

ATTACHMENT F
EIR Comments Received

To be presented at January 17th Planning Commission Meeting →

ATTACHMENT "F"

DEIR Comments Received as of 1/5/12, 3:30 PM

**(Any Additional Comments will be provided at 1/17/12 Planning
Commission Meeting, with Staff's Response to Comments)**

1
Kiss, Lisa

From: Kiss, Lisa
Sent: Tuesday, November 29, 2011 8:37 AM
To: Backoff, Jerry; Brindley, Karen; John Bridges (john.bridges@aecom.com); Koller, Garth; 'Nancy Graham'; Peterson, Jenny; Romero, Lydia; 'Shannon Frattone'; yara.fisher@aecom.com
Subject: FW: San Marcos draft general plan comments to be submitted to committee - board

From: Carlson Family [mailto:rcarlson41@cox.net]
Sent: Tuesday, November 29, 2011 8:30 AM
To: Kiss, Lisa
Subject: San Marcos draft general plan comments to be submitted to committee - board

Despite the devastating financial impact it will have on all American households and businesses, President Barack Obama desperately wants to resurrect and implement Cap and Trade, if not through Congress then surreptitiously through the Environmental Protection Agency (EPA). As with suggestions for better-structured health care reform, there is a way to clean the planet without imposing dire financial hardships on its inhabitants. Specifically targeted to foot the bill, are American taxpayers. Yet, President Barack Obama yields to the strident call of radical environmentalists such as Al Gore, reportedly desirous to become the first global-warming billionaire, and UN Secretary-General Ban Ki-moon. With extreme hyperbole, Ban warns of war and pestilence to come if the United States does not throw billions of Americans' tax dollars into an increasingly deceptive environmental abyss.

In a dispassionate disconnect, Obama proclaimed that American's energy costs would necessarily "skyrocket." Even after being confronted with the environmental embarrassment known as climate-gate, with revelations of fraud and erupting scandals among man-made global warming scientists, Obama continues today to bow to a fascist far-right business agenda and a far-left environmental agenda based on international wants instead of looking out for America's needs. The question is: Why?

Enter: AGENDA 21. Agenda 21 is a United Nation's game plan for a radical transformation of the global society. President George H. W. Bush signed onto it at the Rio Earth Summit. At the same time Al Gore stated that "Americans are going to have to face a wrenching transformation of Society." Now President Obama's stated goal is a "transformation of America" as we know it. The innocuous term used by the United Nations to accomplish this transformation is "Sustainable Development." Broken down, that means the dismantling of America as a sovereign nation and the globalization of our economy and our laws. Our rate of development, according to globalists, is "un-sustainable" based on underdeveloped countries. In effect, it restricts population and economic growth in America through government-controlled health care and through decreased and redistributed resources such as energy and wealth. Americans should no longer "sustain life" of the very young or elderly or remain sovereign and prosperous. The globalists' creed (on the outside) is - the planet cannot endure it.

Politicians on both sides of the aisle have signed on to Agenda 21's "Sustainable Development." Obama's health care will have a vice-like grip on who gets medical care - who lives or dies, whereas Cap and Trade, that Obama still desperately wants, will allow the government to have a vice-like grip on how Americans live. With Cap and Trade, the Environmental Protection Agency will have power to force many homeowners to virtually rebuild their homes to meet stringent environmental requirements before they can sell them. Living in a house that does not meet the EPA's "green" regulations for roofing, windows, doors, insulation or heating and cooling systems will be slapped with fines. Electrical companies are rapidly installing "smart monitoring systems" to track usage of energy by residents. Hence, President Obama's warning that your energy bills will "skyrocket." This represents only one area of control, but a critical one, as the Obama administration attempts to restrict individual rights.

America's health, wealth, and way of life are to be sacrificed to global need based on bogus science by those who believe you can be duped into believing it is all in your best interest and the interest of the planet. Cap and Trade is a global agenda with pockets to be lined at America's expense. President Obama says there is a "deficit of trust" in America. What he does not say is that it is directed at the White House.

Kiss, Lisa

From: Kiss, Lisa
Sent: Wednesday, November 30, 2011 8:00 AM
To: Backoff, Jerry; Brindley, Karen; John Bridges (john.bridges@aecom.com); Koller, Garth; 'Nicholle Wright'; Peterson, Jenny; Romero, Lydia; 'Shannon Frattone'; yara.fisher@aecom.com
Subject: FW: New Comment on ourcityourfuture.com

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

From: noreply@ourcityourfuture.com [mailto:noreply@ourcityourfuture.com]
Sent: Tuesday, November 29, 2011 6:34 PM
To: Kiss, Lisa
Cc: douglas.johnston@aecom.com
Subject: New Comment on ourcityourfuture.com

A new comment has been submitted.

COMMENT:

We have owned a rental property on Grandon Avenue for 35 years and were never notified of any plan or study now or in the past. Why is it that the City of San Marcos never notifies property owners of THEIR plans with our properties until they are published in the newspaper. We were at a street fair recently and there were NO posters of any plans for the area where our rental is located.

CONTACT INFORMATION:

Name: HELEN CORTEZ
Email: justmisshelen@yahoo.com
Zip Code: 92069

Address: P. O. BOX 5106
City: SAN MARCOS
State: California
Phone Number: 760-613-3105

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364

SACRAMENTO, CA 95814

(916) 653-6251

Fax (916) 657-5390

Web Site www.nahc.ca.gov

ds_nahc@pacbell.net



November 30, 2011

DEC 05 2011

Mr. Garth Koller, Principal Planner and General Plan Project Manager

City of San Marcos

1 Civic Center Drive

San Marcos, CA 92069

Re: SCH#2011071028 CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the "City of San Marcos General Plan Update Project" located in the City of San Marcos; San Diego County, California

Dear Mr. Koller:

The Native American Heritage Commission (NAHC), the State of California 'Trustee Agency' for the protection and preservation of Native American cultural resources pursuant to California Public Resources Code §21070 and affirmed by the Third Appellate Court in the case of EPIC v. Johnson (1985: 170 Cal App. 3rd 604). The court held that the NAHC has jurisdiction and special expertise, as a state agency, over affected Native American resources, impacted by proposed projects including archaeological, places of religious significance to Native Americans and burial sites. The NAHC wishes to comment on the proposed project. This project is also subject to California Government Code §65352.3 (SB 18).

This letter includes state and federal statutes relating to Native American historic properties of religious and cultural significance to American Indian tribes and interested Native American individuals as 'consulting parties' under both state and federal law. State law also addresses the freedom of Native American Religious Expression in Public Resources Code §5097.9.

The California Environmental Quality Act (CEQA – CA Public Resources Code 21000-21177, amendments effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the CEQA Guidelines defines a significant impact on the environment as 'a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance.' In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE), and if so, to mitigate that effect.

The NAHC Sacred Lands File (SLF) search resulted as follows: Native American cultural resources were not identified within the project area identified (e.g. 'area of potential effect' or APE). Also, the absence of archaeological resources does not preclude their existence. California Public Resources Code §§5097.94 (a) and 5097.96 authorize the NAHC to establish a Sacred Land Inventory to record Native American sacred sites and burial sites. These records are exempt from the provisions of the California Public Records Act pursuant to California Government Code §6254 (r). The purpose of this code is to protect such sites from vandalism, theft and destruction. The NAHC "Sacred Sites," as defined by the Native American

Heritage Commission and the California Legislature in California Public Resources Code §§5097.94(a) and 5097.96. Items in the NAHC Sacred Lands Inventory are confidential and exempt from the Public Records Act pursuant to California Government Code §6254 (r).

Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries of cultural resources or burial sites once a project is underway. Culturally affiliated tribes and individuals may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). We strongly urge that you make contact with the list of Native American Contacts on the list of Native American contacts, to see if your proposed project might impact Native American cultural resources and to obtain their recommendations concerning the proposed project. Special reference is made to the *Tribal Consultation* requirements of the California 2006 Senate Bill 1059: enabling legislation to the federal Energy Policy Act of 2005 (P.L. 109-58), mandates consultation with Native American tribes (both federally recognized and non federally recognized) where electrically transmission lines are proposed. This is codified in the California Public Resources Code, Chapter 4.3 and §25330 to Division 15.

Furthermore, pursuant to CA Public Resources Code § 5097.95, the NAHC requests that the Native American consulting parties be provided pertinent project information. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e). Pursuant to CA Public Resources Code §5097.95, the NAHC requests that pertinent project information be provided consulting tribal parties. The NAHC recommends avoidance as defined by CEQA Guidelines §15370(a) to pursuing a project that would damage or destroy Native American cultural resources and Section 2183.2 that requires documentation, data recovery of cultural resources.

Consultation with tribes and interested Native American consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 *et seq.*, 36 CFR Part 800.3 (f) (2) & .5, the President's Council on Environmental Quality (CSQ, 42 U.S.C 4371 *et seq.* and NAGPRA (25 U.S.C. 3001-3013) as appropriate. The 1992 *Secretary of the Interior's Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including cultural landscapes. Also, federal Executive Orders Nos. 11593 (preservation of cultural environment), 13175 (coordination & consultation) and 13007 (Sacred Sites) are helpful, supportive guides for Section 106 consultation. The aforementioned Secretary of the Interior's Standards include recommendations for all 'lead agencies' to consider the historic context of proposed projects and to "research" the cultural landscape that might include the 'area of potential effect.'

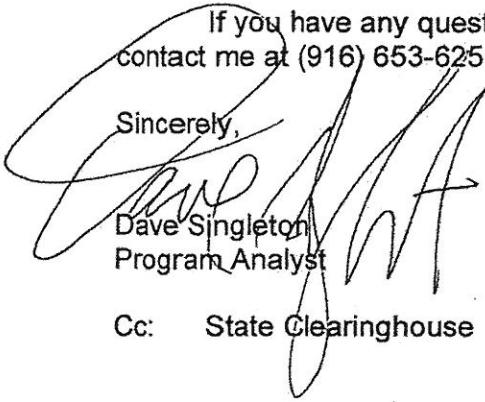
Confidentiality of "historic properties of religious and cultural significance" should also be considered as protected by California Government Code §6254(r) and may also be protected under Section 304 of the NHPA or at the Secretary of the Interior discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C., 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APEs and possibly threatened by proposed project activity.

Furthermore, Public Resources Code Section 5097.98, California Government Code §27491 and Health & Safety Code Section 7050.5 provide for provisions for accidentally discovered archeological resources during construction and mandate the processes to be followed in the event of an accidental discovery of any human remains in a project location other than a 'dedicated cemetery'.

To be effective, consultation on specific projects must be the result of an ongoing relationship between Native American tribes and lead agencies, project proponents and their contractors, in the opinion of the NAHC. Regarding tribal consultation, a relationship built around regular meetings and informal involvement with local tribes will lead to more qualitative consultation tribal input on specific projects.

If you have any questions about this response to your request, please do not hesitate to contact me at (916) 653-6251.

Sincerely,


Dave Singleton
Program Analyst

Cc: State Clearinghouse

Attachment: Native American Contact List

3.

