, ROZ 14-001, PZ 14-001, GPA 15-002, & EIR 15-001)**

Dear Mr. Pederson:

The County of San Diego (County) has received your request for comments on the Final EIR for the San Marcos Highlands Project and appreciates the opportunity to provide our comments on the project. The County Departments of Parks and Recreation and Planning & Development Services have reviewed the Final EIR and identified issues that may impact unincorporated County lands.

Many of the comments contained in this letter are similar to those raised in our previous letter submitted to the City on August 24, 2015 relating to the Draft EIR (letter attached). We have included County comments on your responses to our August 24, 2015 in italics. This letter also includes additional comments beyond those raised in our August 24, 2015 letter. Please note that none of these comments should be construed as County support for the proposed project or the associated annexation.

GENERAL COMMENTS

1. The majority of the proposed project area is within the unincorporated County and as currently designed is not consistent with the 2011 General Plan land use designation. The current design presents an intensification of use inconsistent with the County's General Plan land use designation of Semi-rural lands (SR-10). Development of the project at the proposed intensity would be inconsistent with the County's General Plan and overall planning principles.

September 6, 2016
Norm Pederson
City of San Marcos

The City's response to our General comment #1 (response # 6-2 on page 0.3-42 of the Final EIR) is that more detailed comments are provided further in the County's letter but it remains unclear what that reference means and how the City responded to the County's comment. County staff does not agree that this comment has been responded to and retains this comment. Please provide a response to this comment.

2. This property was included as a Property Specific Request (PSR) as part of the General Plan Update process, whereby the Board of Supervisors directed staff (independent of this proposed project) to evaluate the feasibility of changing the southern portion of the project area from Semi-Rural-10 to Semi-Rural-1. The PSR project will require a full environmental analysis and it is premature to speculate on the final Decision by the County's Board of Supervisors that the General Plan designation would be changed through this process. Staff has identified various constraints on this project area as part of the ongoing PSR evaluation process. These constraints are reflected in the comments provided on the proposed project.

The City's response to our General comment #2 (response # 6-2 on page 0.3-42 of the Final EIR) is that more detailed comments are provided further in the County's letter but it remains unclear what that reference means and how the City responded to the County's comment. County staff does not agree that this comment has been responded to and retains this comment. Please provide a response to this comment.

CLIMATE CHANGE/GHG

1. In Section 3.6.4, Cumulative Impact Analysis for Climate Change the DEIR states:

Cumulative projects in the County of San Diego would be subject to the County's June 2012 CAP requirements, which list community and local government measures and actions to reduce GHG emissions and identifies adaptation strategies. Future development within the County would be required to implement applicable measures and actions to ensure GHG emissions reductions consistent with AB32. Therefore, cumulative impacts are less than significant and no mitigation is required.

The County's CAP cannot be relied upon as it was rescinded in April 2015 by Court Order. The conclusion that projects located within the unincorporated County identified for cumulative impact evaluation will be mitigated by implementation of the County's CAP is incorrect. The Draft EIR must re-analyze the cumulative effect of projects identified within the unincorporated County to discern whether or not there would be a cumulatively considerable climate change impact without reliance on the County CAP to determine the significance of the cumulative climate change impact in accordance with the Supreme Court ruling RE: Newhall.

The City's response to the County's Climate Change comment #1 (response # 6-3 on page 0.3-36 of the Final EIR) was to remove the reference to the County's CAP and replace it with the County's Recommended Approach to addressing Climate Change in CEQA Documents guidance. The County's guidance document assists in the determination of impacts; however, it does not provide a program for mitigating impacts. The County believes that cumulative Green House Gas (GHG) impacts remain un-mitigated.

LAND USE

1. Page 3.9-14 of the Draft EIR cites a letter sent to the City of San Marcos dated August 9, 2013, signed by PDS Director Mark Wardlaw. Please note, County files indicate that this letter was dated August 19, 2013. This section of the Draft EIR summarizes the County's concerns expressed in the correspondence with the proposed project. One point that was specifically raised in this previous correspondence, which the Draft EIR fails to discuss, are the steep slopes of the project area and how, or if, the proposed project will significantly alter the existing topography. The Draft EIR has failed to adequately address this concern or explain how the selected significance criteria will aid the analysis of the proposed project and determine if the proposed project will result in inmitigable environmental, social and economic impacts.

The City's response to our Land Use comment #1(response # 6-4 on page 0.3-42 of the Final EIR), points to two sections where slopes are discussed. However, there is no clarification of the significance criteria or clarity in the determination of Less Than Significance Impact.

2. Page 3.9-18 discusses the proposed project's consistency with the MHCP and draft NCMSCP with conclusory statements of consistency without providing rationale or logical explanation for such a determination. The Draft EIR needs to analyze the proposed project's consistency with these conservation programs, consistent with the Land Use impact significance criteria. The analysis must present a logical, fact-based rationale for any conclusions of less than significant or significant impact in relation to the significance criteria.

The City provided a response to our Land Use comment #2 (response # 6-5 on pages 0.3-42 to 0.3-43 of the Final EIR. The Final EIR appears to disclose the project's inability to meet the preservation goals of the Draft PAMA. Not meeting this goal is justified by characterizing the preservation goal of the PAMA as not a strict requirement, but merely a goal. The preservation goal represents a functioning preservation system; not meeting those goals compromises the functionality of the PAMA. It is unclear how a determination of consistency with the NCMSCP can be made when the future functionality of the preserve is compromised by the project. This inconsistency may impact the viability of the NCMSCP by compromising the ability to create a functional preserve system, especially at the project location.

3. The current land use designation for the project area within the unincorporated County is Semi-Rural 10 (SR10), translating to one dwelling unit per ten acres. If the entire project area (293 acres) were used to determine allowable density, the site would be allowed up to 29 dwelling units, not the proposed 189. The project proposes annexation of over 69 acres of unincorporated land into the City of San Marcos with approximately 140 dwelling units planned for this portion of the project area. This resulting density of two units per acre is well beyond the allowable density of the County's SR-10 designation. The Draft EIR rationale that the project area is proposed to be annexed (in whole or in part) to the City of San Marcos and thus does not need comply with County land use regulations is flawed because it deprives the public and decision makers of information and analysis to evaluate the proposed project. The current characterization of the future discretionary action by LAFCO as having the effect of relegating the County General Plan as irrelevant does not provide a sound basis. The Draft EIR should evaluate the proposed project under the current land use designations that govern the project area and reach a conclusion based on these facts and logical relationships. There must be a clear distinction between current and future conditions. Once an evaluation of current conditions is completed, an evaluation of a future condition, post-LAFCO action can be accomplished. The Draft EIR needs to address the issue of land use consistency without employing the results of a future discretionary action by LAFCO to analyze the proposed project.

The City provided a response to our Land Use comment #3 (response # 6-6 on page 0.3-43 of the Final EIR). While the Draft EIR provided a description of a "County Zoning Alternative", the County's comment requested that the proposed project be evaluated under applicable county codes (General plan, zoning, etc.) without the filter (assumed annexation) of a future discretionary action by LAFCO. The alternative referenced in the City's response evaluates a 'County compliant' alternative, rather than the proposed project under current County regulations alternative as requested by the County. The requested disclosure of information was not met.

4. Table 3.9-14 fails to analyze the proposed project's consistency with applicable land use *policies* and only addresses the land use *goals*; despite the fact that the Draft EIR does analyze project consistency with City goals and policies. This results in a flawed and incomplete analysis depriving the public and decision makers of meaningful information upon which to make a decision, both for the Lead and Responsible Agencies, under CEQA. As a Responsible Agency under CEQA, the County may not be able to rely on the Draft EIR for discretionary actions associated with the proposed project.

