

PLANNING COMMISSION

ADDITIONAL ITEM ADDED AFTER DISTRIBUTION OF PACKET

- 1). Memo to PC re: Revisions to Resolution PC12-4273, EIR 11-44
- 2). Additional "Comment Letters" received as on 1/9/12, 1:30 p.m. (#16-23)

Agenda # 2

Date 1/9/12

Time 3:00 p.m.

CITY OF SAN MARCOS

MEMORANDUM

TO: Planning Commission
FROM: Planning Division Director
DATE: 1/9/12
SUBJECT: City of San Marcos - General Plan Update
Revisions to Resolution PC 12-4273

The following change has been recommended for adoption by the Planning Commission:

Page 3 and 4, Condition – appropriately reflect significant unavoidable cumulative impacts.

- C. The Final Draft EIR indicates that Project will have the following significant, direct and/or cumulative unavoidable impacts on the environment in the following areas; even after all feasible mitigation measures recommended in the Final EIR are implemented and as such have recommended adoption of the attached Findings of Fact and Statement of Overriding Consideration for the General Plan:
 - 1. Air Quality (significant and unmitigable, significant unavoidable cumulative - violate air quality standard or contribute substantially to an existing or projected air quality violation)
 - 2. Greenhouse Gas Emission (significant and unmitigable, significant unavoidable cumulative - generation of greenhouse gas emissions)
 - 3. Public Services, Utilities, and Energy (significant unavoidable cumulative — water supply and energy infrastructure)
- D. The Final Draft EIR reflects the independent judgment of the City of San Marcos, as required by Section 21082.1(c)(3) of CEQA; and
- E. The Final Draft EIR has been prepared and completed in compliance with CEQA and all applicable requirements, as required by Section 15090 of the State CEQA Guidelines; therefore, the Planning Commission recommends certification of the Final EIR by the San Marcos City Council.

RECEIVED

JAN 6 2012

#16.

RECEIVED
SAN MARCOS
PLANNING DIVISION

BRIGGS LAW CORPORATION

San Diego Office:
814 Morena Blvd., Suite 107
San Diego, CA 92110

Telephone: 619-497-0021
Facsimile: 619-515-6410

Inland Empire Office:
99 East "C" Street, Suite 111
Upland, CA 91786

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Please respond to: Inland Empire Office

BLC File(s): 1619.02

04 January 2012

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

Re: Draft Program Environmental Report for the General Plan Update (GPA 09-105/R 09-145/EIR 11-44)

Dear Mr. Koller:

I am writing on behalf of CREED-21 to convey my client's concern about the environmental impact report for the general plan update. In particular, CREED-21 is concerned about the analysis and mitigation of traffic, air quality, including greenhouse gas emissions, water quality, strains on public services, and agriculture. In this connection, resources have been enclosed to aid in your further analysis of these issues.

Thank you for our attention to this matter.

Sincerely,

BRIGGS LAW CORPORATION



Mekaela M. Gladden

Enclosed:
Attachment and DVD

ATTACHMENT 1: INDEX OF EXHIBITS

Air Quality	
AQ1	EPA, "Building Air Quality: Action Plan," June 1998
AQ2	EPA, "Building Air Quality: A Guide for Building Owners and Facility Managers," December 1991
AQ3	EPA, "Healthy Buildings, Healthy People: A Vision for the 21 st Century," October 2001
AQ4	EPA, "How Does Indoor Air Quality Impact Student Health and Academic Performance?" April 2010
AQ5	California EPA and CARB, "Air Quality and Land Use Handbook: A Community Health Perspective," April 2005
Energy	
E1	City of Dixon Zoning Ordinance, Adopted April 13, 1982
E2	Sustainable Urban Energy Planning: A Roadmap for Research and Funding, June 2005
E3	City of St. Helena Housing Element Update: Goals, Policies, and Five-Year Action Plan, February 26, 2009
Greenhouse Gas Emissions and Global Climate Change	
Guidance for General Plans and Climate Change	
GHG1	CAPCOA: Model Policies for Greenhouse Gases in General Plans
GHG2	CAPCOA: CEQA & Climate Changes
GHG3	California Attorney General's Office, "The California Environmental Quality Act: Addressing Global Warming Impacts at the Local Level"
GHG4	Affordable Housing's Green Future: Building a Movement for Durable, Healthier and More Efficient Housing
GHG5	"The California Environmental Quality Act: On the Front Lines of California's Fight Against Global Warming," Center for Biological Diversity Report
GHG6	Downtown San Diego, Complete Community/Mobility, September 2008
GHG7	Creative Housing Associates, Neighborhood and Transit-Oriented Builders