California Native American Contacts
San Diego County
November 30, 2011

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Pala Band of Mission Indians Tribal Historic Preservation Office/Shasta Gaugher 35008 Pala Temecula Road, PMB Luiseno Pala , CA 92059 Cupeno sgaughen@palatribe.com (760) 891-3515 (760) 742-3189 Fax	San Pasqual Band of Indians Kristie Orosco, Environmental Coordinator P.O. Box 365 Luiseno Valley Center, CA 92082 Diegueno (760) 749-3200 council@sanpasqualtribe.org (760) 749-3876 Fax
Pauma & Yuima Reservation Randall Majel, Chairperson P.O. Box 369 Luiseno Pauma Valley CA 92061 paumareservation@aol.com (760) 742-1289 (760) 742-3422 Fax	San Luis Rey Band of Mission Indians Tribal Council 1889 Sunset Drive Luiseno Vista , CA 92081 760-724-8505 760-724-2172 - fax
Rincon Band of Mission Indians Tiffany Wolfe, Cultural & Environmental P.O. Box 68 Luiseno Valley Center, CA 92082 twolfe@rincontribe.org (760) 297-2632 (760) 297-2639 Fax	San Luis Rey Band of Mission Indians Cultural Department 1889 Sunset Drive Luiseno Vista , CA 92081 Cupeno 760-724-8505 760-724-2172 - fax
Pauma Valley Band of Luiseño Indians Bennae Calac, Tribal Council Member P.O. Box 369 Luiseno Pauma Valley CA 92061 bennaecalac@aol.com (760) 617-2872 (760) 742-3422 - FAX	La Jolla Band of Mission Indians James Trujillo, Vice Chair 22000 Highway 76 Luiseno Pauma Valley CA 92061 rob.roy@lajolla-nsn.gov (760) 742-3796 (760) 742-1704 Fax

his list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

his list is applicable for contacting local Native Americans with regard to cultural resources for the proposed CH#2011071028; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the City of San Marcos General Plan Update project; located in the City of San Marcos; San Diego County, California.

#4
Kiss, Lisa

From: Koller, Garth
Sent: Tuesday, December 13, 2011 2:50 PM
To: 'marshaweeks@sbcglobal.net'
Subject: RE: General Plan and J.F. Shea Contruction = done deal?

Good afternoon Marsha,

There is an existing easement controlled by the San Diego County Water Authority (SDCWA) in this area you described. I was able to contact the System Maintenance Supervisor for the SDCWA and he confirmed that there is a bulldozer being used as a "wrench tool" to pull a magnetic flux cable through their underground pipes in order to check the condition of their pipes within their easement. The bulldozer will be removed from the SDCWA easement once they have completed their maintenance check.

You also made reference to new housing being built, I believe you may be referring to the Highlands Specific Plan project. Although, the Highlands Specific Plan has been approved for residential development, the map expired. Therefore, the developer would be required to resubmit a new map before any new housing could be built. I am the Principal Planner & project manager for the General Plan Update and I can reassure you that nothing has been approved and that the Land Uses 18-23 you are referring will not go to a public hearing until January 9th of 2012. Please let me know if you should have any further questions.

Take care,
Garth Koller
City of San Marcos

From: Marsha Weeks [mailto:marshaweeks@sbcglobal.net]
Sent: Tuesday, December 13, 2011 9:19 AM
To: City Hall
Subject: General Plan and J.F. Shea Contruction = done deal?

Hello,

This morning, J.F. Shea Contruction dropped off a bulldozer on Avenida Leon across the street from Quail Valley Park and it proceeded down the access road toward the hills. I thought public meetings were to be held starting in January about this proposed development. Has the City Council already approved the rezoning for new houses to be built (see

<http://www.ourcityourfuture.com/documents/workshop3/PropertyOwnerConsiderationAreasLU18-23.pdf>)? There are many concerned citizens about this plan and we all want the opportunity to be heard on this matter.

Kiss, Lisa

From: William Smith [aikidude@gmail.com]
Sent: Tuesday, December 13, 2011 12:00 PM
To: Planning Commission
Subject: Construction in Santa Fe Hills area

Members of the Commission:

I am a homeowner and voter in the Santa Fe Hills community. One reason my wife and I chose San Marcos as the place to settle in North County, was the undeveloped open space off Las Posas, close to what has become our home. It has come to my attention that the City's general plan includes the razing of this canyon, with its hiking trails, a small lake and wildlife, for the construction of another 89 houses. I wish to voice my opposition to this plan.

The 2009 Community Opinion Survey available on the Planning website amply demonstrates that I am not alone in my support of open space in San Marcos. In fact, 26.8% of residents listed open space as the number-one item that the most liked about our community. I'm not some kind of fanatical tree hugger. I am in favor of San Marcos growing in a planned way, and developing in such a way as to improve our quality of life. This plan will not do that. It will simply increase traffic and noise, reduce safety, and remove an important natural setting where community members can relax and children can be close to nature. An additional 89 families in an area that has no major retail would also increase traffic into and out of other parts of the city. I am completely in favor of developing the Grand Ave. corridor and the Creek District plan. However, I see no advantage and many disadvantages to removing this unique, natural canyon area.

I am in the process of organizing some of my neighbors and other community members who enjoy the canyon. We will certainly be attending any relevant meetings and/or hearings.

Thank you for your time.

William T. Smith

Kiss, Lisa

From: Koller, Garth
Sent: Thursday, December 15, 2011 7:36 AM
To: Kiss, Lisa
Cc: Backoff, Jerry
Subject: FW: Phone Call Follow-up Re: P.O. #20-23

From: Kevin Mecum [mailto:kevin.mecum@gmail.com]

Sent: Thursday, December 15, 2011 12:29 AM

To: Koller, Garth

Subject: Re: Phone Call Follow-up Re: P.O. #20-23

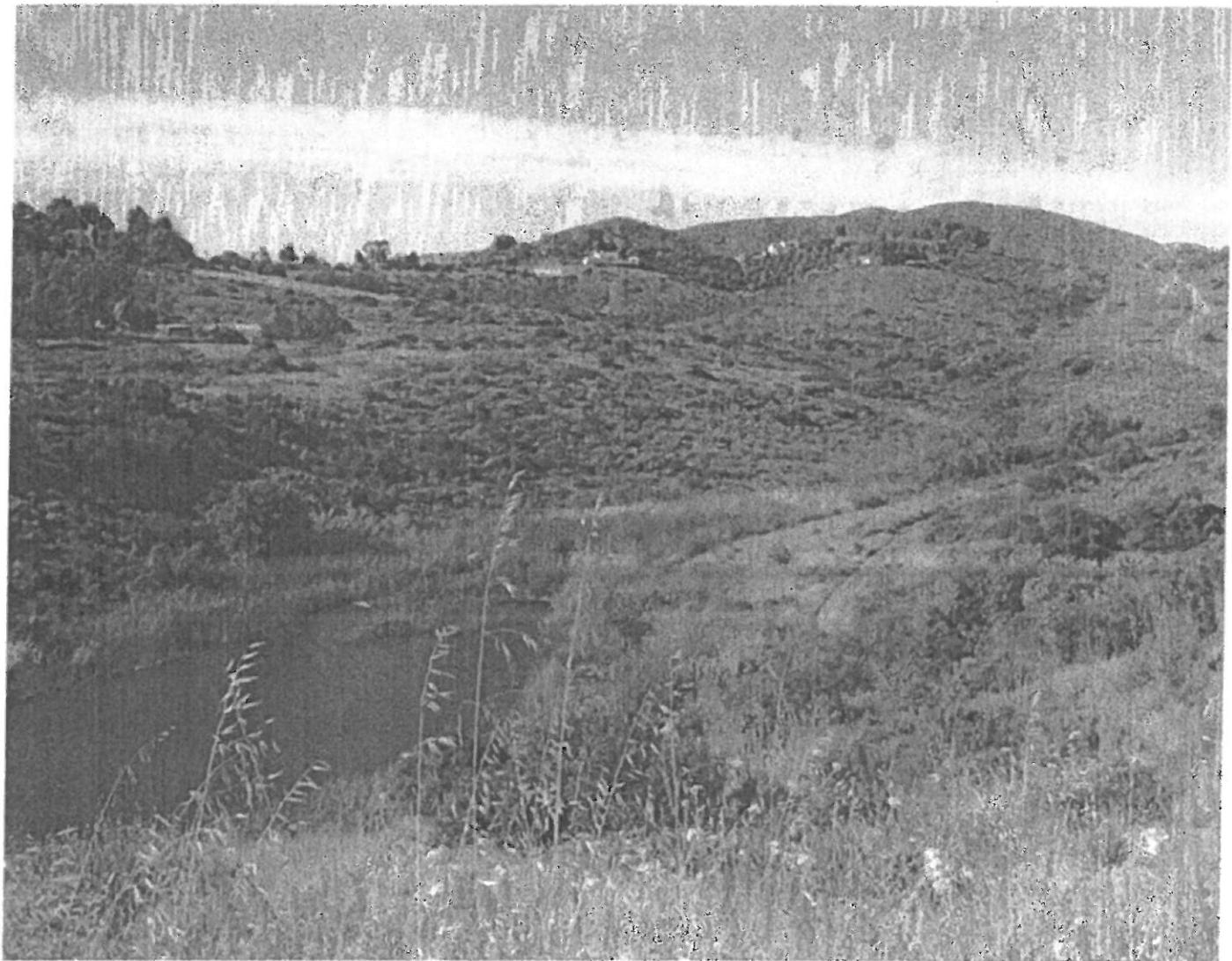
Hello Garth,

Thanks for your patience in explaining this to me. I'm trying to learn as much as I can about this process for my own benefit, but also so that I can help educate some of the neighbors who are even more concerned about the possibly of new development. If I ever have questions that can be answered by other resource, don't hesitate to point me in that direction so that I don't have to take up as much of your time.

My wife and I have only been in San Marcos since February, but we've already fallen in love with the community, the parks, the different neighborhoods and the scenery. We've both taken exercise classes at the community center, hiked and walked nearly every park, visited the San Marcos Historical Society, Restaurant Row, Buena Creek Gardens and a handful of the various town events.

One of the best qualities of Sante Fe Hills is that it borders nature. The amount of traffic and noise is minimal and the scenery is fantastic. Neighborhood kids ride bikes and play basketball in the street, walk to the various neighborhood parks and to school (Paloma Elementary is right down the street). If new construction were built in the proposed area (P.O. #20-23), all of us neighbors would be devastated. It would literally take away what we love so much about living here. I know Santa Fe Hills is just one part of San Marcos as a whole, but I think our neighborhood is one of the important parts of San Marcos that helps make this such a terrific city. Take a look at the photos below. This beautiful scenery and wildlife is what is at risk of being replaced with new homes.

I hope this helps you understand me and my neighbors passion for preserving our nature. Thanks again for your time.





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[San Marcos General Plan](#)

[www.ourcityourfuture.com](#)

[Contact Us](#) | City of San Marcos

SAN MARCOS GENERAL PLAN

Our City, Our Future.