The City provided a response to our Land Use comment #4 (response # 6-7 on page 0.3-43 of the Final EIR) that directs us to their response # 6-6. Please see our Land Use comment # 3.

BIOLOGICAL RESOURCES

1. The proposed project is not consistent with the County's draft NCMSCP. As stated in our comment letter of August 19, 2013 regarding the proposed Tentative Subdivision Map (TSM 408-Revised) and reiterated in the December 12, 2013 Comments on the proposed Mitigated Negative Declaration, the proposed project would compromise the efficacy of the North County's Planned PAMA in this block of habitat. The PAMA includes high quality habitats that will create the ultimate linked preserve system in the North County Plan area; it extends to the northwest in the County's jurisdiction and to the southeast it links to the Northern Focused Planning Area of the City's Draft Natural Community Conservation Plan. The project site also provides important habitat in the Biological Core and Linkage Area (BCLA) of the Multiple Habitat Conservation Program (MHCP). Both regional plans rank the habitat as having very high habitat value. Development within this area would preclude its inclusion within the proposed PAMA, reduce the size of the PAMA, and would affect the viability of the PAMA in this area.

The City provided a response to our Biology comment #1 (response # 6-8 on page 0.3-43 of the Final EIR). This response is non-responsive. The County comment relates to the inconsistency of the project with the Draft NCMSCP. The response directs the reader to the City's response # 6-4 of the Final EIR which discusses the steep slopes of the project, not biological resources.

2. Figure 3.3-3, which is described to show the MHCP and NCMSCP designations and boundaries in relation to the proposed project area boundaries, is missing from the online version of the Draft EIR.

The City provided a response to our Biology comment #2 (response # 6-9 on page 0.3-43 of the Final EIR) that the figure was inadvertently omitted from the Draft EIR but is now included in the Final EIR.

3. It is unclear how the preserve corridor is measured. The Biological Resources chapter of the Draft EIR should include a figure demonstrating the appropriate widths for the preserve corridor. No fuel management should occur within the proposed preserve corridor. In the current design, it appears that fuel management would extend into the corridor area, further compromising the integrity of the preserve corridor.

The City provided a response to our Biology comment #3 (response # 6-10 on pages 0.3-43 – 0.3-44 of the Final EIR). The response indicates that consistency with previously issued permits results in a finding of less than significant. Information regarding the referenced permits is unclear. Information such as what the permits were issued for, by what agency and what time period they are valid is not disclosed. Regardless, the significance criteria does not rely on the provision of permits for impact determination; that is, the previous issuance of permits does not obviate the EIR from making a determination of impacts based on factual information that directly addresses the significance criteria. The permit information is anecdotal.

4. The existing habitat acreages discussed in the Draft EIR do not match Appendix D1 – Biological Resources Report. For example, section 3.1.1.1 of the Draft EIR (a numbering error – should be 3.3.1.1) states that DCSS acreage is 263.19 acres, but the Biological Resources Report states 251.25 acres. Further, the habitat acreages identified as potentially impacted in the Draft EIR do not match the Biological Resources Report (e.g. 77.74 acres of CSS versus 61.65). These discrepancies must be rectified as the impacts and mitigation measures identified in Draft EIR cannot be relied upon with such significant differences.

The City provided a response to our Biology comment #4 (response # 6-11 on page 0.3-44 of the Final EIR). The City's response asserts that an older version (September 26, 2014) of the Biological Resources Report was included in the technical appendices for the Draft EIR in error. The older report included different acreages than the EIR however the Draft EIR text contained the correct quantities of habitat onsite, proposed impact quantities, and proposed mitigation. The correct version of the Biology Resources Report has subsequently been made available with the Final EIR.

This appears to deny the public of information that is necessary to make an informed decision and comment given the EIR Biology chapter relies on the Biology Resources Report. How could the public (or County) provide meaningful input if the incorrect information was provided? The 'correct' Biology Resources Report constitutes substantial new information and the EIR Biological Resources Chapter, along with the correct Biology Resources Report should be recirculated for public review and comment.

5. Current proposed project site attributes contribute to the connectivity of coastal California gnatcatcher habitat to the east in the San Marcos Mountains and along the 1-15 corridors. This connection is necessary to maintain a north-south connection between the San Dieguito River near Lake Hodges to the south (within the northern portion of the County's MSCP preserve system), through gnatcatcher habitat within the City of Carlsbad to the northwest, through the "stepping stone" corridor of gnatcatcher habitat patches extending through Oceanside, to core populations of gnatcatchers on Camp Pendleton. Retaining the connectivity of the gnatcatcher habitat within northern San Marcos and County lands located adjacent to the cities of San Marcos, Vista, and Oceanside, is an important feature of the proposed project area. Compared to current conditions, this linkage would be reduced by the proposed project and constrain wildlife movement.

The City provided a response to our Biology comment #5 (response # 6-12 on page 0.3-44 of the Final EIR). The County does not agree with the determination of less than significant impact due to the project resulting in further fragmentation and continuation of 'stepping stone' habitat which may be acceptable to avian species, but not wildlife without the capability of flight.

6. The County's Draft MSCP North County Plan Planning Agreement includes the following language which should be considered for this project.

"In the event land within the County's jurisdiction is proposed to be annexed to another jurisdiction, the County shall request that LAFCO impose a requirement on the annexing jurisdiction that it shall enter into an agreement between the county, the annexing jurisdiction, USFWS and CDFW as part of the annexation process to ensure that annexation would only occur when the annexation will not jeopardize the buildout of the preserve or the coverage of species within either of the planning areas..."

TRAFFIC AND TRANSPORTATION

1. The Draft EIR references San Marcos General Plan Policy M-1.6 which, identifies '*work to improve connectivity...work with new development to provide connectivity and redundancy in the mobility network*'. Both the City of San Marcos and County General Plan identify a connection of Las Posas Road from Buena Creek Road to SR-78. While not currently proposed for connection, no project alternative should preclude a future extension/connection of Las Posas Road. Open Space Lot 3A of the proposed project may compromise the potential for a future Las Posas connection. The Draft EIR needs to analyze an alternative project design that provides a reasonable and feasible connection to meet the intent of Policy M-1.6 for vehicle, bicycle, pedestrian and trail accommodation.

The City provided a response to our Traffic and Transportation comment #1 (response # 6-19 on page 0.3-45 of the Final EIR). The City's response indicates that the proposed Open Space/biological conservation easement could make the Las Posas Road connection/extension more challenging but not preclude the future roadway connection. The City should describe in detail the process that would be required for the Las Posas Road extension because of the Open Space/biological conversation easement.

2. The Draft EIR argues that the proposed project is not responsible for paying the County's TIF because there is no nexus based on: 1) No cumulative or direct impacts identified to Las Posas Road; 2) Future Year (2035) analysis indicates only nominal trips onto County roads and 3) the proposed project annexation into the City of San Marcos. However, the majority of the proposed dwelling units are within the unincorporated County and unless annexed into the City, the project would be responsible for paying the County's TIF regardless of how many trips were identified on Las Posas Road. Therefore, consistent with previous correspondence:
 - The Las Posas connection is a planned Mobility Element (ME) network road on both the County's Mobility Element of the General Plan and within the City's Circulation Element.
 - The County's Transportation Impact Fee (TIF) program is a requirement for all projects located on existing unincorporated County lands that will generate vehicle trips, regardless of the number of trips. Payment of the TIF does not depend on whether the individual project has a "nominal" cumulative or direct impact to a particular roadway facility.

