

# PLANNING COMMISSION

Meeting Date: 03-05-18

## **ADDITIONAL ITEM ADDED AFTER DISTRIBUTION OF PACKET (# 2 )**

### **AGENDA ITEM # 3**

Applicant/Project Name: ColRich / Murai Specific Plan

Project #: P15-0068

Brief Description: E-mail from Mary H. Clarke dated 02/27/18.

**Date 03/01/18  
Time 11:30 am**

**From:** [Qureshy, Saima](#)  
**To:** [clarkemh@aol.com](mailto:clarkemh@aol.com)  
**Cc:** [Gallegos, Sandra](#)  
**Subject:** FW: Letter to Planning Commission re: Murai (ColRich) project, to be heard on Monday, March 5, 2018  
**Date:** Thursday, March 01, 2018 10:58:48 AM  
**Attachments:** [Murai project, ltr to PC, final 2-27-18.doc](#)  
[Murai and Highlands, before and after photos.pdf](#)  
[image003.png](#)

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Ms. Clarke – Thank you for your email to the City related to the Murai project. Please note this email is being forwarded to the Planning Commission for their consideration. Staff is including below where the information is provided in the EIR related to your comments.

**Natural Resources:** Sensitive habitats are mapped and discussed in the Environmental Impact Report (EIR) (see Figure 3.3-1 and pages 3.3-3 through 3.3-8.). Impacts to Coastal Sage Scrub and other sensitive habitat were analyzed on pages 3.3-19 and 3.3-20 of the EIR. Mitigation measures were identified (MM-BIO-1a, MM-BIO-4, MM-BIO-7 and MM-BIO-8) to reduce impact to below a level of significance.

Impacts to wetlands and riparian habitat were analyzed in the EIR on page 3.3-21. The project will impact some Southern Cottonwood Willow Riparian Forest (0.02 acre permanent and 0.02 acre temporary). This impact will be mitigated through implementation of mitigation measures MM-BIO-9a. The permanent impacts will be mitigated at a 3:1 ratio for a total of 0.06 acres. This shall be accomplished through restoration, enhancement and/or creation of wetland habitat and placement of wetland habitat in a biological conservation area either on- or off-site and in coordination with the regulatory agencies. The temporary impact to 0.02 acre of Southern Cottonwood-Willow Riparian Forest shall be mitigated through revegetation within the impacted areas once project grading is complete. The rest of the wetlands on the project site will be placed within the 40.51-acre biological conservation area and will provide protection for the movement of wildlife through the riparian corridor.

Impact to sensitive species, including the California gnatcatcher, were analyzed on pages 3.3-17 through 3.3-19 of the EIR. The analysis determined that the project could result in an impact to California gnatcatcher. Implementation of MM-BIO-1a through MM-BIO-1b would reduce this impact to below a level of significance. Mitigation measures BIO-MM-1a and MM-BIO-1b require habitat conservation of CSS and protocol preconstruction surveys prior to project grading. Should nesting gnatcatchers be found during these surveys, buffering and avoidance measures would be implemented to avoid impacts to the gnatcatchers.

The project could result in an impact to Least Bell's vireo if the species moves into the project site prior to project construction. Implementation of mitigation measure MM-BIO-2 would reduce this impact to below a level of significance. This mitigation measure requires pre-construction surveys for Least Bell's vireo if construction is proposed during the breeding season and delaying of construction until after the young have fledged.

Additionally, the project could impact species that are afforded protection under the Migratory Bird Treaty Act (MBTA). Implementation of mitigation measure MM-BIO-3 would reduce this impact to below a level of significance. Mitigation measure MM-BIO-3 requires a preconstruction survey if construction is proposed during the nesting season. If nesting birds are found, avoidance measures would be implemented to minimize impacts. The project would reduce all potential impacts to wildlife to below a level of significance.

The entire Agua Hedionda Creek corridor within the project site will be placed within a biological conservation area and will be monitored and managed.

Linkage Area: A biological resources report was prepared for the project (Everett & Associates 2017). The biological resources report was also summarized in Section 3.3 (Biological Resources) of the Draft EIR. The biological resources analysis included an assessment of wildlife movement (pages 3.3-22 and 3.3-23). The EIR analysis describes that the only wildlife corridor on the site is the drainage of Agua Hedionda Creek and the creek will be preserved within a biological conservation area.