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EXPLORE THE PLAN

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[View Environmental Documents](#)

[Download the Draft Environmental Impact Report \(EIR\)](#)

[Download the Draft EIR Notice of Completion \(NOC\)](#)

[Download the Draft EIR Notice of Preparation \(NIP\)](#)

[View Recommended Land Use Plans](#)

[Study Areas](#)

[Conservation Areas](#)

[Property Owner-Initiated Areas](#)

[As details of the plan are released, additional documents will be available for you to download, review and comment upon. Until then, you can learn about the process in more detail.](#)

[View the Message from Mayor Jim Cole](#)

UPDATES & UPDATES

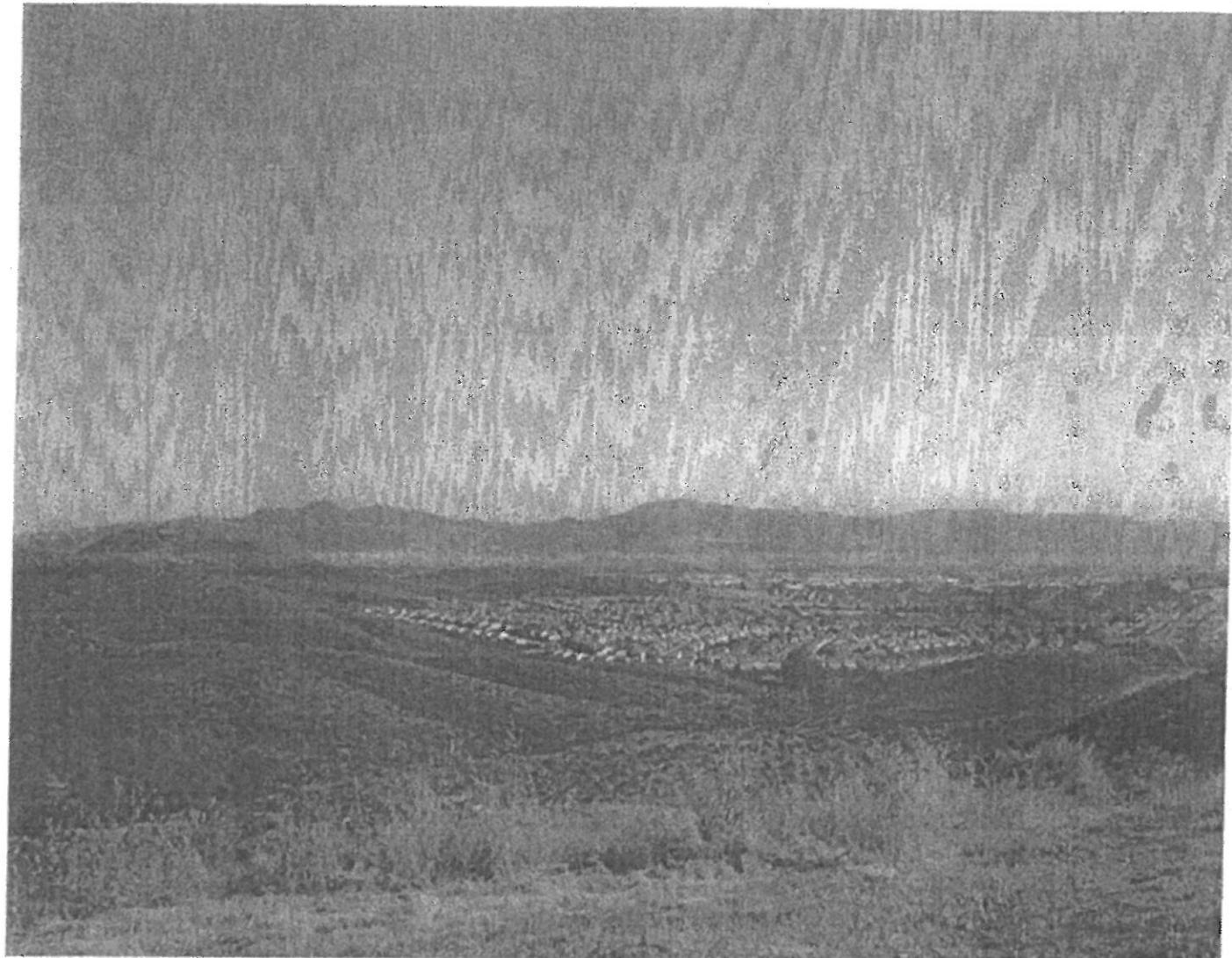
[Draft 2012-2015 Capital Plan Now Available for Public Review](#)

[Notice of Preparation \(NIP\) for Draft General Plan Now Available for Download](#)

[Fiscal and Industrial Assessments Now Available for Download](#)

[Recommended Land Use Plans Now Available for Download](#)

[Draft Nonconforming Uses and Structures Ordinance Now Available for Download](#)



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On Wed, Dec 14, 2011 at 7:00 PM, Koller, Garth <GKoller@san-marcos.net> wrote:

Hi Kevin, please see my comments below. Thanks, Garth Koller

From: Kevin Mecum [mailto:kevin.mecum@gmail.com]
Sent: Wednesday, December 14, 2011 1:12 PM
To: Koller, Garth
Subject: Re: Phone Call Follow-up Re: P.O. #20-23

Hello Garth,

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I looked through all the meeting notes and they're kind of hard to follow. We did not take minutes or record the discussion during the GPAC meetings or workshops, because these were not intended to be hearings. Staff took brief notes to capture the main comment as they were raised by both the GPAC, the property owner, & the general public. For example, in the June 10th, 2010 meeting, it is mentioned in the notes that: "Was concerned about the earlier workshop opposing the project." Can you please give me more info on this earlier workshop that is being referred to? I believe this is the section, attached below, you are referring to. The owner of the property was most likely referring to one of many public workshops that the City held at several different location for public convenience. As indicated, there is no project proposed, this is a discussion relating to land use only. It has been demonstrated that this site could yield 89 residential units. The recommendation by the GPAC clearly indicates "up to 89 units". Until an actual project is submitted, and goes through a public workshop process, we simply don't know what the yield will be at this site.

PO #20-23

Property Owner Comments:

Thanked staff in the spirit of completing this process. There is no debate. The Specific Plan gives better control. Was concerned about the earlier workshop opposing the project. There is no project. Not proposing any density increase.

General Public Comments:

No comments.

GPAC Comments:

Is this site off Las Posas Road? Staff: Yes. (Showed location on city-wide map) If this were changed to Specific Plan, would there be other changes proposed?

Also, if enough of our neighbors commit to attend the January 9th meeting, can you ensure that the topic of PO 20-23 is addressed? I know that sometimes meetings run long and certain items are pushed to a following meeting. We encourage all residents to review the Draft General Plan and the Draft Environmental Impact report posted on the City web and respond in writing by January 5th, 2011.

At this point, it is difficult to know when a particular item will be discussed. On January 9th, there will be a presentation by staff, and then most likely, it will be open to the general public for discussion in which you will have your opportunity to speak to the Planning Commission. We will know shortly when an agenda is finalized for January 9th.

Finally, have any other neighbors reached out to you or other city council members? Yes, I have received calls & e-mails. I am not sure if they have contacted the City Council. I'm trying to spread the word that YOU are the point of contact but I think some of the neighbors are reaching out to misc city council members and/or the mayor. I'm not sure how you'll be able to keep track of how many of us are against this if it's not addressed to the same person. That is why it is important for everyone to

6.
submit their concerns in writing to the City. Hopefully, this adequately addresses your questions. Take care.

Thanks again for your help!

Kevin Mecum

On Tue, Dec 13, 2011 at 9:29 AM, Kevin Mecum <kevin.mecum@gmail.com> wrote:

Thank you Garth!

Kevin Mecum

On Mon, Dec 12, 2011 at 5:50 PM, Koller, Garth <GKoller@san-marcos.net> wrote:

From: Kevin Mecum [mailto:kevin.mecum@gmail.com]
Sent: Thursday, December 08, 2011 3:03 PM
To: Koller, Garth
Subject: Phone Call Follow-up Re: P.O. #20-23

Hello Garth,

Thanks for taking my call today. When you get a chance could you please provide me with the following:

More details about the January 9th planning commission hearing. For example, when is it, where is it, what is the agenda, etc. The Planning Commission Hearings are scheduled for January 9th, 12th, and the 17th starting at 6:30 p.m. @ the City Council Chambers. The City Council Hearings are scheduled for January

31st @ Mission Hills High School, February 7 @ High Tech High School and February 14 @ City, Council Chambers starting at 6:30 PM.

Guidance as to where I read more about the official procedure that needs to take place in order for my neighbors and I to get P.O. #20-23 off the list of consideration. For example, is there legal info about this? Go to the City of San Marcos web page, in lower right hand corner click on "more" next to General Plan Update, under "Upcoming Events" click on "view past GPAC meetings and associated materials", under "GPAC Meetings" are all GPAC meetings starting back on October 22, 2009 attached are meeting notes & numerous exhibits relating to PO 20-23.

Through these meetings each property was discussed & reviewed by the GPAC, including PO 20-23. There is no method to remove PO 20-23 from the list of consideration. Please make note that both the General Plan and the Draft Environmental Impact Report are also on our web page under "Explore the Plan", under "view general plan", click on "download the draft general plan and under "view environmental documents" download the draft environmental impact report. Both of these documents are currently under the 45 day review period which concludes on January 5th, 2012.

Your best course of action is to review all the documents reference above and send in any comments you might have regarding those documents. Also you want to attend the upcoming Planning Commission & City Council hearings referenced above.

Also, please add me to your contact list so that I am notified whenever there is a meeting or discussion that has to do with **P.O. #20-23**, the **North Las Posas Highlands** project, or anything about the neighborhood of **Santa Fe Hills**. The dates provided above are the remaining dates to mark on your calendar for hearings. Please call me if you have any further question.

Thanks again for your time and your help!

Kevin Mecum

619-717-6137



#7



Department of Toxic Substances Control



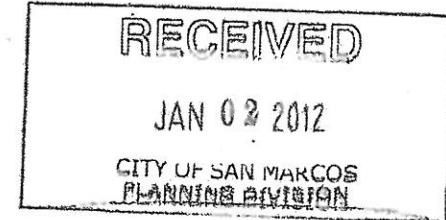
Matthew Rodriguez
Secretary for
Environmental Protection

Deborah O. Raphael, Director
5796 Corporate Avenue
Cypress, California 90630

Edmund G. Brown Jr.
Governor

December 21, 2011

Mr. Garth Koller
Principal Planner and General Plan Project Manager
City of San Marcos
1 Civic Center Drive
San Marcos, California 92069



NOTICE OF AVAILABILITY OF A DRAFT SUBSEQUENT ENVIRONMENTAL IMPACT REPORT FOR THE SAN MARCOS GENERAL PLAN UPDATE PROJECT, (SCH #2011071028), SAN DIEGO COUNTY

Dear Mr. Koller:

The Department of Toxic Substances Control (DTSC) has received your submitted Draft Environmental Impact Report (EIR) for the above-mentioned project. The following project description is stated in your document: "The City of San Marcos (City) is located in the central portion of northern San Diego County (North County), approximately 40 miles north of downtown San Diego. The proposed project is the comprehensively updated City of San Marcos General Plan. The updated General Plan includes the seven state mandatory elements and one optional element, land use and community design; mobility, conservation and open space; parks, recreation, and community health; safety, noise and housing. The proposed General Plan provides a framework to accommodate future growth through development, redevelopment, infill, and mixed-use development. In total, the planning area encompasses approximately 21,162 acres (33.06 square miles), including approximately 15,579 acres (24.34 square miles) within the City's corporate limits and 5,586 acres (8.73 square miles) of unincorporated land within the City's Sphere of Influence (SOI). The planning area is located within the Peninsular Ranges geomorphic province, which is characterized by generally northwest-trending mountains and valleys, located south of the Transverse Ranges and west of the Mojave and Colorado deserts."

Based on the review of the submitted document DTSC has the following comments:

- 1) The EIR should evaluate whether conditions within the Project area may pose a threat to human health or the environment. Following are the databases of some of the regulatory agencies:

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- National Priorities List (NPL): A list maintained by the United States Environmental Protection Agency (U.S.EPA).
- Envirostor (formerly CalSites): A Database primarily used by the California Department of Toxic Substances Control, accessible through DTSC's website (see below).
- Resource Conservation and Recovery Information System (RCRIS): A database of RCRA facilities that is maintained by U.S. EPA.
- Comprehensive Environmental Response Compensation and Liability Information System (CERCLIS): A database of CERCLA sites that is maintained by U.S.EPA.
- Solid Waste Information System (SWIS): A database provided by the California Integrated Waste Management Board which consists of both open as well as closed and inactive solid waste disposal facilities and transfer stations.
- GeoTracker: A List that is maintained by Regional Water Quality Control Boards.
- Local Counties and Cities maintain lists for hazardous substances cleanup sites and leaking underground storage tanks.
- The United States Army Corps of Engineers, 911 Wilshire Boulevard, Los Angeles, California, 90017, (213) 452-3908, maintains a list of Formerly Used Defense Sites (FUDS).