September 6, 2016
Norm Pederson
City of San Marcos

- A portion of the proposed project is located within unincorporated County lands that were included in the analysis and development of the County's TIF. Therefore, the project should contribute to the County's TIF to adequately mitigate for projected future road deficiencies identified within the County, regardless of whether the project area is annexed.
- The County recommends a mitigation measure be added to the Draft EIR to require payment of the TIF or another agreed upon mitigation between the County and the City of San Marcos. If the City of San Marcos collects the required SANDAG Regional Transportation Congestion Improvement Program (RTCIP) Impact Fee amount of \$2,310 (*figures updated to reflect fee rates good as of 7/1/15*) per dwelling unit, then the County TIF rate would be \$1,886 per unit (North County Metro, Non-Village Rate). Based on the approximately 140 units located within the unincorporated County, the corresponding TIF would be \$264,040 (140 x \$1,886). Link to TIF: <http://www.sdcountry.ca.gov/dpw/land/tif.html>

The City provided a response to our Traffic and Transportation comment #2 (response # 6-20 on page 0.3-45 of the Final EIR). The City should augment Response 6-20 so it explains how the proposed project would address local and regional cumulative traffic impacts in a manner that is equivalent to the County's TIF program.

The County looks forward to receiving future documents and/or notices related to the project and providing additional assistance at your request. If you have any questions regarding these comments, please contact Danny Serrano, Land Use / Environmental Planner at (858) 694- 3680, or via email at daniel.serrano@sdcounty.ca.gov.

Sincerely,



Joe Parace, Group Program Manager
Advance Planning Division
Planning & Development Services

Attachment: City's Responses to County's Comment Letter Dated August 24, 2015

E-mail cc:

Dustin Steiner, Chief of Staff, Board of Supervisors, District 5
Megan Jones, Group Program Manager, LUEG
Jeff Kashak, Environmental Planner, Department of Public Works
Richard Chin, Associate Transportation Specialist, Department of Public Works
Nick Ortiz, Advanced Planning Manager, Planning & Development Services
Peter Eichar, Land Use/Planning Manager, Planning & Development Services
Marcus Lubich, Park Project Manager, Department of Parks and Recreation
Michael Ott, Executive Officer, LAFCO



County of San Diego

MARK WARDLAW

PLANNING & DEVELOPMENT SERVICES
6510 OVERLAND AVENUE, SUITE 310, SAN DIEGO, CA 92123
www.sdcountry.ca.gov/pls

DARREN GRETLER

August 24, 2015

City of San Marcos Planning Division
Norm Pedersen, Associate Planner
1 Civic Center Drive
San Marcos, CA 92069

Via E-mail: Norm.Pedersen@sanmarcos.ca.gov

COMMENTS ON THE DRAFT EIR FOR SAN MARCOS HIGHLANDS PROJECT

Dear Mr. Pedersen:

The County of San Diego (County) has reviewed the Draft EIR for the San Marcos Highlands Project and appreciates this opportunity to comment. The County Department of Public Works, Parks and Recreation and Planning & Development Services have reviewed the DEIR and identified issues that may have an effect on unincorporated County lands. Many of these issues have been previously raised in correspondence to the City of San Marcos. Please note that none of these comments should be construed as County support for the proposed project or the associated annexation.

6-1

GENERAL COMMENTS

The majority of the proposed project area is within the unincorporated County and as currently designed is not consistent with the 2011 General Plan land use designation. The current design presents an intensification of use inconsistent with the County's General Plan land use designation of Semi-rural lands (SR-10). Development of the project at the proposed intensity would be inconsistent with the County's General Plan and overall planning principles.

This property was included as a Property Specific Request (PSR) as part of the General Plan Update process, whereby the Board of Supervisors directed staff (independent of this proposed project) to evaluate the feasibility of changing the southern portion of the project area from Semi-Rural-10 to Semi-Rural-1. The PSR project will require a full environmental analysis and there is no guarantee that the General Plan designation would be changed through this process. Staff has identified various constraints on this project area as part of the ongoing PSR evaluation process. These constraints are reflected in the comments provided on the proposed project.

6-2

August 24, 2015
Norm Pederson
City of San Marcos

CLIMATE CHANGE/GHG

In Section 3.6.4, Cumulative Impact Analysis for Climate Change the DEIR states:

Cumulative projects in the County of San Diego would be subject to the County's June 2012 CAP requirements, which list community and local government measures and actions to reduce GHG emissions and identifies adaptation strategies. Future development within the County would be required to implement applicable measures and actions to ensure GHG emissions reductions consistent with AB32. Therefore, cumulative impacts are less than significant and no mitigation is required.

6-3

Unfortunately, the County's CAP cannot be relied upon due to its rescission in April 2015 by Court Order. Therefore, the conclusion that projects located within the unincorporated County identified for cumulative impact evaluation will be mitigated by implementation of the County's CAP, is not correct. The Draft EIR will need to re-analyze the cumulative effect of projects identified within the unincorporated County to discern whether or not there would be a cumulatively considerable climate change impact without reliance on the County CAP to determine the significance of the cumulative climate change impact.

LAND USE

Page 39-14 of the Draft EIR cites a letter sent to the City of San Marcos dated August 9, 2013 signed by PDS Director Mark Wardlaw. County files indicate that this letter was dated August 19, 2013. Nevertheless, this section of the Draft EIR summarizes the County's concerns expressed in the correspondence with the proposed project. One point that was specifically raised in this previous correspondence, which the Draft EIR fails to discuss, are the steep slopes of the project area and how, or if, the proposed project will significantly alter the existing topography. The Draft EIR has failed to adequately address this concern or explain how the selected significance criteria will aid the analysis of the proposed project and determine if the proposed project will result in inmitigable environmental, social and economic impacts.

6-4

Page 39-18 discusses the proposed projects consistency with the MHCP and draft NCMSCP with conclusory statements of consistency without providing rational or logical explanation for such a determination. The Draft EIR needs to analyze the proposed projects consistency with these conservation programs, consistent with the Land Use impact significance criteria. The analysis must present a logical, fact-based rationale for any conclusions of less than significant or significant impact in relation to the significance criteria.

6-5

The current land use designation for the project area within the unincorporated County is Semi-Rural 10 (SR10), translating to one dwelling unit per ten acres. If the entire project area (293 acres) were used to determine allowable density, the site would be allowed up to 29 dwelling units, not the proposed 189. The project proposes annexation of over 69 acres of unincorporated land into the City of San Marcos with approximately 140 dwelling units planned.

6-6

August 24, 2015
 Norm Pederson
 City of San Marcos

for this portion of the project area. This resulting density of two units per acre is well beyond the allowable density of the County's SR-10 designation. The Draft EIR rationale that the project area is proposed to be annexed (in whole or in part) to the City of San Marcos and thus does not need comply with County land use regulations is flawed because it deprives the public and decision makers of information and analysis to evaluate the proposed project. The current characterization of the future discretionary action by LAFCO as having the effect of relegating the County General Plan as irrelevant is speculative and not helpful. The Draft EIR needs to evaluate the proposed project under the current land use designations that govern the project area and reach a conclusion based on facts and logical rationales. There must be a clear distinction between current and future conditions. Once an evaluation of current conditions is completed, an evaluation of a future condition post-LAFCO action can be accomplished. The Draft EIR needs to address the issue of land use consistency without employing the results of a future discretionary action by LAFCO to analyze the proposed project.

6-6
 Cont.

Table 3.9-14 fails to analyze the proposed project's consistency with applicable land use policies and only addresses the land use goals, despite the fact that the Draft EIR does analyze project consistency with City goals and policies. This is a flawed and incomplete analysis depriving the public and decision makers of meaningful information upon which to make a decision, both for the Lead and Responsible Agencies, under CEQA. As a Responsible Agency under CEQA, the County may not be able to rely on the Draft EIR for discretionary actions associated with the proposed project.