The EIR also describes a preserved CSS habitat linkage in the northern portion of the site which will connect the site with similar habitat in the San Marcos Highlands project to the east. Also, the San Diego County Water Authority (SDCWA) easement, which would serve as a linkage, will allow for unobstructed wildlife movement in a north-south direction, including appropriate habitat for coastal California gnatcatcher movement. No direct impact to wildlife corridors or linkages were identified for the project in the EIR.

The Draft EIR did note that indirect impact to habitat linkages and wildlife corridors could occur from edge effects. Such effects include intrusion by domestic animals and unauthorized people and spill over lighting. Project design features such as fencing of back yards along the habitat linkage would help minimize impacts. Implementation of mitigation measures MM-BIO-5a

through MM-BIO-5d, will reduce this indirect impact to below a level of significance. MM-BIO-5a would require the Homeowner's Association (HOA) to implement covenants, conditions, and restrictions (CC&Rs) to regulate property usage, including maintenance of on-site restored habitats, indoor cat policy, and protection of adjacent natural areas of the on-site preserve and the creek. MM-BIO-5b requires implementation of a program of education developed by the American Society for the Prevention of Cruelty to Animals, cat control, and habitat fencing with no gates between the development and the open space, along the backyards of residential lots adjacent to the planned open space. These requirements would be identified in the CC&Rs. MM-BIO-5c restricts the use of invasive exotic plant species in landscaped areas adjacent to or near sensitive vegetation communities. MM-BIO-5d requires all night lighting within the proposed development area, including streets and backyards, be directed away from the habitat areas, including Agua Hedionda Creek, the stepping stone linkage along the project's northern boundary, and the preserved open space east of the development.

The EIR states that the project does not preclude the use of SDCWA aqueduct easement as a stepping stone linkage. Both the on-site wildlife corridor (Agua Hedionda Creek) and the on-site habitat linkage (SDCWA aqueduct easement) will be maintained by an approved wildlife manager. The EIR concludes that the linkage function would not be significantly impacted by the project and wildlife movement in general would not be significantly impeded with development of the proposed project. Impacts would be less than significant.

Alternatives: Three project alternatives are identified and described in the EIR for consideration by the Planning Commission and the City Council as well as the proposed project when they make their recommendation and/or decision on the project. The Reduce Project Alternative is analyzed in Section 4.3.5 of the EIR.

Responses to the CDFW letter received on the Draft EIR are included on pages 0.3-15 through 0.3-19 of the Final EIR.

Thank you.



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**From:** clarkemh@aol.com [mailto:clarkemh@aol.com]  
**Sent:** Tuesday, February 27, 2018 9:17 AM  
**To:** Planning Commission  
**Cc:** Gallegos, Sandra; Qureshy, Saima  
**Subject:** Letter to Planning Commission re: Murai (ColRich) project, to be heard on Monday, March 5, 2018

Dear Planning Commissioners,

Attached are my letter to the Planning Commission regarding the Murai (ColRich) project and supporting documents.

I appreciate your consideration of the concerns about this project that I've expressed in my letter.

Thank you --

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

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February 27, 2018

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Via E-mail to: [SQureshy@san-marcos.net](mailto:SQureshy@san-marcos.net); [SGallegos@san-marcos.net](mailto:SGallegos@san-marcos.net)

RE: Murai project, Planning Commission agenda of Monday, March 5, 2018;  
Applicant: ColRich California LLC  
P15-0068: General Plan Amendment GPA 15-005, etc.

Dear Planning Commission Chair, Kevin Norris, and Commissioners Eric Flodine, Jeff Oleksy, Bill Jacoby, Bruce Minnery, Ed Musgrove, Wendy Matthews, Christopher Carroll (Alternate), and Dimitris Magemeneas (Alternate):

I am writing in regard to the proposed Murai project which you will be considering on Monday evening, March 5, 2018. This project is sited in an area of valuable natural resources, including coastal sage scrub (CSS) and wetlands habitat, which provide shelter for wildlife. Agua Hedionda Creek runs through the property, providing water for wildlife. Wildlife on the site includes the Federally-listed California coastal gnatcatcher and a multitude of native species.