2) The EIR should identify the mechanism to initiate any required investigation and/or remediation for any site within the proposed Project area that may be contaminated, and the government agency to provide appropriate regulatory oversight. If necessary, DTSC would require an oversight agreement in order to review such documents.

3) Any environmental investigations, sampling and/or remediation for a site should be conducted under a Workplan approved and overseen by a regulatory agency that has jurisdiction to oversee hazardous substance cleanup. The findings of any investigations, including any Phase I or II Environmental Site Assessment Investigations should be summarized in the document. All sampling results in which hazardous substances were found above regulatory standards should be clearly summarized in a table. All closure, certification or remediation approval reports by regulatory agencies should be included in the EIR.

- 4) If buildings, other structures, asphalt or concrete-paved surface areas are being planned to be demolished, an investigation should also be conducted for the presence of other hazardous chemicals, mercury, and asbestos containing materials (ACMs). If other hazardous chemicals, lead-based paints (LPB) or products, mercury or ACMs are identified, proper precautions should be taken during demolition activities. Additionally, the contaminants should be remediated in compliance with California environmental regulations and policies.
- 5) Future project construction may require soil excavation or filling in certain areas. Sampling may be required. If soil is contaminated, it must be properly disposed and not simply placed in another location onsite. Land Disposal Restrictions (LDRs) may be applicable to such soils. Also, if the project proposes to import soil to backfill the areas excavated, sampling should be conducted to ensure that the imported soil is free of contamination.
- 6) Human health and the environment of sensitive receptors should be protected during any construction or demolition activities. If necessary, a health risk assessment overseen and approved by the appropriate government agency should be conducted by a qualified health risk assessor to determine if there are, have been, or will be, any releases of hazardous materials that may pose a risk to human health or the environment.
- 7) If the site was used for agricultural, livestock or related activities, onsite soils and groundwater might contain pesticides, agricultural chemical, organic waste or other related residue. Proper investigation, and remedial actions, if necessary, should be conducted under the oversight of and approved by a government agency at the site prior to construction of the project.
- 8) If it is determined that hazardous wastes are, or will be, generated by the proposed operations, the wastes must be managed in accordance with the California Hazardous Waste Control Law (California Health and Safety Code, Division 20, Chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations, Title 22, Division 4.5). If it is determined that hazardous wastes will be generated, the facility should also obtain a United States Environmental Protection Agency Identification Number by contacting (800) 618-6942. Certain hazardous waste treatment processes or hazardous materials, handling, storage or uses may require authorization from the local Certified Unified Program Agency (CUPA). Information about the requirement for authorization can be obtained by contacting your local CUPA.
- 9) DTSC can provide cleanup oversight through an Environmental Oversight Agreement (EOA) for government agencies that are not responsible parties, or a Voluntary Cleanup Agreement (VCA) for private parties. For additional information on the EOA or VCA, please see

Mr. Garth Koller
December 21, 2011
Page 4

7
www.dtsc.ca.gov/SiteCleanup/Brownfields, or contact Ms. Maryam Tasnif-
Abbasi, DTSC's Voluntary Cleanup Coordinator, at (714) 484-5489.

If you have any questions regarding this letter, please contact Rafiq Ahmed, Project Manager, at rahmed@dtsc.ca.gov, or by phone at (714) 484-5491.

Sincerely,



Greg Holmes
Unit Chief
Brownfields and Environmental Restoration Program

cc: Governor's Office of Planning and Research
State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044
state.clearinghouse@opr.ca.gov.

CEQA Tracking Center
Department of Toxic Substances Control
Office of Environmental Planning and Analysis
P.O. Box 806
Sacramento, California 95812
Attn: Nancy Ritter
nritter@dtsc.ca.gov

CEQA # 3427

Kiss, Lisa

From: Bryand Duke [BDuke@dfg.ca.gov]
Sent: Tuesday, January 03, 2012 1:54 PM
To: Koller, Garth
Cc: Kiss, Lisa
Subject: Draft EIR City of San Marcos General Plan Update (SCH# 2011071028)

Mr. Koller,

The California Department of Fish and Game appreciates the opportunity to comment of the draft EIR entitled Draft EIR City of San Marcos General Plan Update (SCH# 2011071028).

However, due to major holidays (3) and vacation time for Department personnel, which occurred during the review period, the Department is requesting additional time to review the draft EIR and General Plan. The Department is requesting that the City of San Marcos accept any comments that the Department may have regarding the review of the draft EIR no later than January 13, 2012 instead of January 4, 2011.

We greatly appreciate your consideration!

Sincerely,

Bryand

Bryand M. Duke, Ph.D.
Staff Environmental Scientist
Habitat Conservation Program
California Department of Fish and Game
South Coast Region
3883 Ruffin Road
San Diego, CA 92123

Voice: 858.637.5511
fax: 858.467.4299

BDuke@dfg.ca.gov

Kiss, Lisa

From: Suzie Bechtol [reception@capstoneadvisors.com]
Sent: Wednesday, January 04, 2012 11:35 AM
To: Koller, Garth
Cc: Mark Hayden; Kiss, Lisa
Subject: CA Reza San Marcos
Attachments: 4778_001.pdf

Good Morning,

Please see the attached comments on the San Marcos General Plan, I have also sent a hard copy via USPS.

Thank you.

Best,
Suzie Bechtol

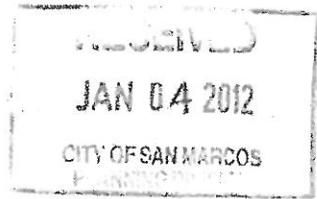
Suzanne Bechtol - Receptionist
Capstone Advisors
(p) 760-804-6900
(f) 760-804-6901
receptionist@capstoneadvisors.com

From: Canon
Sent: Wednesday, January 04, 2012 11:53 AM
To: Suzie Bechtol
Subject: Attached Image

CA REZA SAN MARCOS LLC
c/o CAPSTONE ADVISORS, INC.
1545 FARADAY AVENUE
CARLSBAD, CALIFORNIA 92008
TELEPHONE 760-804-6900

January 3, 2012

City of San Marcos
Attn: Garth Koller
c/o Lisa Kiss, Planning Division
1 Civic Center Drive
San Marcos, CA 92069



RE: Written Comments to City of San Marcos Draft General Plan and EIR

Dear Mr. Koller:

CA Reza San Marcos LLC ("Owner") with interest in property located at the northeast corner of W. Mission Road and Woodward Street ("Property") in the proposed Focus Area 4 of the Draft General Plan, is providing the following comments in response to the public review period for the City of San Marcos ("City") Draft General Plan and EIR.

The City of San Marcos' efforts to prepare a comprehensive update of its General Plan are commendable and Owner welcomes the opportunity to be a part of that effort. To that end, Owner is writing to express certain concerns over proposed planning elements and potential development impacts of the Draft General Plan with regard to the Property.

Land Use

The Property falls within the General Plan Change Area identified as Focus Area 4 (FA4), the Richmar Specific Plan Area. This area is designated for mixed use development, integrating residential, retail and office uses within the context of smart growth and form based code principles. While we embrace and encourage mixed use development in its proper form and place, the Property suffers from locational, topographical and access challenges that the balance of properties within FA4 do not. As a result, we believe that the Property should not be judged by the same standard, planning objectives, design principles or development guidelines as the other FA4 properties. The sum of these constraints dictate that the Property should be either (i) removed from FA4 and given other appropriate land use designation(s) or (ii) treated with specific provisions that address its unique circumstances.

Mobility Improvements

The Mobility Element references the SANDAG 2050 Regional Transportation Plan (RTP) and certain circulation improvements that are planned to be implemented through existing funding sources. These improvements are outlined in text and shown on Figure 3-7. Figure 3-7 shows a bridge/overcrossing or undercrossing improvement just north of Mission Road between N. Twin Oaks Valley Road and Woodward Street. However, this bridge is not noted in the text. It is

unclear and therefore we request clarification whether this bridge is a planned improvement, if it has any development impacts on the Property and what if any fee requirements the Property may have in relation to this improvement.

Coastal Sage

The Conservation and Open Space Element addresses vegetation communities, indicates that the most prominent classifications are coastal sage scrub and chaparral scrub, and directs the reader to Figure 4-1. This figure illustrates that coastal sage-chaparral scrub covers the entire Property. Based upon site specific biological studies, we know that coastal sage scrub does exist on site but in select locations. It is unclear and therefore we request clarification whether the City has done an extensive study to determine that the entirety of the Property is subject to coastal sage mitigation or is the graphic general in nature and simply indicates that site specific studies be performed to determine the extent of vegetative impacts.

Wildlife Corridor

The Conservation and Open Space Element addresses wildlife corridors and linkages, references wildlife movement occurs along riparian creeks and drainage corridors and directs the reader to Figure 4-2. This Figure illustrates a wildlife corridor just west of the Property between N. Twin Oaks Valley Road and Woodward Street. It is unclear and therefore we request clarification if this corridor covers the Property at any point or if the corridor will result in any developmental impacts on the Property.

Open Space

The Conservation and Open Space Element addresses open and agricultural areas and directs the reader to Figures 4-3 and 4-4. Figure 4-3 illustrates no open space over the Property, however Figure 4-4 illustrates an area of non-farmland/open space. It is unclear therefore we request clarification on whether the City is or will be designating any part of the Property as open space and what the developmental impacts may be.

Owner looks forward to the City's response to the above items. We are available to have further discussions with you or City staff concerning the Property and the items addressed in this letter.

Thank you for the opportunity to comment on the Draft General Plan and EIR and your dedication to the successful development of a comprehensive document. We look forward to working with you to achieve that mutual goal.

Regards,



Mark A. Hayden
Authorized Representative of CA Reza San Marcos LLC



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AN MARCOS
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#10.

San Diego County Archaeological Society, Inc.

Environmental Review Committee

2 January 2012

To: Mr. Garth Koller, Principal Planner
City of San Marcos
1 Civic Center Drive
San Marcos, California 92069-2918

Subject: Draft Program Environmental Impact Report
City of San Marcos General Plan Update
GPA 09-105, R 09-145, EIR 11-44

Dear Mr. Koller:

I have reviewed the cultural resources aspects of the subject DPEIR on behalf of this committee of the San Diego County Archaeological Society.