6-7

BIOLOGICAL RESOURCES

The proposed project is not consistent with the County's draft NCMSCP. As stated in our comment letter of August 19, 2013 regarding the proposed Tentative Subdivision Map (TSM 408-Revised) and reiterated in the December 12, 2013 Comments on the proposed Mitigated Negative Declaration, the proposed project would compromise the efficacy of the North County's Planned PAMA in this block of habitat. The PAMA includes high quality habitats that will create the ultimate linked preserve system in the North County Plan area; it extends to the northwest in the County's jurisdiction and to the southeast it links to the Northern Focused Planning Area of the City's Draft Natural Community Conservation Plan. The project site also provides important habitat in the Biological Core and Linkage Area (BCLA) of the Multiple Habitat Conservation Program (MHCP). Both regional plans rank the habitat as having very high habitat value. Development within this area would preclude its inclusion within the proposed PAMA, reduce the size of the PAMA, and would affect the viability of the PAMA in this area.

6-8

Figure 3.3-3, which purports to show the MHCP and NCMSCP designations and boundaries in relation to the proposed project area boundaries, is missing from the online version of the Draft EIR.

6-9

It is unclear how the preserve corridor is measured. The Biological Resources chapter of the Draft EIR should include a figure demonstrating the appropriate widths for the preserve.

6-10

0.3 Response to Comments

August 24, 2015
Norm Pederson
City of San Marcos

corridor. No fuel management should occur within the proposed preserve corridor. In the current design, it appears that fuel management would extend into the corridor area, further compromising the integrity of the preserve corridor.

6-10
Cont.

The existing habitat acreages discussed in the Draft EIR do not match Appendix D1 – Biological Resources Report. For example, section 3.1.1.1 of the Draft EIR (a numbering error – should be 3.3.1.1) states that DCSS acreage is 263.19 acres, but the Biological Resources Report states 251.25 acres. Further, the habitat acreages identified as potentially impacted in the Draft EIR do not match the Biological Resources Report (e.g. 77.74 acres of CSS versus 61.65). These discrepancies must be rectified as the impacts and mitigation measures identified in Draft EIR cannot be relied upon with such significant differences.

6-11

Current proposed project site attributes contribute to the connectivity of coastal California gnatcatcher habitat to the east in the San Marcos Mountains and along the 1.15 corridors. This connection is necessary to maintain a north-south connection between the San Dieguito River near Lake Hodges to the south (within the northern portion of the County's MSCP preserve system), through gnatcatcher habitat within the City of Carlsbad to the northwest, through the "stepping stone" corridor of gnatcatcher habitat patches extending through Oceanside, to core populations of gnatcatchers on Camp Pendleton. Retaining the connectivity of the gnatcatcher habitat within northern San Marcos and County lands located adjacent to the cities of San Marcos, Vista, and Oceanside, is an important feature of the proposed project area. Compared to current conditions, this linkage would be reduced by the proposed project and constrain wildlife movement.

6-12

Restoration of habitat, on or offsite, to address impacts to wildlife species, especially coastal California gnatcatcher should use only native species that occur in Diegan coastal sage scrub dominated by California sagebrush (*Artemisia californica*), which is the type of coastal sage scrub preferred by the federally listed coastal California gnatcatcher.

6-13

PUBLIC TRAILS AND PATHWAYS

The unincorporated community of Twin Oaks Valley (TOV) has an adopted community trails and pathways plan that is incorporated into the Community Trails Master Plan (CTMP) which aids implementation of the County Trails Program. Implementation of the project, as proposed will impact the community's plan.

6-14

One of the major connections for TOV is the "Las Posas Road Pathway". The pathway extends from the intersection at Buena Creek Road along the entire length of "Blue Bird Canyon" to Las Posas Road through the project. Any improvements to this road (on or off-site) need to incorporate the community pathway. Pathways are minimum 10-foot wide with compacted decomposed granite. Figure 2-6. Trail Cross Section, 16-foot Urban Trail is acceptable. See attached County Pathway Design Guidelines for reference.

0.3 Response to Comments

August 24, 2015
Norm Pederson
City of San Marcos

Comments below are related to the proposed projects' trails plan

Trail #37

- The multi-use trail (#37) appears to have no connection to the south on the project site. The trail continues onto two private parcels to west.
- Does the City of San Marcos have trail easements on these two parcels? If not then provide a trail from Trail #37 to the "Local Trail" on the project site for a continuous trail connection to Las Posas Road.
- Make the "existing Private Trail" in the south west corner a "Local Trail" for the loop back to Las Posas Road (Trail #36).
- Will "Street A" have a pathway (DG trail within public road right of way) from Park "A" (and Trail #37 connection/trail head) to Trail #36/Las Posas Road?

6-15

Trail #36

- Does the trail section along Street A near Park "C" continue along or adjacent to the street north to Trail #36 for a loop trail? If not, a connection should be provided.

6-16

Trail #27

- Trail appears to end at southern property boundary. Is there an off site connection (easement) to the west and east via the adjacent subdivision? If not, provide a trail connection to Trail #36/Las Posas Road and an additional connection to the east to the private trail in open space.
- Does the northerly end of Trail #27 continue along Street "A" (west) to connect with the Trail #36/Las Posas Road? A connection should be provided for a loop.

6-17

Private Trails

- The eastern portion of the project shows existing private trails that have no connection on-site. Are there existing off-site trail connections (easements)?
- Why are these trails (blue) private? Is the general public and/or adjacent developments not allowed on these trails? Or are they private only as they relate to the maintenance/ownership such as a Homeowners Association?
- Is there a trail connection from the easterly most lots off Street "F" to the open space trails? Can trail access (easement) share the easement for "access to fuel treatment zones" between Lots #172 and 173?

6-18

TRAFFIC AND TRANSPORTATION

The Draft EIR references San Marcos General Plan Policy M-1.6 which identifies 'work to improve connectivity, work with new development to provide connectivity and redundancy in the mobility network'. Both the City of San Marcos and County General Plan identify a connection of Las Posas Road from Buena Creek Road to SR-78. While not currently proposed for connection, no project alternative should preclude a future extension/connection of Las Posas Road. Open Space Lot 3A of the proposed project may compromise the potential for a future Las Posas connection. The Draft EIR needs to analyze an alternative project design that provides a reasonable and feasible connection to meet the intent of Policy M-1.6 for vehicle, bicycle, pedestrian and trail accommodation.