For many years, I have been working on habitat conservation plans in North San Diego County, including the Multiple Habitat Conservation Plan (MHCP) involving 7 North County cities, including San Marcos. The objective of the work of our Sierra Club Task Force is to conserve as much of the remaining valuable habitat in North San Diego County as possible, since these valuable natural resources are finite and dwindling.

Early in the development of the MHCP, the Biological Core and Linkage Area (BCLA) was identified. The BCLA includes the remaining valuable habitat in the 7-city MHCP area. It also links to the habitat in the County that has been identified for conservation, called the Pre-Approved Mitigation Area (PAMA), as part of the County's North County Multiple Species Conservation Plan (NC-MSCP). Together, the BCLA and PAMA lands are intended to be conserved to the greatest extent possible. By doing so, North San Diego County will retain much of its natural beauty and continue to be a haven for our native wildlife, including endangered, threatened and other sensitive species.

We know that the primary threats to wildlife in North County are loss of habitat and fragmentation of habitat. We are trying hard to insure that core areas for wildlife

habitation and linkages between them are conserved. Corridors that allow wildlife movement between resource areas, such as wetlands and undisturbed habitat are especially important, and we focus on insuring that corridors are viable and meet scientific guidelines for wildlife movement.

This brings us to the Murai project, which is sited in the Biological Core and Linkage Area of the MHCP. This project will remove CSS and impact the gnatcatchers on the property. These undesirable impacts can be mitigated in accordance with the requirements of the US Fish and Wildlife Service and the California Department of Fish and Wildlife. However, the Murai project, as proposed, has a tremendously negative impact on wildlife movement from north to south, along the east side of the property.

The attached graphics show the open space complex in which the Murai project proposed, as it exists today (Attachment: Photo 1) and the impact of the Murai project and its neighbor to the north and east, the San Marcos Highlands project (Attachment: Photo 2). It is evident that the Murai project will block wildlife movement from the north to the south, adjacent to Las Posas Road. Wildlife need to move to the south of the developed part of the Murai property, where Agua Hedionda Creek runs and ponds are available.

The Murai project proposes to use the California Water Authority (CWA) right-of-way, which runs north to south through the center of the project, as a wildlife corridor. This proposal is fraught with problems. The CWA has a service road running along the middle of the easement, and needs to keep the road clear for utility vehicles. Currently, the easement is used by hikers and people walking dogs. It is also subject to off-road vehicle use. The project will constrain the easement between two of the project's housing bubbles, and there is an indication that the City may plan a 10-foot wide paved trail for public use along the easement. Guidelines for wildlife corridors specify that they should have native habitat, be off-limits to recreational uses, and not subject to edge effects, such as lighting from adjacent development, noise, and presence of domestic animals. The proposed corridor along the easement and between the two housing bubbles is also too narrow. It is not appropriate or conducive to wildlife movement.

There is a reasonable solution to the problems of removal of valuable natural habitat and constraint of wildlife movement. It is described in the Reduced Project Alternative in the DEIR. This Alternative allows project development to the west of the CWA easement, leaving a corridor from north to south between the east side of the CWA easement and the eastern property line. The California Dept. of Fish and Wildlife (CDFW), in their second letter of Nov. 8, 2017, commenting on the Murai project Draft Environmental Impact Report, support the Reduced Project Alternative, but recommend a 500-foot linkage, an undercrossing for medium to large wildlife for the proposed access road, and that the emergency access road be moved to the west side of the project or also be designed with an undercrossing for the passage for wildlife.

We concur with the CDFW's position on the Murai project, and I hope that the Planning Commission will see the benefits of the Reduced Project Alternative. I urge the

Commission to reject the Murai project as proposed and direct staff and the developer to revise the project to meet the requirements of the Reduced Project Alternative.

Thank you for your consideration of my comments. Please feel free to contact me if you have any questions or concerns.