GHG8	“Bringing Home the Benefits of Energy Efficiency to Low-Income Households”
GHG9	Letter from Edmund Brown Jr. To Tulare County Resource Management Agency Regarding Tulare County General Plan and Recirculated Draft Environmental Impact
GHG10	CAPCOA, “Model Policies for Greenhouse Gases in General Plans,” June 2009
GHG11	“Energy Efficient Streetlights,” March 18, 2008
GHG12	<i>GovPro Media</i> , “California municipality shifting to energy-saving LED streetlights,” May 18, 2009
GHG13	City of Portland, Energy Efficiency Success Story, LED Traffic Signals=Energy Savings
GHG14	US Department of Energy, California Says “Go” to Energy Saving Traffic Lights
GHG15	Energy Star Vending Machines
GHG16	SunEdison Government Solutions
GHG17	Downtown San Diego, Complete Community/Mobility, September 2008
GHG18	Creative Housing Associates, Neighborhood and Transit-Oriented Builders
GHG19	“Bringing Home the Benefits of Energy Efficiency to Low-Income Households”
GHG20	Affordable Housing’s Green Future
GHG21	Greener Policies, Smarter Plans
GHG22	Green Communities Compliance Manual 2008
GHG23	Pavement Albedo
GHG24	EPIC “Reducing Greenhouse Gases from Electricity and Natural Gas Use in San Diego County Buildings”
GHG25	SunEdison “Government Solutions”
GHG26	Sustainability and General Plans: Examples of Policies to Address Climate Change
GHG27	Green Communities Compliance Manual 2008
GHG28	Greener Policies, Smarter Plans: How States are Using the Low-Income Housing Tax Credit to Advance Healthy, Efficient and Environmentally Sound Homes

16.

GHG29	Technical Advisory: CEQA and Climate Change-Addressing Climate Change Through California Environmental Quality Act Review
GHG30	Pavements Albedo
GHG31	Evaluating Sustainability of Projected Water Demands Under Future Climate Change Scenarios
AG Comments on General Plans	
GHG32	Tulare County letter
GHG33	Petaluma letter
GHG34	County of San Bernardino letter
GHG35	San Bernardino settlement agreement
GHG36	San Diego letter
GHG37	Solano letter
GHG38	Stockton agreement
Transportation	
T1	Communities Tackle Global Warming
T2	NRDC: Transportation Facts
Water Supply	
WS1	Pacific Institute “Waste Not, Want Not: The Potential for Urban Water Conservation in California”
WS2	Executive Summary S-06-08
WS3	Managing an Uncertain Future, Update 2009
WS4	IPCC Technical Paper IV, “Climate Change and Water,” June 2008
WS5	The State of Climate Change Science for Water Resources Operations, Planning, and Management
WS6	Managing an Uncertain Future, October 2008
WS7	“Using Future Water Climate Projections to Support Water Resources Decision Making in California,” August 2009
WS8	“What You Should Know About: San Francisco’s Water Conservation Requirements for Commercial Buildings”
WS9	“Waterless Urinals Part of Schools’ Conservation Efforts”

WS10	Water Use Efficiency Ideas for Golf Courses, Parks and Commercial Landscapes
WS11	Water Use Efficiency Ideas
WS12	Parks & Commercial Landscapes: Water Use Efficiency Ideas
WS13	Model Water Efficient Landscape Ordinance
WS14	Water Efficient Landscapes
WS15	Water Management Strategies to Weather the Effects of Global Warming
WS16	Executive Order S-06-08
WS17	“Evaluating Sustainability of Projected Water Demands Under Future Climate Change Scenarios”

Kiss, Lisa

From: Koller, Garth
Sent: Thursday, January 05, 2012 4:34 PM
To: Kiss, Lisa
Subject: FW: Comment - GPU
Attachments: City of San Marcos - Comment letter.doc

From: Michael Strong [mailto:strongmd7@yahoo.com]
Sent: Thursday, January 05, 2012 3:43 PM
To: Koller, Garth
Subject: Comment - GPU

Attached are my comments

Thanks

Mike

January 5, 2012

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

Planning staff,

While transportation planning has long centered around the concept of mobility and car movement, San Marcos' planning efforts through the General Plan update shifts the focus to access, or ensuring that people can easily reach jobs, education, and other daily needs. Priority is given to pedestrians and bicyclists on local roads under the update. This is quite an accomplishment for the City is addressing Complete Streets Act legislation, as well as sustainability, public safety and public health issues.