6-19

0.3 Response to Comments

August 24, 2015
Norm Pederson
City of San Marcos

The Draft EIR argues that the proposed project is not responsible for paying the County's TIF because there is no nexus based on 1) No cumulative or direct impacts identified to Las Posas Road, 2) Future Year (2035) analysis indicates only nominal trips onto County roads and 3) the proposed project annexation into the City of San Marcos. However, the majority of the proposed dwelling units are within the unincorporated County and unless annexed into the City, the project would be responsible for paying the County's TIF regardless of how many trips were identified on Las Posas Road. Therefore, consistent with previous correspondence:

- The Las Posas connection is a planned Mobility Element (ME) network road on both the County's Mobility Element of the General Plan and within the City's Circulation Element
- The County's Transportation Impact Fee (TIF) program is a requirement for all projects located on existing unincorporated County lands that will generate vehicle trips, regardless of the number of trips. Payment of the TIF does not depend on whether the individual project has a "nominal" cumulative or direct impact to a particular roadway facility
- A portion of the proposed project is located within unincorporated County lands that were included in the analysis and development of the County's TIF. Therefore, the project should contribute to the County's TIF to adequately mitigate for projected future road deficiencies identified within the County, regardless of whether the project area is annexed
- The County recommends a mitigation measure be added to the Draft EIR to require payment of the TIF or another agreed upon mitigation between the County and the City of San Marcos

If the City of San Marcos collects the required SANDAG Regional Transportation Congestion Improvement Program (RTCIP) Impact Fee amount of \$2,310 (*figures updated to reflect fee rates good as of 7/1/15*) per dwelling unit, then the County TIF rate would be \$1,886 per unit (North County Metro Non-Village Rate). Based on the approximately 140 units located within the unincorporated County, the corresponding TIF would be \$264,040 (140 x \$1,886). Link to TIF <http://www.sdccounty.ca.gov/dnw/land/tif.html>

6-20

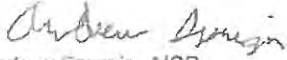
The County appreciates the opportunity to participate in the environmental review process for this project. We look forward to providing additional assistance at your request. If you have any questions regarding these comments, please contact Eric Lardy, Planning Manager, at (858) 694-3052, or via email at eric.lardy@sdcounty.ca.gov

6-21

0.3 Response to Comments

August 24, 2015
Norm Pederson
City of San Marcos

Sincerely,



Andrew Spurgin, AICP
Chief
Advance Planning Division

e-mail cc:

Chris Livoni, Policy Advisor, Board of Supervisors, District 5
Conor McGee, CAO Staff Officer, LUEG
Jeff Kashak, Environmental Planner, Department of Public Works
Michael Ott, Executive Officer, LAFCO
Richard Chin, Associate Transportation Specialist, Department of Public Works
Nick Ortiz, Advanced Planning Manager, Planning & Development Services

Letter 6
County of San Diego
August 24, 2015

- 6-1. This comment provides opening remarks and does not address the adequacy or accuracy of the information presented in the Draft EIR and therefore no further response is necessary.
- 6-2. This comment notes that the project site has a designation of SR-10 in the County's General Plan. It also states that the project site was included as a Property Specific Request (PSR) as part of the County's General Plan Update process. More detailed comments are provided further in the County's letter.
- 6-3. This comment addresses the cumulative analysis related to climate change, noting the County's Climate Action Plan cannot be used due to its rescission in April 2015 by Court Order. The text on page 3.6.-5 of the Final EIR has been revised:

"Cumulative projects in the County of San Diego would be subject to the County's Recommended Approach to Addressing Climate Change in CEQA Documents guidance². If projects in the County exceed the GHG screening threshold of 900 metric tons of carbon dioxide equivalent (MT CO₂e), additional analysis and a reduction of GHG emissions of 16% below business as usual. The County is in the process of preparing a new Climate Action Plan, with a completion date of Fall 2017."

The conclusion regarding cumulative greenhouse gas remains the same and impacts would be less than significant.

- 6-4. This comment notes that an incorrect date was used in the EIR in reference to a letter from Mr. Wardlaw. The reference to the date of Mr. Wardlaw's letter has been updated in the EIR. Please see page 3.9-15 of the Final EIR.

This comment also states that the EIR did not adequately discuss the steep slopes on the project site and how the project would impact the existing topography. Page 2-9 of the Draft EIR discussed the proposed grading for the project site as part of the EIR project description. Page 2-16 of the EIR notes the current elevation range on the project site. The Draft EIR included visual simulations (Figures 3.1-2 through 3.1-7) which show existing topography and the post-project development condition from six key views. Further, the project focuses development on the less topographically diverse portions of the project site.

- 6-5. This comment addresses the discussion in the Draft EIR regarding the project's consistency with the MHCP and the draft NCMSCP. The project's consistency with the goals of the MHCP and draft MCMSPC were addressed on page 3.3-21 of the Draft EIR. Additional information regarding the project's consistency with the Planning Goals and Preliminary Conservation Objectives of the draft NCMSCP Planning Agreement (as amended in September 2014) are included on pages 3.3-12 and 3.3-13 in the Final EIR.

² <http://www.sandiegocounty.gov/content/dam/sdc/pds/ProjectPlanning/docs/PDS2015GHG%20Guidance%20-1-21-15.pdf>

The project is consistent with the Planning Goals (Section 3) of the Planning Agreement by providing for the conservation and management of Covered Species, by preserving aquatic and terrestrial resources through conservation partnerships, by allowing for appropriate and compatible growth and development that are consistent with applicable laws, by providing a basis for necessary permits to lawfully take Covered Species, and by providing a comprehensive means to coordinate and standardize mitigation and compensation requirements.

The project is also consistent with the Preliminary Conservation Objectives (Section 5) of the Planning Agreement by providing for the protection of species, natural communities, and ecosystems on a landscape level, preserving the diversity of plant and animal communities throughout the Planning Areas, minimizing and mitigating the take or loss of Covered Species, identifying and designating biological sensitive habitat areas, and preserving habitat to contribute to the recovery of Covered Species.

- 6-6. This comment addresses the project's consistency with applicable policies in the County's General Plan. The portion of the Specific Plan that is within the County would be annexed into the City and would be subject to the City's requirements. The only area that would remain in the County is a 22.8-acre area that would be biological open space. This area would be subject to the County's General Plan goals and policies. The Draft EIR did analyze the current County designation of SR 10 as a project alternative, reducing the number of residential lots from 189 to 133, a 29 % reduction. The Draft EIR continued with an analysis of the impacts that would result with the "County Zoning Alternative" compared to the project as proposed (Draft EIR, Section 4.3.5, Page 4-19).
- 6-7. This comment states that Table 3.9-14 fails to analyze the proposed project's consistency with applicable County land use policies. Please see response 6-6. This comment also addresses the use of the EIR for County approvals. The only approval that will be required from the County is a boundary adjustment. The project applicant will be responsible for obtaining a grading permit for the emergency road connection if needed.
- 6-8. This comment states the project is not consistent with the County's draft NCMSCP. Please see response 6-4.
- 6-9. This comment notes the omission of Figure 3.3-3, which was inadvertently omitted from the Draft EIR. It is now included in the Final EIR. Please see page 3.3-40 of the Final EIR.
- 6-10. This comment requests a figure demonstrating the widths for the preserve corridor and notes that no fuel management should occur within the proposed corridor. The northern habitat linkage varies in width, ranging from a maximum of 2,265 feet wide to a minimum of 400 feet wide (515 feet wide including the fuel modification zone). There is one pinch point of 400 feet wide for a maximum of 500 linear feet, consistent with the regulatory permits previously issued for the project. Figure 3.3-4 has been added to the Final EIR to show the varying widths along the northern linkage. Please see page 3.3-42 of the Final EIR.

The City recognizes that the wildlife agencies do not include actively managed fuel modification areas as conserved, however, these areas can provide stepping stone areas for avian (and other) species. For example, according to the California Department of Fish and Wildlife: "Fire buffers, green belts, easements and similar areas often serve as

both fire breaks and as wildlife habitat or wildlife corridors" (Current Issues Fall 2010 - Wildfire Policy and Procedures)³. Further, Zone 2 is where permanent vegetation is removed and cleared areas hydroseeded with a mix of native annual and perennial grasses. Native grasslands are a valuable biological resource that provide foraging and movement opportunities for wildlife.