Sincerely,

Mary H. Clarke

Attachments: Photo 1: showing open space complex without developments

Photo 2: showing impact of developments on open space area

CC: California Dept. of Fish and Wildlife

US Fish and Wildlife Service

Army Corps of Engineers

County of San Diego, NC-MSCP Group

George Courser, Chair, Conservation Committee, Sierra Club, San Diego Chapter

Renee Owens, Chair, Wildlife Committee, Sierra Club, San Diego Chapter

Laura Hunter, Chair, Conservation Committee, North County Group, Sierra Club,  
San Diego Chapter

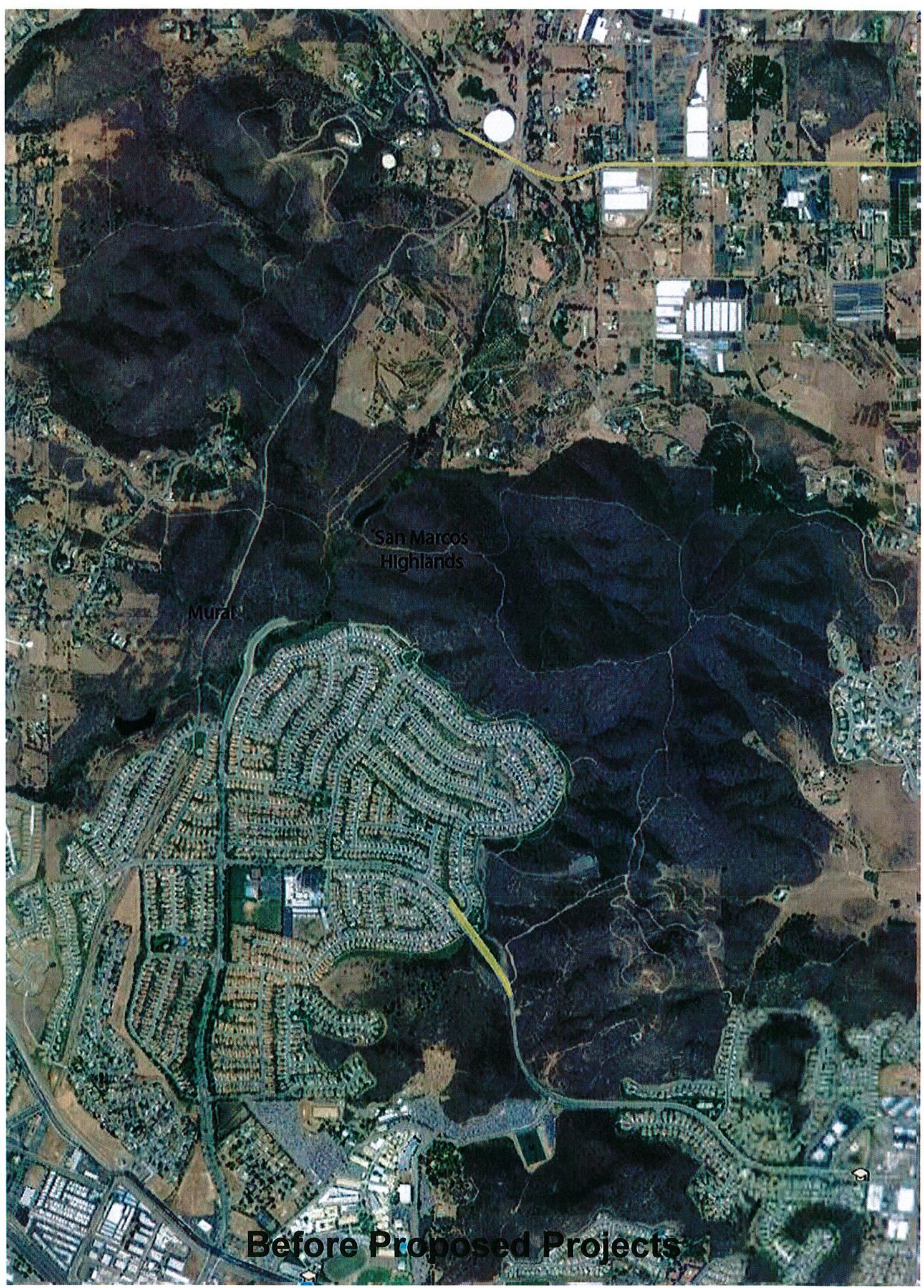
Diane Nygaard, Co-Chair, North County MHCP/MSCP Task Force, Sierra Club,  
San Diego Chapter