As a resident of the Discovery Hills area, I am concerned that policy development has missed an opportunity to further support these transportation goals - and we are missing a good opportunity on Discovery Street. The existing condition of Discover Street is a two land roadway, and it is being proposed in the draft plan as a four lane roadway. I believe this may actually be downgraded from its current classification in the current Circulation Element. Regardless, the classification above existing conditions seems to still prioritize the movement of cars. (It certainly lowers the level of service for pedestrians and bicyclists unless a commensurate or greater facility is provided for these modes.)

Discovery Street from San Marcos Boulevard to Via Vera Cruz has critical function. It provides much needed access to many residents that cut through and by-pass San Marcos Boulevard. It must be acknowledged that this should be preserved and maintained. And multi-modal priorities should be balanced for all roadway users. This segment of Discovery Street also provides student access to three schools within a $\frac{3}{4}$ mile radius. It will also be used more extensively when the Creek's Specific Plan is fully implemented and built out and/or when commuter behaviors change. The function of Discovery Street west of Via Vera Cruz has and will continue to have a much different function than the Discovery Street future extension east of Bent Avenue.

The posted speed limit in some section of Discovery Street is 40 mph in some areas and 25 mph in others (near school zones). Also, the following seems to be true:

1. By nature of street design, cars traveling off of San Marcos Boulevard are typically traveling in excess of the posted 40 mph speed limit (85 percentile of cars are probably traveling 45 mph);
2. Cars do not slow down in school zones; and
3. The straight and open travel way on Discovery Street, east of La Sombra also encourages speeding.

Transportation planners design our streets and sidewalks. Their choices have a significant impact on chronic disease rates, air quality, and equitable access to services and economic opportunities. If San Marcos is trying to transform the overall design and character of city streets in accordance with a community's vision for growth and change; and further implement complete street policies, we must be consistent with these long range goals – especially around sensitive land uses such as school sites.

Context sensitive areas transitions extend beyond geometric design-requirements and reflect changes in associated desired levels of multi-modal activity. As such, there are a host of things to consider:

- Thoroughfare type, particularly where functional classification and speed changes; and
- Width of roadway, either a narrowing/widening of lanes or decrease/increase in number of lane capacities.

It seems like the City is committed to developing innovative programs to improve the lives of all people and protect the environment, while contributing to the unique residential and school zone character of a block or entire neighborhood. The City would have to go through a planning process with community residents, stakeholders, key decision makers etc. to prepare a range of design concepts in any streetscape redesign project; however, the existing two-lane roadway is already the first level of investment in road dieting and/or traffic calming. Roundabouts on Discovery St. at La Sombra Drive, Macmahr Rd., and Applewilde Dr., would also keep traffic moving efficiently through the roadway system, at a safe speed, while enhancing other long range sustainability goals for San Marcos. The USD School of Law, Energy Policy Initiatives Center's research and reports show that roundabout strategies and traffic calming can be used in part to meet near-term (2020) and medium-term (2035) GHG emission targets.

Mike Strong
Resident

Kiss, Lisa

From: Robert Scholl [rscholl@vwd.org]
Sent: Thursday, January 05, 2012 4:35 PM
To: Kiss, Lisa
Subject: San Marcos General Plan Update
Attachments: San Marcos General Plan Draft EIR.pdf

Hi, Lisa

Attached is the Vallecitos Water District comment letter pertaining to the 45-day review and comment period for the Draft PEIR. I will be delivering the original this afternoon.

Thanks!

Robert Scholl, P.E.
Capital Facilities Engineer
Vallecitos Water District
201 Vallecitos de Oro
San Marcos, CA 92069
(760) 744-0460



VALLECITOS WATER DISTRICT

A PUBLIC AGENCY

201 Vallecitos de Oro • San Marcos, California • 92069-1453 Telephone (760) 744-0460

January 5, 2012

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

**RE: NOTICE OF AVAILABILITY OF DRAFT PROGRAM ENVIRONMENTAL IMPACT
REPORT FOR THE CITY OF SAN MARCOS GENERAL PLAN UPDATE**

Dear Mr. Koller:

Thank you for the opportunity to review the Draft Program Environmental Impact Report (Draft PEIR) to implement the City of San Marcos General Plan Update (General Plan). The General Plan serves as a policy guide for determining the appropriate physical development and character of the San Marcos planning area. The General Plan establishes the maximum level of development that can occur within this planning area, which incorporates the majority of the Vallecitos Water District (District) water and sewer service areas.