- 6-11. This comment notes discrepancies in the existing habitat acreage amounts in the Draft EIR. The habitat quantities, impacts and mitigation included in the Draft EIR are the correct acreages. An older version (September 26, 2014) of the biological resources report was included in the technical appendices for the Draft EIR in error. The older report included different acreages than the EIR however the Draft EIR text contained the correct quantities of habitat onsite, proposed impact quantities, and proposed mitigation. Since circulation of the Draft EIR, minor changes were made to the biological resources report based upon response to comments. The most recent version of the report (dated November 4, 2015) is included as Appendix D.1 of the Final EIR.
- 6-12. This comment addresses the proposed connectivity of the site to other offsite areas of gnatcatcher habitat. As detailed on page 3.3-10 of the Draft EIR, the Buena Creek California Gnatcatcher and Coastal Sage Scrub Conservation Bank is located northwest of, but not contiguous to, the project site. This conservation bank offers coastal California gnatcatcher and CSS habitat credits. The nearest large undisturbed area is the Merriam Mountains, more than a mile north of the site. There is no connection or corridor between the project site and the Merriam Mountains area. Thus, the project site is best described as a "stepping stone" between other isolated habitat areas. Volume 3 of the MHCP acknowledges this and specifically designates the project site and surrounding suburban development area as a stepping stone. As a consequence of this designation, the MHCP considers the function and value of the site in a broader context as providing habitat for birds, which can move between stepping stone patches of habitat.

The project will preserve, monitor and manage 185.83 acres of coastal sage scrub on the project site. This will afford the long term protection of habitat for the gnatcatcher. The habitat linkage along the northern project boundary will provide stepping stone areas for the gnatcatchers to move between other large blocks of habitat.

- 6-13. This comment addresses the proposed restoration of CSS on the project site. Restoration will be done in accordance with the HMMP that was prepared for the project (Appendix D.5 of the EIR). Table 12 of the HMMP notes the specific species that will be obtained for transplant on site and the species of container plants that will be used. *Artemisia californica* (California sage brush) will make up 50 percent of the transplanted species to be obtained on site. The other two species to be obtained on site are *Salvia apiana* (white sage) at 30 percent and *Salvia mellifera* (black sage) at 20 percent. As noted in the HMMP, much of the Diegan coastal sage scrub in the project area is dominated by black sage, which indicates that the project site may not be ideal habitat for the California gnatcatcher. The location where the one California gnatcatcher pair was observed will not be disturbed by the proposed project and Diegan coastal sage scrub mitigation efforts will actually expand habitat in the vicinity of the sighting by converting disturbed areas to Diegan coastal sage scrub habitat while restoring and preserving additional off-site lands (HMMP, Appendix D.5, Section 3.3.1).

³ <http://www.fgc.ca.gov/public/reports/DFGIssues/Wildfire%20Policy%20and%20Procedures.pdf>

0.3 Response to Comments

- 6-14. This comment addresses the proposed pathway along Las Posas Road. Per the County's comments, the proposed 16-foot Urban Trail is acceptable and will be included in the project design. The 16-foot Urban Trail is comprised of 10 feet of decomposed granite surface and 6 feet of sidewalk for a total of 16 feet.
- 6-15. This comment addresses future connections for Trail #37. The proposed improved trail will follow the aqueduct access road across the northwest corner of the project site. The improved trail will end at the south end, because the aqueduct access road then enters the County. The City does not have a trail easement across the two parcels to the south, which are in the County's jurisdiction. The project will provide a local trail connection from Las Posas Road along the southwest side of the development to an existing unimproved trail, which connects to the aqueduct access road. Per the regulatory permits, the unimproved section will need to remain as-is. In addition, the sidewalk along Street A provides pedestrian access from Las Posas Road to Park A which connects to Trail 37.
- 6-16. This comment addresses the connections for Trail #36. The trail section along Street A near Park "C" will continue along the street to the north of Trail #46 to form a loop trail.
- 6-17. This comment addresses the connections for Trail #27. This private trail will connect to the east to existing trail along the north side of the Santa Fe Hills neighborhood and Owens Peak.
- 6-18. This comment addresses future connections to private trails proposed as part of the project. These existing trails will be open to the public. A trail connection is proposed between lots 173 and 174 from the improved trail on Street F to the existing unimproved trails to the east.
- 6-19. This comment states that open space Lot 3A compromises the potential for a future Las Posas Road connection. Page 6-3 of the Draft EIR noted that the proposed biological mitigation for the project, which includes restoration and enhancement along the riparian corridor on the project site and the preservation of large blocks of land in a biological conservation easement, could make the extension of Las Posas Road more challenging as a proposed extension would likely impact sensitive riparian habitat that is being enhanced, restored, and preserved as part of the proposed project. Additionally, there is no identified right-of-way for the further extension of Las Posas. Therefore, while the open space may make the extension more challenging, it does not preclude an extension from occurring at a later date, and any such extension will require regulatory permits from USACE, CDFW, and RWQCB and mitigation for impacts to sensitive habitats.
- 6-20. This comment addresses the payment of the County's Transportation Impact Fee (TIF). All of the proposed development will be annexed into the City. There will not be any residential units within the County's jurisdiction nor does the project directly connect to any County roads. The only portion of the project site remaining within the County will be 22.8 acres of open space that will be subject to a conservation easement that would preclude development of residential units.
- 6-21. This comment provides concluding statements and contact information and does not address the adequacy or accuracy of the information presented in the Draft EIR and therefore no further response is necessary.

CITY RESPONSE TO PREVIOUS LETTERS SENT ON 9/2/16

Response to Environmental Topics Raised in Letters Submitted after Release of San Marcos Highlands Final Environmental Impact Report

Issue/Topic/Comment	Response
<i>Buena Vista Audubon - September 2, 2016</i>	
Adequacy of the wildlife corridors on the project site.	The Multiple Habitat Conservation Program (MHCP) contains extensive discussion regarding habitat linkages and reaches the conclusion that there is no formula for determining how wide a linkage should be because every situation is different. The Wildlife Agencies agree that there is no standard effective corridor or linkage width. There is even no scientific evidence that corridors or linkages 1,000 feet or greater in width are either effective or non-effective. The most important fact to consider here is that in this case all the Wildlife Agencies have agreed that the proposed widths of both the wildlife corridor and habitat linkage on the project site are adequate, as evidenced by their issuance of a variety of highly-conditioned permits.
Adequacy of wildlife crossing.	The current design of the wildlife crossing reflects the dimensions identified in the Amendment to the Biological Opinion prepared for US Fish and Wildlife for the project (Appendix E4 of the Final EIR). The Wildlife Agencies will have final approval on the ultimate dimensions of the undercrossing.
Alternatives to the project.	The EIR analyzed five alternatives to the project including the No Project, No Project/Existing Specific Plan, Reduced Project, Increased Habitat Linkage and County Zoning Alternatives. Please see section 4 of the EIR.
<i>California Native Plant Society - September 2, 2016</i>	
Climate Change/Newhall Ranch Ruling	After the San Marcos Highlands Draft EIR was released for public review the Newhall Case ruling was released which addressed the way in which greenhouse gas (GHG) analyses are conducted. In light of this, a new greenhouse gas analysis was prepared for the project using the 2020 service area population threshold identified in the City' adopted Climate Action Plan instead of the reduction in "business as usual" threshold. The 2020 service area threshold is appropriate as the project is anticipated to be constructed and occupied by 2020. The new report, <i>Global Climate Change Evaluation for the San Marcos Highlands Project</i> (SRA, 2016) was included as Appendix H of the Final EIR and summarized in Section 3.6 of Volume II of the Final EIR and Appendix. With the introduction of solar on approximately 88 % of the homes, which is now part of the project design, the GHG emission per service area population will be within the threshold identified by the City. Greenhouse gas emissions will be less than significant. The analysis is adequate in light of the Newhall Ranch case. This comment also addresses Senate Bill 32 (SB 32). SB 32 will extend the climate targets adopted by the state under Assembly Bill 32 (AB 32), the Global Warming Solutions Act of 2006, which required California to reduce greenhouse gas emissions to 1990 levels by 2020¹. SB 32 — together with a second bill that the state legislature just passed and Brown plans to sign, Assembly Bill 197 (AB 197) — will require the state to cut emissions to 40 percent below 1990 levels by 2030, as well as to create a committee to oversee California's climate programs. The approach used in the greenhouse gas analysis for the Highlands project is appropriate given the recent