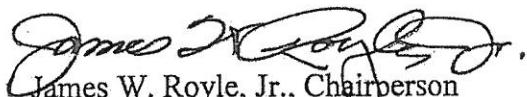
Based on the information contained in the DPEIR, we have the following comments:

1. We suggest the addition to the COS-11 policies an additional one; that the City become a Certified Local Government (CLG). For information on the CLG Program, see http://ohp.parks.ca.gov/?page_id=23581. Various other cities in the county, and the County itself, participate in the program and use it to advance preservation of historic resources within their jurisdiction.
2. Page 4-29 mentions that the City utilizes the Mills Act. We note that the California Office of Historic Preservation's list of Mills Act contacts (see <http://ohp.parks.ca.gov/pages/1074/files/millsactcontacts.pdf>) does not include the City of San Marcos. We suggest that the appropriate contact information be provided to OHP, so that the City is kept apprised of Mills Act issues.
3. Table 3.5-2 lists historic resources in and near the City. Some of those sites, and perhaps others that have not yet been evaluated, are currently within the unincorporated area and are therefore under the County's jurisdiction. This raises a concern associated with future annexations as the City does not, to our knowledge, have cultural resources specialists on staff. No offense to the City is intended, but this not-uncommon situation means that, for projects which involve historic properties or archaeological sites, staff is dependent upon the applicant's consultant's presentation. The County's Department of Planning and Land Use, on the other hand, has at least three cultural resources professionals on staff, so that applications and the applicants' reports get reviewed by a qualified independent person. Any future annexations from County to City jurisdiction need to address how equivalent

independent assessment of cultural resources would be provided. One approach would be for the City to retain the services of a qualified cultural resources professional, different from the applicants', for assessing projects in the annexed area.

Thank you for the opportunity to participate in the public review of the DPEIR for this project.

Sincerely,



James W. Royle, Jr., Chairperson
Environmental Review Committee

cc: AECOM
SDCAS President
File

Kiss, Lisa

From: Merri Lopez-Keifer [lopezkeifer@gmail.com]
Sent: Wednesday, January 04, 2012 4:48 PM
To: Koller, Garth; Kiss, Lisa
Subject: General Plan Update - Request for Extension to Comment Period

Dear Mr. Koller and Ms. Kiss:

The San Luis Rey Band of Mission Indians' respectfully requests a short extension to the City of San Marcos General Plan Update and City of San Marcos General Plan Update Draft Environmental Impact Report comment period. It is the Tribe's understanding that the official comment period ends tomorrow, January 5, 2012, and in accordance with CEQA Section 15207, the Tribe is requesting a short 10 day extension to the comment period.

Your immediate attention to this matter is greatly appreciated.

Sincerely,

Merri Lopez-Keifer
Tribal Counsel
San Luis Rey Band of Mission Indians
(925) 457-3395
lopezkeifer@gmail.com

The information in this e-mail message is intended for the confidential use of the addressees only. The information is subject to attorney-client privilege and/or may be attorney work product. Recipients should not file copies of this e-mail with publicly accessible records. If you are not an addressee or an authorized agent responsible for delivering this e-mail to a designated addressee, you have received this e-mail in error, and any further review, dissemination, distribution, copying or forwarding of this e-mail is strictly prohibited. If you received this e-mail in error, please notify us immediately at (925) 457-3395. Thank you.

Kiss, Lisa

From: Royalviewranch@aol.com
Sent: Thursday, January 05, 2012 7:24 AM
To: Kiss, Lisa
Subject: Draft General Plan and EIR comments

January 4, 2012

Karen Binns
2637 Deer Springs Place
San Marcos, CA 92069-9761
1-760-744-5916
royalviewranch@aol.com

City of San Marcos
Attn: Garth Koller c/o Lisa Kiss, Planning Division
1 Civic Center Drive
San Marcos, CA 92069

Re: Draft General Plan and EIR

Dear Mr. Koller,

I am writing to comment on the Draft General Plan and EIR for the City of San Marcos.

I hope that the city has no plans to annex any part of the unincorporated part of Twin Oaks. I am especially speaking of the Merriam Mountains project which is currently zoned in the County. This project was rejected by the County in 2010.

The same reasons for rejection by the County would apply to the City of San Marcos. Therefore, I hope there are no plans to annex this land to the City of San Marcos.

Sincerely,

Karen Binns

Kiss, Lisa

From: Fogg, Mindy [Mindy.Fogg@sdcounty.ca.gov]
Sent: Thursday, January 05, 2012 9:06 AM
To: Koller, Garth
Cc: Kiss, Lisa
Subject: City of San Marcos General Plan Update PEIR
Attachments: COSD letter to San Marcos GP Update 01.05.12.pdf

Hi Garth,

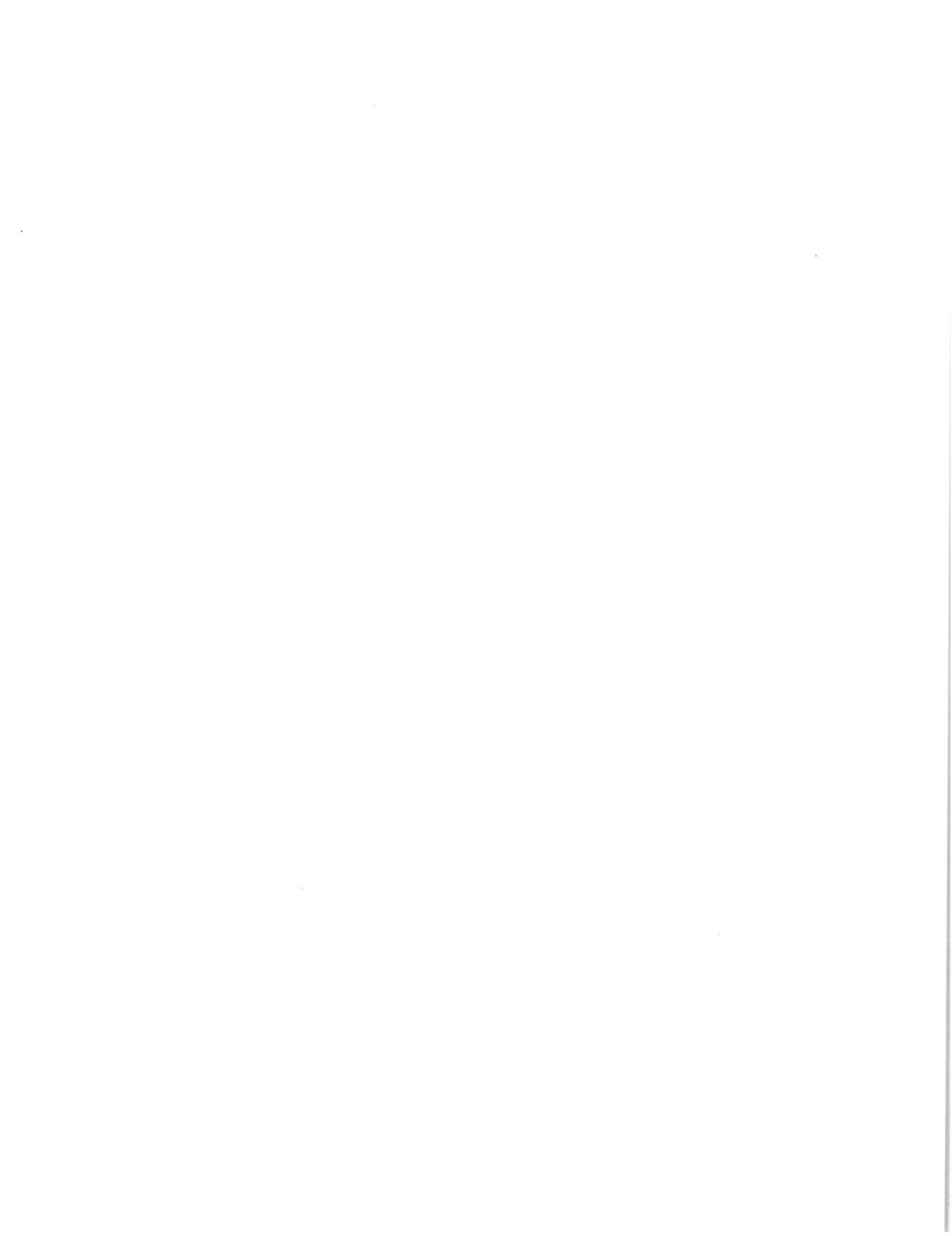
Attached is the County's comment letter on the City's General Plan Update and PEIR. Please feel free to contact me if you have any questions. Thanks!

Mindy Fogg

Land Use Environmental Planner | Advance Planning
County of San Diego | Department of Planning and Land Use
5201 Ruffin Road | Suite B | San Diego | CA | 92123
858/694-3831
<http://www.sdcounty.ca.gov/dplu/advance>

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ERIC GIBSON
DIRECTOR

County of San Diego

DEPARTMENT OF PLANNING AND LAND USE

5201 RUFFIN ROAD, SUITE B, SAN DIEGO, CALIFORNIA 92123-1666
INFORMATION (868) 694-2960
TOLL FREE (800) 411-0017
www.sdcounty.ca.gov/dplu

January 5, 2012

City of San Marcos
Attn: Garth Koller c/o Lisa Kiss, Planning Division
1 Civic Center Drive
San Marcos, CA 92069
Via email to gkoller@san-marcos.net and lkiss@san-marcos.net

COMMENTS ON THE DRAFT PROGRAM ENVIRONMENTAL IMPACT REPORT FOR THE CITY OF SAN MARCOS GENERAL PLAN UPDATE

Dear Mr. Koller:

The County of San Diego has received and reviewed the City of San Marcos Draft General Plan and draft Program Environmental Impact Report (PEIR) dated November 21, 2011 and appreciates this opportunity to comment. In response to these documents, the County has comments that identify potentially significant issues that may have an effect on the unincorporated lands of San Diego County.

County Department of Planning and Land Use (DPLU) and Department of Public Works (DPW) staff have completed their review and have the following comments regarding the PEIR:

LAND USE AND PLANNING

1. The San Marcos land use plan sphere of influence includes the unincorporated communities of Twin Oaks Valley (North County Metro) and San Dieguito. The recently adopted versions of these maps can be found on the County web site at the following link:
<http://www.sdcounty.ca.gov/dplu/generalplan.html>

The County concurs with the conclusions of the PEIR on Page 3.10-17 that there are differences in Land Use Maps between the recently adopted County General Plan and the draft San Marcos General Plan, and that the San Marcos designation would only apply in areas once they are annexed by San Marcos.

The County recommends that the PEIR analyze the higher density between the County and San Marcos General Plans to ensure that all potential impacts are evaluated. In most areas, the draft San Marcos General Plan applies the same or higher intensity designations. However, there are some areas in the Twin Oaks Valley planning area where it appears that the land uses on the County General Plan allow a higher density than the draft San Marcos Plan. This is based on the County's interpretation of the density allowed by the Agricultural Residential designation on the draft San Marcos Plan. The County is uncertain of the density allowed by this designation because it is described in terms of either dwelling units per parcel or dwelling units per acre in different sections of the draft Land Use Element, as shown below.

<u>Page</u>	<u>Description</u>
2-9	Table 2-2: 1 du/parcel based on location and slope
2-17	Table 2-3: 0.125–1.0 dwelling unit (du) per parcel based on location and slope
2-29	Table 2-5: 0.125-1.0 dwelling units per acre

The areas where it appears the County General Plan allows a higher density than the draft San Marcos Plan are those areas in Twin Oaks Valley designated Semi-Rural 1 (one dwelling unit per 1,2,4 acres, depending upon slope) in the southeastern portion and Semi-Rural 2 (one dwelling unit per 2,4,8, acres, depending upon slope) in the southern portion.

