

PLANNING COMMISSION

Meeting Date: 06/17/2024

ADDITIONAL ITEM ADDED AFTER DISTRIBUTION OF PACKET (#5)

AGENDA ITEM # 4

Applicant/Project Name: Pacific Specific Plan

Project Number: SP22-0001, GPA21-0002, R21-0002, MFSDP24-0001,
TSM24-0001.

Brief Description: Response to California Department of Fish and Wildlife
(CDFW) letter on Final Environmental Impact Report (FEIR)

Date 06/17/2024

Time 3:25 p.m.

Memorandum

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Date: June 17, 2024

To: Greg Waite, The Las Posas Owner LPV, LLC

cc: Gill Miltenberger, The Las Posas Owner LPV, LLC
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From: Thomas Liddicoat, HELIX Environmental Planning, Inc.

Subject: Response to the June 14, 2024 letter from CDFW on the Final Environmental Impact Report (FEIR) for the Pacific Specific Plan (SCH #2022050650)

HELIX Project: 00357.00040.001

Message:

This memorandum was prepared to address the June 14, 2024 letter from the California Department of Fish and Wildlife (CDFW) commenting on the Final Environmental Impact Report (FEIR) for the Pacific Specific Plan (Project), State Clearinghouse (SCH) #2022050650, San Diego County (CDFW 2024).

The project applicant has collaborated extensively with the wildlife agencies (CDFW and USFWS) about the site since mid-2020 to design a project, as well as consider several alternatives, which would avoid and minimize impacts to sensitive natural communities and special-status plants and animal species to the extent feasible. As a result of this multi-year collaboration, there is a uniform understanding that no cohesive 25% development alternative would avoid impacts to natural communities or avoid all special-status species. During meetings, both on-site and virtually, it was emphasized by the wildlife agencies that the vernal pools occupied by listed fairy shrimp and vernal pools supporting listed plants were the most sensitive resources on-site and that a development alternative along the southern portion of the site would be most sensible to avoid and minimize impacts to the most sensitive resources despite the impact to thread-leaved brodiaea.

In addition to designing a general footprint to avoid and minimize impacts, these various project designs considered specific elements with respect to fire protection, fuel modification zones, and development buffers from preserve areas. Review of the project by the City Fire Department determined that additional fuel modification zones that could extend or encroach into the preserve would not be required. Although no fuel modification zones would be required, the project design includes buffers

(minimum of six feet wide approximately) to set-back development from proposed preserve areas to avoid potential edge effects and ensure protection of species and habitats in the proposed on-site preserve. Furthermore, the proposed preserve on-site is separated from development by a five-foot tubular steel fence, as well as in many cases, grade separated by a retaining wall.

In consideration of the CDFW comments regarding off-site contingency and as discussed on page RTC-3 of the Responses to Comment Letters Received on the Draft EIR, biological surveys for the project found the resources and sensitive species on-site occur in range and density that would suggest that the site does have the carrying capacity to mitigate fully on-site. In addition, the smaller development footprint in the 228 plan (i.e., Reduced Development Alternative – Vernal Pool Impact Minimization design) provides more available land for mitigation. Consequently, the locations and spatial area of on-site proposed mitigation as presented on Figures 13a and 13b of EIR Appendix C and on Figure 2 of EIR Appendix C-1, are expected to provide sufficient on-site compensation without needing to rely on an off-site contingency. Should an issue arise during the agency permitting process that necessitates an offsite augmentation to the mitigation (EIR MM-BIO-1), the project applicant has identified several nearby off-site locations in the City of San Marcos that are suitable candidate receptor sites (with appropriate soils and habitat) to support mitigation for the target species. Evidence of thread-leaved brodiaea translocations have been successfully demonstrated within the city of San Marcos previously. In the event onsite translocation is deemed inadequate during the subsequent permitting process, the project applicant has committed to achieving full mitigation, whether onsite or offsite as noted in the CDFW letter.

Nevertheless, to address and accommodate the wildlife agency comments about carrying capacity and off-site contingency, the mitigation measures in the FEIR (i.e., MM-BIO-1 and MM-BIO-7b) provide requirements pertinent to off-site contingency. Further as an additional contingency, these mitigation measures of the EIR, as well as EIR MM-BIO-2, require funding via an endowment of other funding mechanism approved by the City and pertinent permit-issuing resource agency prior to project implementation. These mitigation measures (i.e., MM-BIO-1, MM-BIO-2, and MM-BIO-7b) also acknowledge that additional specific contingencies may be required by the wildlife agencies as part of approval of the final mitigation plans, management plans, and permitting process. The applicant understands that wildlife agency approval of detailed mitigation plans, as specified by the EIR mitigation measures, will be required. Based on the past four years of coordination with the wildlife agencies on the project, including the proposed mitigation, the FEIR fully addresses and incorporates the agencies comments and provides adequate mitigation to fully mitigate significant impacts to biological resources.

As referenced in the CDFW letter, there is a process and application for the required Incidental Take Permit (ITP) which will include the steps, concerns and topics included in the letter. Additionally, the ITP application process cannot start until the project is approved and the EIR is certified. We look forward to continuing to work with the agencies through this permitting process prior to development.

References Cited:

California Department of Fish and Wildlife (CDFW). 2024. Final Environmental Image Report (FIER) for the Pacific Specific Plan, for SCH #2022050650, San Diego County. June 14.