¹ https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=2015201605SB32

Issue/Topic/Comment	Response
Native Plants/Sensitive Plants	Newhall Ranch ruling. All greenhouse gas impacts will be less than significant. Plant Surveys, including surveys for caeanothus - Directed surveys for sensitive plants were conducted on May 15, May 28, and June 18, 2014. There is no requirement in CEQA or recommendation by the biologist to repeat focused surveys on an annual basis. The sensitive plant surveys were adequate for use in the EIR. While a focused sensitive plant survey is not proposed within 12 months before project initiation, the project does include the requirements for a Wildlife-Agency approved biological monitor to be present during initial clearing, grading, and construction in sensitive habitat areas and/or in the vicinity of biological open space areas to ensure that conservation measures associated with resource agency permits and construction documents are performed. The biological monitor shall have the authority to halt construction to prevent or avoid take of any listed species and/or to ensure compliance with all avoidance, minimization, and mitigation measures. Any unauthorized impacts or actions on in compliance with the permits and construction documents shall be immediately brought to the attention of the City and the Wildlife Agencies (see mitigation measures MM-BIO-1d, page 3.3-27 of Final EIR). The CNPS letter expresses concern regarding the adequacy of this biological monitor. The presence of a Wildlife Agency-approved biological monitor was a condition set forth by USFWS. Native Grasses - Regarding native grasses on the project site, several species of native grasses were detected during the site surveys, as detailed in Appendix A of the biological resources report (Appendix D.1 of the Draft EIR). Based on the opinion of the project biologist nowhere on the site is there an area with sufficient density of native grasses without significant additional growth of other annual and perennial plant species to warrant individual classification as Native Grassland.
Endangered Habitats League - September 2, 2016	
Impact to regional ecosystems in the context of regional planning efforts.	The EIR discusses the project within the context of the MHCP and the draft NCMSCP. The project will preserve 72% of the site within a biological conservation easement which will contribute to the assemblage of preserved habitat. The habitat will be managed by a conservancy.
Loss of coastal sage scrub	The EIR analyzed impacts related to coastal sage scrub loss, sensitive species (including the gnatcatcher), and wildlife movements in section 3.3 of the EIR. Mitigation measures were identified to reduce impacts to sensitive habitat, sensitive species and wildlife movement.
Constrain wildlife movement	This comment states an inadequate wildlife corridor is proposed. The project has been designed to meet the development footprint envelope as approved by the regulatory agencies in the permits. The linkage along the northern project boundary is a minimum of 500 feet wide, with the exception of a 500 linear foot pinch point, which will be 400 feet in width. The habitat linkage is much wider than 500 feet in places.
Inconsistency with NCMSPC Planning Agreement	The EIR discusses the Planning Agreement in the biological resources and land use sections of the EIR. It should be noted that the regulatory permits were in place prior to the amendment to the Planning Agreement in 2014.
Aesthetics, land use and	Aesthetics were analyzed in Section 3.1 of the Draft EIR. With the exception of the potential for visual impacts of a

Issue/Topic/Comment	Response
community character impacts	future water holding tank (location not currently identified), all aesthetics impacts were determined to be less than significant. The aesthetics analysis was supported by visual simulations to depict visual change and also setbacks from primary and secondary ridgelines identified in the City's ROZ. Land Use was analyzed in Section 3.9 of the EIR. Land use impacts were determined to be less than significant. Community character is not a specific topic under CEQA however topics analyzed under CEQA contribute to community character, such as aesthetics and noise. These topics were adequately addressed in the EIR. The EIR also analyzed the projects consistency with over 50 goals identified in the County's General Plan (see Table 3.9-4).
Consistency with County Zoning/Conservation Subdivision Ordinance.	With regard to the County Zoning Alternative, the analysis in the EIR assumed that lots within the County would not be subdivided and would be developed individually. The Conservation Subdivision Ordinance would only apply if the project applicant was seeking to subdivide land. There is nothing that would preclude the lots to be developed individually.
Brett Bigelow - September 2, 2016	
August 26, 2015 Letter	Mr. Bigelow's August 24, 2015 letter was included as letter #25 in the FEIR Response to Comments (Section 0.3, Volume I). Detailed responses to his letter are provided on page 0.3-303 through 0.3-306 of Section 0.3, Volume I of the Final EIR.
October 26, 2015 letter	Mr. Bigelow's October 26, 2015 was received after the close of the official Draft EIR comment period. The view that is included in this letter is a cropped version of Figure 3.1-4 (Avenida Leon Viewpoint 3). In the full version of this image in the EIR, it is clearly shown that the visible portion of the project is situated below the required 100-foot vertical setback from the primary ridgeline. As detailed on page 3.1-7 of Volume II of the Final EIR, in the proposed condition some future homes would be visible, but appear as an extension of current residential development. Undeveloped higher elevation hillsides would continue to dominate this viewpoint in the after project condition. Graded slopes would be vegetated as provided in the Specific Plan to soften their appearance. Additionally, landscaping would be planted and, with time, would mature to screen some views of the homes. Figure 3.1-4 also shows that views to the primary ridgeline would be preserved and that the proposed development is outside of the 100-foot vertical setback required by the ROZ.
Allen and Karen Binns - September 2, 2016	
Water Supply	The Final Water and Sewer Study for the Highlands project has confirmed that VWD can serve the project for water and wastewater services under both the One Water District and the Two Water District Scenario. Urban Water Management Plans, such as VWD's 2015 UWMP are required to include water supply and demand assessment that compare total projected water use with the projected water supply through the next 20 years within the water district. Any differences between demand and supply must be made-up through water shortage contingency planning and conservation. Sections 8 and 9 of VWD's 2015 UWMP identify the water contingency shortage strategies that would be implemented as well as the demand management measures. More information at: http://www.vwd.org/departments/engineering/capital-facilities/urban-water-management-plan-uwmp-copy