Endangered Habitats League

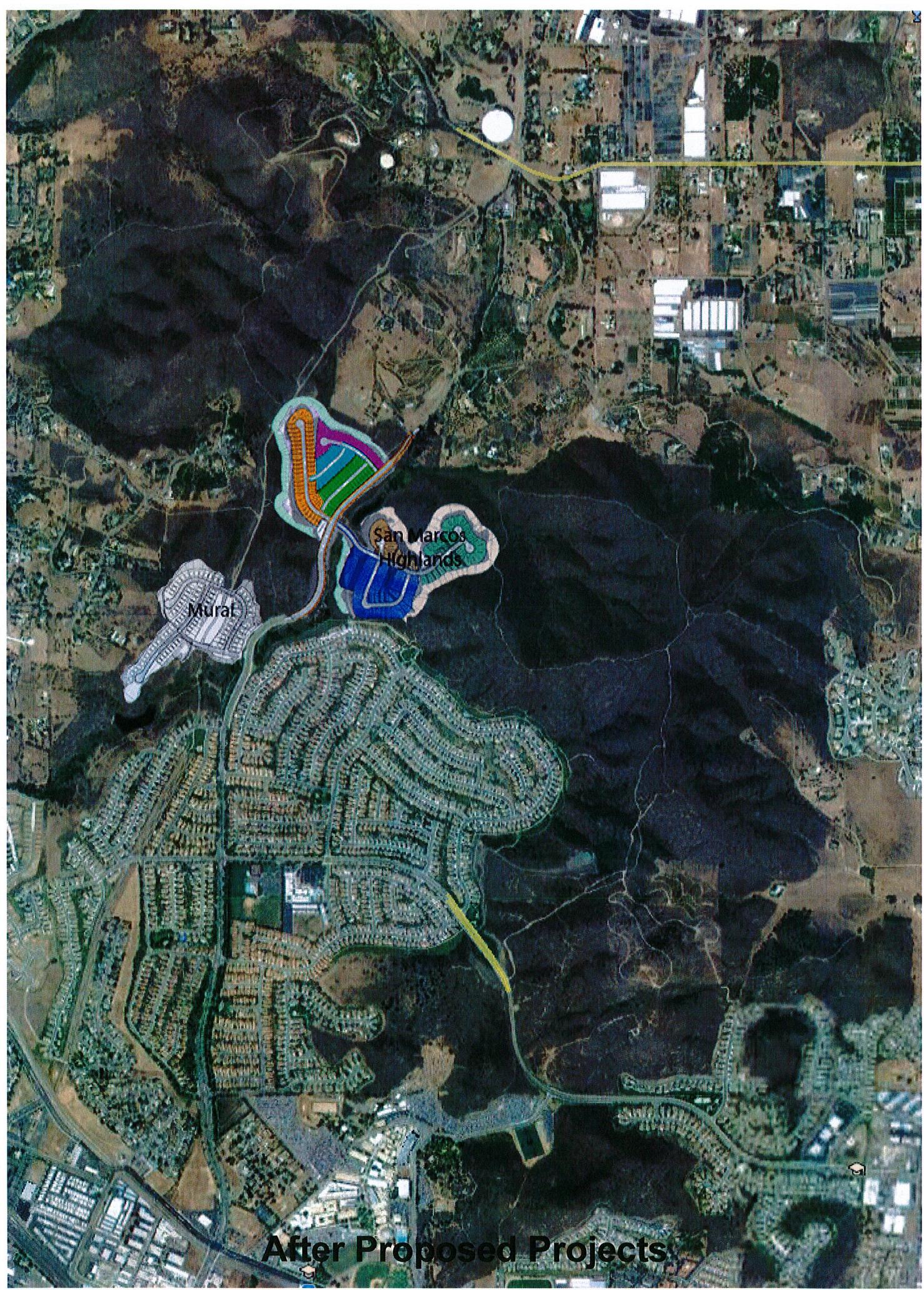
California Native Plant Society

Buena Vista Audubon Society

Wildlife and Habitat Conservation Coalition



**Before Proposed Projects**



**After Proposed Projects**