TRANSPORTATION AND CIRCULATION

2. The PEIR (Pg. 3.16-1) notes that the San Marcos circulation network is connected to a larger regional system and that surface streets connect San Marcos to adjacent cities and the unincorporated area. Despite San Marcos' connectivity to adjacent jurisdictions, the PEIR for the draft General Plan provides no assessment of the potential transportation impacts to roadway facilities within its Sphere of Influence and/or outside the City of San Marcos. There are various roadways within the current unincorporated area which are adjacent to and are affected by traffic from the City of San Marcos. The PEIR should assess any direct and cumulative impacts and identify appropriate mitigation for all roadway segments and key intersections located along the following roadways on the County of San Diego's Mobility Element network:

- Deer Springs Road
- Twin Oaks Valley Road
- Buena Creek Road
- South Santa Fe Avenue

- El Norte Parkway
- Rock Springs Road
- Nordahl Road
- Elfin Forest Road
- State Route 78

3. The General Plan/PEIR should note that future development projects within the City of San Marcos should also propose mitigation for significant traffic impacts to roadway facilities within the unincorporated area. Potential mitigation measures for significant traffic impacts can include traffic signal improvements, physical road improvements, street re-striping and parking prohibitions, fair share contributions toward identified, funded and scheduled projects, and transportation demand management programs. Fairshare contributions to the County's Transportation Impact Fee (TIF) program should be considered to mitigate cumulative traffic impacts. The fairshare contributions should be based upon the amount of project trips that will be distributed onto County roadways.
4. The PEIR should reference and use the County's Guidelines for Determining Significance (modified February 19, 2010) for any traffic analysis of direct and cumulative impacts on roadway segments and intersections within the County's jurisdiction.
5. Roadway Classifications (PEIR: Figure 3.16-1) do not readily correlate with the Street Typologies used for determining Roadway Segment Capacity (Table 3.16-2). The "roadway classification" / "street typology" should be consistent throughout the General Plan/PEIR.
6. Tables displaying the LOS for roadways should also include a column designating the Street Typology for each roadway. The LOS for a roadway is not based only on the number of lanes, but also the lane configuration (i.e. Street Typology).
7. The General Plan (Pg. 3-6) Mobility Element's focus on "Street Typologies" is not reflected in Table 3.16-3 of the PEIR. The "Classifications" noted in the table appear to be from a previous nomenclature for roadway types.
8. Note 3 of Table 3.16-2 (Pg. 3.16-9) states that the volumes for the "Freeway" Typologies are the "Per lane capacities". The per lane capacities, which range from 1,440 for LOS C and 2,200 for LOS F, appear to be low for the Daily Roadway Segment Capacity.

Mr. Koller
January 5, 2012
Page 4 of 4

9. The "existing daily roadway volumes" (ADTs) in Table 3.16-3 (Pg.3.16-10) do not correlate with the ADT for "Existing Conditions" in Table 3.16-8 (Pg.3.16-39). The PEIR should clarify what existing conditions are being referred to, in Table 3.16-8.
10. Table 3.16-8 appears to have some errors/typos (e.g. – Acceptable Capacity of 35,000 for a 6 lane facility on Rancho Santa Fe Road; or 42,500 for a 6 lane facility on San Marcos Boulevard).
11. The graphic (Pg. 3-14) for a Class II Bikeway (Bike Lane) incorrectly displays the same graphic for a Class I Bikeway (Bike Path).
12. The Figures showing Level of Service (e.g. Fig.3.16-1) do not designate a legend/color for LOS E.

The County of San Diego appreciates the opportunity to continue to participate in the environmental review process for this project. We look forward to receiving future environmental documents related to this project or providing additional assistance at your request. If you have any questions regarding these comments, please contact Mindy Fogg at (858) 694-3831 or by email at mindy.fogg@sdcounty.ca.gov.

Sincerely,



ERIC GIBSON, Director
Department of Planning and Land Use

e-mail cc:

Dustin Steiner, Deputy Chief of Staff, District 5
Megan Jones, Group Program Manager, DCAO
Nael Areigat, Department of Public Works
Richard Chin, Department of Public Works, Transportation Division
Twin Oaks Community Sponsor Group
Mindy Fogg, Land Use/Environmental Planner, Department of Planning and Land Use
Priscilla Jaszkowiak, Administrative Secretary, Department of Planning and Land Use

Kiss, Lisa

From: Koller, Garth
Sent: Thursday, January 05, 2012 2:16 PM
To: Kiss, Lisa
Subject: FW: Draft_EIR_Letter_03_04_12_Compatible_Doc
Attachments: Draft_EIR_Letter_03_04_12_Compatible_Doc.doc

From: Michael [mailto:m_hunsaker@cox.net]
Sent: Thursday, January 05, 2012 12:52 PM
To: Koller, Garth
Cc: jozann@cox.net; Charles Willess; Claudia Hunsaker; Dr. Gary L. Barnes ; Jeff Schwilk; Ken Happel; Laura Mouradian; Lynne Welke; Michael Hansen; Nina Patterson; Shawn McCrory (Loren McCrory); Susan Wait; Tom Tooker; Bob Conway; Bob Patton; Carol Helsel ; Carol Shuttleworth ; Dr. Gary L. Barnes ; Elaine Cole; eleanorgarrett@cox.net; John Zoria ; Karen; Lynne Tucker; Rob Peterson ; Susan Wait
Subject: Draft_EIR_Letter_03_04_12_Compatible_Doc

Dear Mr. Koller,

Attached is a letter noting my objections to the Draft EIR for the proposed General Plan. A hard copy is being sent to your attention as well.

I am solely responsible for the letter and can be reached at the address and telephone already on file.

Respectfully,

Michael Hunsaker

Michael Hunsaker
115 Equestrian Court
San Marcos, Ca 92069

14.

January 4, 2012

Garth Koller, Principal Planner
Development Services Department
City of San Marcos
1 Civic Center Drive
San Marcos, CA 92069

Subject: Comments on Draft Environmental Impact Report

Dear Sir,

Need for Recirculation

After careful review of the Draft EIR, I have numerous flaws, omissions and concerns. I believe that many of these individually and collectively call for a recirculation of the Draft under Civic Code Section 21092.1. From the CEQA information website <http://ceres.ca.gov/planning/ceqa/>.

Recirculation: PRC Section 21092.1 and Guidelines Section 15088.5 *require* an EIR to be recirculated to responsible and trustee agencies for consultation and new public notice given whenever significant new information has been added to the EIR after the draft has been available for review, but prior to certification of the final EIR. The review and consultation period is the same as for a draft EIR. "Significant new information" is defined in Guidelines Section 15088.5.

There are two new developments which must be dealt with in a new draft EIR and three deficiencies which will require reconsideration in any case. For these latter three reasons, this Draft EIR is premature.

1. Redevelopment is a necessary tool with its eminent domain features in building an urban core to the City. Redevelopment has recently been struck down in the courts. With no eminent domain, another mechanism must be specified and considered. The Special Consideration Area 1 which was the primary focus of City Staff proposals is now in doubt. If the City wishes to pursue some other mechanism for creating an urban core, then it must so specify and show how the environment and the quality of life of the citizens will be impacted.
2. In the last Council meeting a new agreement was reached with the Supervisors Association, City employees are now allowed to work on leave with the very entities they are supposed to regulate. They are then allowed to rejoin the City in their original capacity. Such a construction directly creates conflicts of interest and ultimately in widespread corruption no matter how moral or ethical the Staff is presently. As such it violates many of the laws on conflicts of interest in the State including the Brown Act. The selection of a program General Plan which places undue discretion on the Staff to decide on its own authority without sufficient public consideration and notice is inappropriate and possibly illegal.

The City of San Marcos is unique in that the City is allowed to own commercial enterprises, particularly land development and rentals. The City is also undergoing severe financial hardship, which according to the last Chief Financial Officer, is the result of expensive labor contracts with City employees. The structural deficit was

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14

determined to be about \$5,000,000 per year and reserves are being available depleted will soon be exhausted. Thus the City Staff is in a state of conflict of interest. Its policies must be totally transparent and complete. The conflicted Staff will be motivated to favor (unconsciously at best) to favor its own financial interests.

3. With the Housing element undefined and leaving the matter up to County to define is an abrogation of responsibility to define what the most important component of a General Plan. Further, an important feature of an EIR is a careful consideration of local conditions. The insistence that the City should blindly Follow the County dictates no matter how inappropriate to the City is not supportable particularly in light of the use of a Program General Plan and the conflicts of interest the City is nominally tolerating.
4. Incredibly after two years of work, the Planning Department has not released a finalized zoning ordinance with the basic zoning ordinances. Without these definitions, the entire project/program is impossible to assess as to its appropriateness, completeness, legality or cost. One cannot read a book if the words are not written. The zoning definitions are important elements of property rights too important to be left up to the virtual discretion of a conflicted City Staff. These definitions have too much impact for a meaningful EIR and a General Plan which is properly and openly presented to the public per legal requirements. CEQA specifically does not allow general policies to be substituted for measureable, quantitative actions. Should the City fail to to preserve agricultural lands, for example, or protect the citizen's rights to choose their own housing and maintain that housing option legally and financially, it would be rightfully subject to corrective litigation and the forcible retraction of the Program structure.

If eminent domain is pursued, rezoning provides perverse financial incentives for City Staff to pursue purely selfish goals. Rezoning potentially eliminates many of the protections homeowners have with conforming properties. With conforming properties, a business must be provided with an alternative business site within two miles, an allowance for lost business, consultant support for making the move, payment of all moving expenses, etc. Similar protections exist for homeowners forcibly evicted from their homes. With non-conforming properties, the property owner's compensation is strictly limited to the best allowable use of the land permitted by the zoning. The property owner is also responsible for the cost of demolishing his/her homes and businesses. Rezoning has immense destructive potential. This lack of transparency and openness is cause for deep concern.

5. The Plan violates Smart Growth principles. Smart Growth requires the balance of critical elements of housing, transportation, Industrial base, commerce, agriculture and critical resources such as water in an environmentally sound and sustainable basis. The proposed General Plan squanders water resources, imposes housing elements of steady degraded apartment buildings, does not adequately address infrastructure needs, is detrimental to agriculture, and limits the City's needed industrial base. These factors degrade the quality of life and endanger the sustainability of the community. If the City is economically unsustainable, then the environment is unsustainable.

Overall Deficiencies and Objections

Various deficiencies are summarized below with additional details provided on some topics in subsequent sections: Basically, the conclusions of the Draft EIR is that the environmental negative impacts are high density is unavoidable is untrue. Lower density, more efficient, more environmentally friendly and higher quality of life options exist. These "unavoidable" negative impacts can be significantly mitigated and better, more sustainable options exist.

1. The plan will not work for its projected population growth. There is not enough water. Even without the projected population growth, the wholesale cost of water is expected to jump from about \$690 per acre-foot to over \$2,000 in the next three to five years. The present population just under 85,000 could jump to 156,229 under this "plan". With the unsustainable high density proposed, the makings for a city-wide disaster are unavoidable. Further, some Indian tribes are seeking to obtain ownership of critical water supplies. Such conditions are not addressed at all.
2. The Draft EIR mentions that the Vallecitos Water District (VWD) and all the other water agencies servicing San Marcos are required to develop Urban Water Management Plans. At no point does the Draft EIR note that this very limited and essential resource will be adequate. Any reasonable plan will couple growth in accordance with supply. This plan does not. It would allow as a Program for the growth to go ahead regardless. It merely states that it will coordinate with the water districts to update their plans as the program progresses. Yet the Draft EIR has very definitive figures of build out and the proposed higher density allowances. Rationally and reasonably, these calculations should have been done before this Draft was released. Any expansion should be directly tied to community water impacts.
3. The City has been pursuing an active drilling program for irrigation of landscaping. While worthy for watering parks, the City has been remiss in not employing water conservation in their commercial and municipal operations. Water conservation was not pursued even during drought periods. In fact, the City profits immensely by charging its tenants 95% of the rate of pure potable water for irrigating the landscaping the City specified. Water is an example where the City has placed its monetary interests above the needs to conserve. Thus, its track record for placing community interests first is not reassuring.
4. Flooding is also an issue. The City has been pursuing a Creekside water project to improve drainage for its profitable commercial ventures there and for future expansion. To accomplish this goal, considerable City funds have been diverted for such development despite the environmental damage imposed by ripping out the wetlands. Permits and approvals have not been forthcoming because of the proposed damage. The willingness of the City to pursue profit making ventures above environmental concerns makes the use of ill-defined generalities doubly questionable.
5. The statements that global warming will induce drought in California is unsupportable assertions. Heating of the earth will produce more rain, not less. Further, there is more reason to believe that droughts will be relieved in San Diego. Merely saying that all climate change is bad is overly simplistic. There should be the objective realization that we do not know whether climate change will help or hurt. As such, basing policies on unknowns which have such dire consequences for the economy are at best ill advised.