Issue/Topic/Comment	Response
Lesley Blankenship-Williams - September 2, 2016	
County Zoning Alternative	The EIR addressed a County Zoning Alternative which assumed one residence on each legal lot for the portion of the project site that is in the County. Please see the County Zoning Alternative analyzed in Section 4.3.5 of the EIR. That alternative assumed 124 lots in the portion of the site that is within the City and 9 lots in the portion of the project site that is within the County.
Extension of Las Posas Road to Buena Creek	The full extension of Las Posas Road to Buena Creek Road is not proposed as part of this project, therefore a project-level analysis of Las Posas Road is not required. There is no piece-mealing of the road extension, as suggested in this comment. An extension of Las Posas Road to Buena Creek was included in the cumulative project list. There are no current plans to extend Las Posas Road north of the proposed subdivision. If Las Posas Road is extended in the future, the proper City and County approvals will be obtained.
Project design - Corridors - Indoor cat policy - Loss of habitat from other projects	Corridors - Indoor cat policy – the developer will be responsible for establishing an indoor cat policy which will then become part of the CC&Rs for the project. The CC&Rs will be reviewed by City Staff and the City Attorney to ensure the indoor cat policy is included. The HOA enforces the CC&Rs. Loss of habitat from other projects – the EIR included a cumulative impact analysis, including an analysis of the cumulative loss of coastal sage scrub. See Section 3.3.5. Since preparation of the Final EIR, the Murali project has submitted a proposal for development that is under environmental review. The Murali project will be required to mitigate impacts consistent with the MHCP.
Tom Byrne - September 2, 2016	
Extension of Las Posas Road	The full extension of Las Posas Road to Buena Creek Road is not proposed as part of this project, therefore a project-level analysis of Las Posas Road is not required. There is no piece-mealing of the road extension, as suggested in this comment. An extension of Las Posas Road to Buena Creek was included in the cumulative project list.
Width of habitat linkage along northern boundary	The width of the habitat linkage along the northern project boundary is consistent with the project development boundary approved by the regulatory permits. The Multiple Habitat Conservation Program (MHCP) contains extensive discussion regarding habitat linkages and reaches the conclusion that there is no formula for determining how wide a linkage should be because every situation is different.
Mary Clarke - September 2, 2016	
Constrain wildlife movement along northern corridor	The project has been designed to respect the development envelope approved by the regulatory agencies (CDFW, RWQCB and USACE) through their permitting. The wildlife linkage proposed along the project's northern border is a minimum of 500 feet wide with the exception of a 500-linear foot portion which is 400 feet wide. Figure 3.3-4 (page 3.3-41 in Volume II of the Final EIR) depicts the width along this linkage. These widths do not include areas that will be subject to fuel modification, which are also area where animals can move through.
Loss of coastal sage scrub	Impacts to coastal sage scrub were analyzed in the EIR (Section 3.3) and mitigation was identified to reduce the impact to below a level of significance. The project will mitigate CSS loss at a 2.4:1 ratio, which exceeds the required 2:1 ratio.

Issue/Topic/Comment	Response
Details on corridor along the creek	Upon completion of the HMMP, Agua Hedionda Creek will contain a narrow meandering dry riparian scrub habitat. This habitat will be bordered in places by newly created upland CSS habitat as stipulated in the current Army Corps permit. The upland habitat will extend a minimum of 100 feet out from the riparian scrub to provide a biological buffer as directed by the Biological Opinion issued by the U.S. Fish and Wildlife Service for the Army Corps permit.
Adequacy of wildlife crossing	The current design of the wildlife crossing reflects the dimensions identified in the Amendment to the Biological Opinion prepared for US Fish and Wildlife for the project (Appendix E4 of the Final EIR). The Wildlife Agencies will have final approval on the ultimate dimensions of the undercrossing.
Alternatives	The EIR analyzed five alternatives to the project including the No Project, No Project/Existing Specific Plan, Reduced Project, Increased Habitat Linkage and County Zoning Alternatives. Please see section 4 of the EIR.
Sandra Farrell - September 2, 2016	
EIR does not analyze how project will impact residents in the unincorporated part of the County	The EIR has adequately analyzed offsite impacts of the project, including areas that are within the County of San Diego. For example, visual simulations were prepared to represent views from offsite. The traffic, air quality, and hydrology/water quality analyses address the potential for the project to have offsite impacts. The EIR also included a consistency analysis with over 50 goals of the San Diego County General Plan.
Adequacy of wildlife corridor	The project has been designed to respect the development envelope approved by the regulatory agencies (CDFW, RWQCB and USACE) through their permitting. The wildlife linkage proposed along the project's northern border is a minimum of 500 feet wide with the exception of a 500-linear foot portion which is 400 feet wide. Figure 3.3-4 (page 3.3-41 in Volume II of the Final EIR) depicts the width along this linkage. These widths do not include areas that will be subject to fuel modification, which are also area where animals can move through.
Las Posas Road connection	The full extension of Las Posas Road to Buena Creek Road is not proposed as part of this project, therefore a project-level analysis of Las Posas Road is not required. An extension of Las Posas Road to Buena Creek was included in the cumulative project list; however, because a specific alignment has not been identified and there are no current plans to extend Las Posas all the way to Buena Creek, no specific impact numbers can be provided.
Missing attachments to letter	Ms. Farrell's comment letter on the Draft EIR is included as letter 41 in the response to comments (Section 0.3 of Volume I of the Final EIR). In her letter, she references Attachments A through P. All of these attachments are included in the Final EIR with the exception of Attachment L, which was noted as "no attachment yet."
Tom and Mary Kumura - September 2, 2016	
City's Sphere of Influence	Per San Diego LAFCO information, the City's Sphere of Influence was adopted in 1979, updated in 1992 and affirmed in 2008. (http://www.sdlafco.org/images/11x17maps/City_San_Marcos.pdf)
How much of project is proposed within areas currently in unincorporated County?	As currently designed, the project has 131 lots fully within the County and another 12 lots that are partially within the unincorporated County.
Assumptions for County	The County Zoning Alternative was addressed in Section 4.3.5 of Volume II the Final EIR. It assumed 124 homes

Issue/Topic/Comment	Response
Zoning Alternative	would be built in the City and 9 homes would be built in the County for a total of 133 units. The EIR does note that the due to configuration of the lots in the County, fewer than 9 homes may be feasible. An additional reduction of homes under this alternative would not significantly change the results of the analysis for this alternative. For the County Zoning Alternative and several of the other alternatives, it was assumed that new environmental permits would be requested because implementation of the current HMMP, which is required as part of the regulatory permits, would be cost prohibitive with a lower unit yield. Thus it was anticipated that the applicant would go back for new permits and mitigate at the typical ratios, 2:1 for upland habitat and 3:1 for wetlands. The proposed project mitigates upland habitat at a 2.4:1 ratio and wetlands at a 186:1 ratio. The Final EIR compares the County Zoning Alternative to the proposed project and notes an approximately 29% reduction in trip generation, emissions, and demand for public services and utilities. Mitigation measures similar to those identified for the project would reduce impacts to below a level of significance. The referenced parcels are owned by Mr. Kubba, the project applicant.
Ownership of parcels 184-102-18, 184-102-32, and 182-02-44	
HMMP and coordination with Wildlife Agencies	The project has been designed to stay within the development footprint allowed under the regulatory permits issued for the project.
Ridgeline Protection and Management Overlay Zone	The Specific Plan Area currently within the County is located outside of the ROZ. The topography of this area is about 435 feet (on average) lower than the adjacent ridgelines within the ROZ. The terrain of this area does not constitute a significant landform in comparison to adjacent ridgelines. When the Ridgeline Protection and Management Overlay Zone Ordinance was adopted, specific primary and secondary ridgelines were identified to be protected based upon topography, prominence, and views. In North Area #1, the ROZ area which includes a portion of the project site, topography did not warrant the extension of primary and secondary ridgelines to the City boundary. As shown in Figure 3.1-24 of the Draft EIR, the primary and secondary ridgelines in North Area #1 stop before the City boundary. Therefore, inclusion of the County area in the ROZ as part of the project annexation is not warranted.
VWD and Water Supply	The Final Water and Sewer Study for the Highlands project has confirmed that VWD can serve the project for water and wastewater services under both the One Water District and the Two Water District Scenario. Urban Water Management Plans, such as VWD's 2015 UWMP are required to include water supply and demand assessment that compare total projected water use with the projected water supply through the next 20 years within the water district. Any differences between demand and supply must be made-up through water shortage contingency planning and conservation. Sections 8 and 9 of VWD's 2015 UWMP identify the water contingency shortage strategies that would be implemented as well as the demand management measures. More information at: http://www.vwd.org/departments/engineering/capital-facilities/urban-water-management-plan-uwmp-copy