Smart Growth and Balanced Communities

1. The use of mixed-use facilities is widely advocated under Smart Growth principles. While essentially a quaint 19th Century European village concept appropriate for isolated mountains with a plentitude of water, it is inappropriate for a 21st Century global economy in relatively flat, California dry environment. The mixed –use facilities have over ten years of experience in San Marcos. They have failed economically to fulfill their commercial expectations. They have become essentially pure apartment buildings. City Manager Malone pointed out that in the present economy mixed-use facilities will be likely be largely residential tenancy. As such, the promotion of mixed-use is of doubtful value.
2. A more sustainable model is needed – and exists. Rather than expose residents to problems with odors and noise of mixed-use developments, the apartments should be designed to be better living quarters with shops and restaurants concentrated in shopping centers as now the case.

3. Through much of the GPAC proceedings, the most destructive proposals were limitations of Floor Area Ratios (FAR) and open storage for industrial zones. Only after repeated protests on the open storage from Industrial property owners did the Planning Department partially relent and tentatively allow limited open storage. Yet a recent alteration in the Planning Handbook allowed the City Manager to arbitrarily increase outdoor storage for a single entity. This violates Open Government principles. Allowing spot revisions of the zoning without meaningful public involvement and the non-public ministerial granting of favors invites corruption. It also further degrades the advisability of a Program General Plan.
4. The report repeatedly states that many problems are unavoidable for future expansion. In fact the issues are entirely in the City's control to mitigate if not eliminate. The central question is whether the conflicted City Staff will require new projects to bear a fair burden of their impacts suitable for the high density housing it promotes. If the developer pays a fair share much of these problems disappear. The issue of regulatory capture again bears consideration.
5. Higher density "mixed-use" development is expected to displace existing residents, mostly single family dwellings and existing commercial properties. These properties are nowhere near their expected lifetimes of the buildings. This pattern of development is only possible by the forced eviction of the property owners through eminent domain. Eminent domain proceedings are virtually only possible through redevelopment through the Redevelopment Agency (RDA). Thus the City must come up with a new mechanism for such forced evictions and define it for the citizens to assess its implications.
6. The report repeatedly notes that the unpredictable nature of future growth makes many aspects of the report impossible to assess and mitigate in areas such as traffic, parking, noise, etc. The purpose of a General Plan is to direct the growth pattern to avoid such problems. The City simply fails to address the issues and is unresponsive to CEQA requirements. The conclusions of the report repeatedly indicate that the "Smart Growth" and high density urban development will result in a lower quality of life. It may also increase the tax base and the rental income to support the City Staff's compensation funding gaps, but that situation is an unacceptable reason to degrade the quality of life for its residents.
7. The goal of increasing commercialization will only work if the City does not unfairly advance its own commercial ventures over free enterprise or to insiders. These are unrealistic goals given the City's history and its facilitation of conflicts of interest.
8. The promotion of "green jobs" has been a bust. As shown by many solar projects, most have been busts where a handful of insiders with political connections profited leaving bankrupt companies behind them.
9. Not all "green" jobs are green. Over 85% of solar panels are built in China which uses dirty coal plants for energy production which is needed for panel production. On a global basis, solar panels produce a net increase in global carbon dioxide. The exorbitant cost of training individuals for "green" jobs has been prohibited high. The waste is not financially or environmentally sustainable.
10. The stated policy of preserving open spaces is violated with the Creekside development and its proposed levies and extensive grading.
11. The destruction of agricultural and industrial businesses unfairly limit the ability of minorities to gain economically. These have been powerful uplifting engines of social and economic advancement that have suffered in the City. Placing emphasis on retail operations unfairly bias the City's economy against them.

Other Factors

14.

Detailed analysis of a portion of significant factors follows:

Neighborhoods

The State is now required to redistrict based on communities. This makes the designation of what constitutes a community particularly important as it facilitates gaming the designations for political advantage. The neighborhoods defined in the General Plan do not accurately reflect the character of many areas, particularly for rural areas which may be subjected to intense urban growth. Such designations could facilitate the disenfranchisement and the destruction of their chosen quality of life. These boundaries need to be redrawn respecting existing communities and their desires more faithfully. They cannot be used for conversion from at large representation to area representation. The City does not have the moral or ethical right to social engineer and dictate citizen lifestyles or dilute their right to fair, representative elections.

Affordable Housing Dispersal and Schools

The Report states that Affordable Housing has been dispersed throughout the City per regulatory requirements. Such dispersal is a necessary component of making Affordable Housing a decent place to live for low-income environments who would otherwise have to live in neighborhoods that do not allow for social advancement educationally and economically. Yet the City has not exactly followed these precepts. Most of the developments to date have been highly clustered in the Richmar region. The City with its high density urban developments will produce a second cluster producing overcrowded schools and low paying retail employment. The City has not given proper weight to these minority problems in its planning.

Aesthetics (P. 4.0-3)

As the City Staff and Council has been proposing devastating the Creekside natural habitat and putting up high density apartments in the heart of the City, the city will suffer vista impacts and ultimately produce blight. These are entirely subject to mitigation by the maintenance of high standards and the balanced build out of the City with proper respect for the Creekside environment.

Agricultural Resources (P. 4.0-3)

Smart Growth dictates that land use is balanced with agricultural resources carefully husbanded. The EIR states these limited resources (already decimated by urban development) will be virtually wiped out. Any allusion that the City is following "Smart Growth" principles is unsupportable. The primary alteration is to high density residential and retail residential. This increases profit potential for City commercial ventures, but weakens the economic foundation of the City and the County.

The statement that this problem cannot be mitigated is false. These valuable dwindling resources must be preserved. There is no sustainable economic model that will support the elimination of these resources.

Geology, Soils and Minerals (P. 4.0-6)

The continued drumbeat that no projects are identified as yet and that they will be determined on a case-by-case basis where significantly adverse and negative effects will likely occur is a strong argument against using a Program General Plan and EIR if significant impacts can result. More stringent and clear standards must be applied.

Hazards and Hazardous Materials (P. 4.0-6)

Same problems and comments listed in the previous section.

Hydrology (P. 4.0-7)

Same problems and comments listed in the previous section.

Noise Impacts (P. 4.0-8)

The report states that noise level reduction requirements are impossible to predict. False. More than adequate data is available to accurately assess noise levels for virtually any new project. The noise levels are most certainly avoidable through suitable density housing and building codes. The EIR does not impose or specify appropriate measures. It does not specify needed new project requirements and build out zonings.

Paleontological Impacts (P. 4.0-8)

This section is partially correct. True, deeper excavation will be required, but the deeper excavations are highly unlikely to unearth new discoveries. Paleontological finds are most likely to be found in the easily already developed land. The principle problem lies in the present program of not identifying possible Native American burial sites and other significant such lands. This policy has the laudable and reasonable goal of protecting these sites from disturbance. However, projects already performed have identified general zones where authoritative sources supported by the tribes have certified that there are no known sites within a two mile radius. By mapping these known clear areas and noting the build out of likely sites, this factor is not a major issue. The City Staff must collect these data points and generate a map of zones where no sites are known.

Population and Housing (P. 4.0-9)

Housing requirements are unpredictable as the General Plan has been formulated prematurely and is particularly out of date in light of current events. The County is imposing new housing standards for Affordable Housing and density. These are promised for next year. The appropriate and prudent action is to wait until these factors are known and then complete the planning accordingly. Since the General Plan is being pushed so frantically, the most logical conclusion is that the environmental impacts will be massive and the City does not wish to require appropriate levels and types of development. The implications of infrastructure are potentially staggering and financially unsustainable. To plunge headlong into a potentially disastrous pattern of development when a year's wait will provide the needed information is folly.

Note that the State has recently legalized unfunded mandates. Prudently, one should wait to see what mandates they wish to impose on housing before proceeding.

Recreation Impacts (P. 4.0-10)

The statement that recreational impacts from high density and "Smart Growth" are unavoidable is untrue. Considerable space is available for expansion appropriate to the level of building it proposes. The City is simply unwilling to appropriately expend the funds needed to maintain an adequate quality of life. It proposes to lower living standards to increase density. It must require new projects to fairly mitigate their impacts and appropriately pay impact fees to at least maintain current levels of service. They are entirely avoidable problems.

The build out scenario simply states that the population growth will outstrip energy sources, infrastructure, and public services. In essence, it proposes that new development not pay appropriate impact fees and that the quality of life be allowed to degrade despite these limitations. These are under the control of the City through appropriate buildings codes and impact fees. The most serious problem is water. The water supplies are severely limited and the ability to sustain any new growth is problematic. If the City merely closes its eyes and forces higher density building without prudent limitations and development patterns, the environment will be severely impacted for entirely avoidable reasons. Given the situation which the City has been profiting off well water and not imposing known water conservation techniques to reasonable levels and as the water problem is painfully well known, these actions are irresponsible. It violently violates sustainability principles that "Smart Growth" dictates.

Transportation and Traffic Impacts (P. 4.0-10)

There are two major incorrect contentions that are particularly noteworthy. First, the congestion on San Marcos Boulevard is supposedly unavoidable. Yet in 2011, a traffic congestion project produced results which by the City's Chief Engineer characterized as "spectacular". An investment in a traffic light synchronization program produced less congestion, less vehicle idling, and less loss of productive time by motorists. Using SANDATG figures, the investment will save eight times the investment over twenty years. The financial, environmental and quality of life improvements on this corridor were limited however by the three schools and the foot traffic they generate. It was noted during the Council meeting report that pedestrian bridges along this route would have produced much larger gains. It would also promote pedestrian traffic as a promulgated worthy environmentally desirable alternative mode of transport and increase safety of the children.

A pedestrian bridge would cost less than \$1,700,000. The City Staff plans to expend almost \$100,000 to help build a pedestrian bridge over Mission for the benefit of a developer for the Palomar Station. City Staff will spend \$100,000 to improve traffic in front of Creekside Marketplace which has been vital to maintaining the City Staff compensation. The City has \$6,000,000 of unallocated Transnet funds. Yet the Staff has failed to go forward with San Marcos Boulevard pedestrian bridges. These funds should be fully allocated to ensure that they are being used appropriately. Clearly mitigating the environmental impact and meeting SANDAG's standards and improving the quality of life for the community are not the priorities they should be. Clearly the City has other uses for the funds which it wishes to spend on as yet unannounced projects – except for the Creekside and Palomar Station developments. Could a conflict of interest and apportionment of funds for insiders and Staff compensation be the determining factors? A straightforward explanation from the City Staff is needed and appropriate project developments for community benefit.

The second patent misstatement is that parking is inadequate. The report notes that the City has been building less than needed parking, particularly for commercial applications. It proposes to exacerbate the problem with its high density City core and mixed-use development. The amount of parking required is entirely within the control of the City in its permitting of new construction. It is an indirect indication that its high density development is uneconomical and unhealthy because it is unwilling to require adequate parking in new projects.

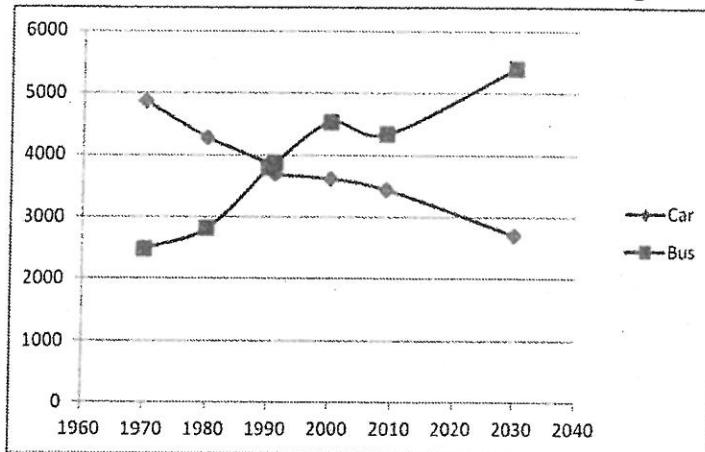
The insistence that these problems are unavoidable and beyond the City's ability to mitigate is disingenuous at best.

Air Quality and Mobility (P. 4.0-14)

1. The recognition that individual vehicle emissions for individual vehicles is significant is correct – but it then proceeds into less supportable assertions. For example, the statement that the proposed Intracity Shuttle will lessen pollution is not. Below is a graph of BTU's/passenger mile from the most recent Department of Energy

(COE) study for individual vehicles and busses. I have included estimates of consumption based on proposed national standards for improved efficiency. Note that the proposed shuttle busses are diesel which produce significant CO₂ and sulfurous emissions. Further, the City proposes increasing the frequency of service which will lower bus loads and therefore raise BTU's/passenger mile. The effect is startling on environmental impact.

14.



2. Further, diesel busses can be readily converted to much cleaner natural gas. The US has several centuries of natural gas and eliminates foreign oil dependency and sustainability. The City consultants proposed standard diesels busses for economy, but would represent another instance where the City chooses to degrade the environment for economic reasons rather than recognize clear trends in its planning. The proposed Intracity Shuttle is environmentally unsound increasing green house gasses (GHG) while other programs will reduce congestion, reduce emissions, and improve the quality of life. It violates the requirements of AB 32.

Odors (P. 4.0-14)

The statement that odors from commercial operations are unavoidable is truly not a typical problem. Most successful commercial enterprises are separated from residential and residents do not have to live in close proximity to such establishments. In mixed-use facilities, they are intimately connected. The residents cannot escape the odors. They are captive to the lower quality of life that mixed-use "Smart Growth" policies inevitably produce. They are inefficient use of land for specialized uses. Inefficiency is a hallmark of economically and environmentally unsustainability.

Biological Resources (P. 4.0-15)

This section is also disingenuous. The General Plan allows for the violation of habitat protection in areas of the City's commercial enterprises based on proposed special relief offered primarily to government entities and large developers. The expansion of the Creekside Market enterprise zone (so supportive of City Staff compensation) will produce gross environmental damage with its creek levies and destructive grading of endangered habitat. The gross violation of equality under the law is manifest.

One cannot allow development on the off chance that relief is possibly on the way. I do not agree to the inclusion of insects and common plants to endangered species lists, but the law must apply equally until it is fixed. It is appropriate, however, that the City abide by the law to the extent of requiring a project-by-project CEQA analysis and notification. Any such analysis consisting of hand waving that a project is in "substantial compliance" is inappropriate for any large project – including questionable City commercial enterprises.

14.

Cultural Resources (P. 4.0-15)

Cultural Resources up to the present have been preserved and complemented. We live in a western state with rich Latino, native American and pioneer cultures. The inclusion of Heritage Homes is a shining example of community reverence for its culture. The mixed-use philosophy substitutes an alien European design devoid of cultural context. It displaces and obliterates existing wetland preserves and potentially threatens businesses such as Restaurant Row with featureless, culturally barren apartments with small Eastern European plazas – unless they are scrapped for cost reasons.

The City has build landscaping, community centers, and “pocket parks”. The pocket parks in apartment complexes can easily become drug havens and crime locations. The City Staff, consultants and even Council members has proposed lessening the inclusion of even the parks and community centers in order to “lower costs” of high density housing. In reality the result is to iprove bottom lines at community expense.

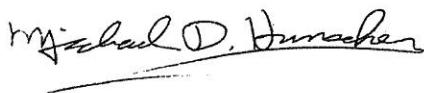
Cultural resources do matter. The self serving policies of eliminating them and insisting they are less than significant is unacceptable and incorrect.

Green House Gasses (P. 4.0-16)

This section proposes gross violations of GHG regulations per AB 32. There is no real attempt to follow these requirements. Notably the Intracity Shuttle, traffic congestion, and pedestrian bridges are not being funded or managed properly. The significant advances these programs can produce are being relegated to minor side issues in the quest for more profit.

While other objections exist and have yet to be uncevered because of the constraints of the holidays, I reserve the right to present them at a later date.

Cordially submitted,



Michael D. Hunsaker

Kiss, Lisa

From: clarkemh@aol.com
Sent: Thursday, January 05, 2012 3:16 PM
To: Kiss, Lisa
Subject: Fwd: Comments on Draft Program EIR for City of San Marcos General Plan Update

Hello Lisa,

I am unable to add my final paragraph to the letter that I sent you yesterday. Therefore, I am sending it to you again, in two parts. The conclusion will be the next part.

I apologize for the inconvenience.

-- Mary Clarke

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

From: clarkemh <clarkemh@aol.com>
To: clarkemh <clarkemh@aol.com>
Sent: Thu, Jan 5, 2012 11:19 am
Subject: Fwd: Comments on Draft Program EIR for City of San Marcos General Plan Update

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

From: clarkemh clarkemh@aol.com
To: lkiss <lkiss@san-marcos.net>
Sent: Wed, Jan 4, 2012 5:04 pm
Subject: Comments on Draft Program EIR for City of San Marcos General Plan Update

Mr. Garth Koller, c/o Lisa Kiss
 City of San Marcos
 1 Civic Center Drive
 San Marcos, CA 92069

Dear Mr. Koller:

I am writing on behalf of the North County MHCP/MSCP Task Force of the Conservation Committee of the Sierra Club, San Diego Chapter. We have been involved in the preparation of the MHCP since the early 1990s, and we continue to follow the progress of the development of the subarea plans for the North County MHCP cities. Our interest in San Marcos' General Plan update is that it include, at a minimum, a commitment to complete the subarea plan and to provide protection for the remaining biologically valuable habitat in the City of San Marcos.

I have recently reviewed the General Plan Update for the City of Vista. That plan includes a Biological Resources Overlay feature which is very helpful in determining where the biologically valuable lands that need to be protected are located. How can the City of San Marcos clearly identify the biologically valuable lands in the City that need to be protected?

The City of Vista's General Plan Update also includes a commitment to implement the Agua Hedionda Watershed Management Plan (AHWMP), which the City of Vista adopted two or three years ago. The Agua Hedionda Watershed, which begins in the County of San Diego, north of San Marcos, runs through the northwestern part of the City of San Marcos on its way to the coast. The City of San Marcos participated in the development of the AHWMP; therefore, the AHWMP should be a part of the SM GPU. Is it mentioned in the SM GPU? If so, please provide a reference to the page and/or section. If not, please explain why not, since the Agua Hedionda Watershed is a major watershed in San Marcos.

We would like to see a commitment by the City of San Marcos in its General Plan Update to complete its MHCP subarea plan (SM SAP), protect its remaining valuable biological resources, and implement the AHWMP.

p. 3.4.1:

The Draft Program EIR (DPEIR) references "remaining native habitat" being primarily limited to around P Mountain and the largely undeveloped northern portion of the Sphere of Influence (SOI) and habitats along the Twin Oaks Valley wetland corridor and along San Marcos Creek.

Please explain the situation with the natural habitats in what is called the Gnatcatcher Core Area in the MHCP. (This is the area in the southern part of San Marcos, along San Elijo Road. This is shown as the Southern Focused Planning Area, Figure 2.3-5, in the Final EIS/EIR for the MHCP, Vol. I, March 2003.)

Also, there are significant natural habitats remaining in the areas at the southeastern corner of San Marcos, south of Cal State - San Marcos and west of the City limits. Please explain in detail why these areas of habitat are not mentioned in this section.

p. 3.4-7:

Vernal Pools. The vernal pool areas identified in the DPEIR are different from the vernal pool areas shown on the City of San Marcos Focused Planning Area map for the SM SAP. The vernal pool areas in the SAP include the ones between S. Pacific St. and Las Posas Road, plus 3 additional locations: (1) at the northeast corner of Grand and Pacific; (2) just south of Mission Road and east of Las Posas; and (3) the area adjacent to Fry's. (The latter has been restored and protected.) These areas are shown in Fig. 3.4-1 of the DPEIR in a sort of greenish-cream color, which I cannot find on the legend for that Figure. What does that color represent? Why are the locations identified as (1) and (2), above, not identified as vernal pool areas in the DPEIR?

p. 3.4-9, first paragraph:

What is the meaning of the following sentence? (There seems to be a misprint at the end of the sentence.)

"Although this information provides current information for a program-level description of existing conditions for jurisdictional waters, wetlands, and riparian habitat, the maps and figures provided in this document should not planning area."

Figure 3.4-4:

Why does this figure not show the wildlife corridor along Agua Hedionda Creek? Wildlife corridors typically run along waterways.

Also, it appears that the top of the ridgeline from the P Mountain northward is indicated as a wildlife corridor. This seems an unlikely wildlife corridor, as wildlife typically move along riparian corridors and other protected areas. What evidence is there that this is a wildlife corridor?

Finally, the wildlife corridor along San Marcos Creek should be linked between Mission Road and the southwest side of Hwy 78. Although there are some barriers to wildlife movement in this reach of San Marcos Creek, the City should consider how this wildlife corridor could be made complete and functional. No further barriers to wildlife movement along the creek should be allowed. Please note that the draft San Marcos MHCP Subarea Plan map shows the creek to the northeast and southwest of Hwy 78 as 100% conserved.

p. 3.4-26, paragraph 2:

Please explain why the previously designated MHCP "Gnatcatcher Core Area" has been deemed as "not a viable option." When and why did this happen? Who deemed it "not a viable option"?

Kiss, Lisa

From: clarkemh@aol.com
Sent: Thursday, January 05, 2012 3:30 PM
To: Kiss, Lisa
Subject: Comments on Draft Program EIR for San Marcos General Plan Update

Following is the conclusion to my comment letter on the Draft Program EIR for San Marcos General Plan Update.

CONCLUSION

Our Task Force is very concerned about region-wide conservation planning. The MHCP and North County MSCP are two major efforts to plan for conservation while designating areas that are appropriate for development. The County's North County MSCP, which is in the development stage, includes conservation planning for the area north of San Marcos, in the San Marcos Sphere of Influence. Completion of the City's MHCP subarea plan should show how the City intends to link its conserved areas to the County's MSCP. Linkages from San Marcos to conserved lands or lands planned for conservation in jurisdictions adjacent to San Marcos need to be identified and set forth in the General Plan and the MHCP subarea plan.

Thank you for the opportunity to comment on the PDEIR. Please contact me if you have any questions or concerns.

Sincerely,

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