The General Plan highlights the areas that have been identified for change over the next two decades. These areas are referred to as Focus Areas. Most of the identified Focus Areas in the Draft PEIR are within the District's boundaries and are eligible for water and sewer service. General District provisions for water and sewer services for these Focus Areas are given below.

Water and sewer service will be provided under the rules and regulations of the District, under normal operating conditions after all required fees have been paid and all conditions of the District have been satisfied.

Any existing District pipelines located within the Focus Areas that are in conflict with the proposed development will require relocation within the public right-of-way or District easements. District policy requires that all newly created parcels have frontage on a District main and extensions of facilities to serve each newly created parcel will be required. The exact location of the main line extensions and relocation will be determined during the planning stage for each Focus Area's development.

Mr. Garth Koller

Draft PEIR/City of San Marcos General Plan and Zoning Ordinance Update

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Water or sewer facilities not within the public right-of-way will require a minimum 20-foot easement granted to the District. The District may require additional easements through the Focus Area or private properties for future extensions. The developer for each Focus Area is responsible for obtaining any easements including expenses incurred. Joint use of these easements is not allowed by the District and easements for storm drain and other facilities should be analyzed early so that adequate sizing of easements for all facilities and various agencies is provided.

No structures will be allowed over District facilities. This includes, but is not limited to, walls, entrance medians, landscaping, gates, guard house structures, curbs and gutters, and driveways. For protection of District facilities, any areas with water pressures near or higher than 150 psi will require water pressure regulators between the water main and the metering device.

The District adopted Ordinance No. 162 on May 6, 2009, which identifies a 10% voluntary water conservation level. Ordinance No. 162 also identifies various water conservation measures including mandatory conservation, the curtailment of availability letters and limiting new service connections as it relates to current and future drought conditions.

More specific comments regarding the Draft PEIR are as follows:

Executive Summary, Page ES-5

- Table ES-1 – Summary of Environmental Significance Conclusions for the San Marcos General Plan

This table states that the significance of the impacts from the General Plan on the environmental resource areas of "Water and Wastewater Infrastructure" and "Wastewater Capacity" will not be cumulatively considerable. The District believes that such impacts would be cumulatively considerable, as each Focus Area will independently contribute to infrastructure and capacity impacts. Such impacts, when considered as a whole, are likely to be much more substantial than when considered individually. The Draft PEIR should evaluate these resource areas from a cumulative standpoint. Alternatively, the Draft PEIR should state that each development or Focus Area is required to complete a water and sewer study, under the District's direction, to address mitigation of its impacts and possible cumulative impacts, if any.

Executive Summary, Pages ES-34 through ES-35

- Mitigation measure PSU-1 – Require wastewater to be recycled and used for

irrigation of open space and recreational areas to the extent possible.

At this time, the District does not have recycled water available in the San Marcos planning area. Furthermore, no plan exists for extending recycled water infrastructure or availability into the San Marcos planning area through Year 2030.

- Mitigation measure PSU-2 – Update existing fee programs, and revise as needed, to ensure adequate funding is available to provide infrastructure improvements and community facilities for new development. Amend appropriate codes to require new projects to pay for the infrastructure and services they necessitate, including through private financing or grants. Affordable housing developments that meet specified criteria may warrant full or partial fee reductions.

The District is in the process of updating its capacity fee ordinance for water and wastewater services. This will ensure that the District will have the ability to fund the approved agency development utilized in the District's 2008 Water, Wastewater and Recycled Water Master Plan (2008 Master Plan).

A water and sewer study and analysis for both onsite facilities and offsite facilities will be required for each specific development within a Focus Area to determine if the infrastructure is adequately sized to provide service to the development, including potable water distribution and storage, sewer collection and conveyance, and sewer treatment capacity. The water and sewer analysis will also identify any regional components necessary to serve the developments, which may include the purchase or construction of additional treatment and disposal capacity. Upon completion and review of the water and sewer studies, actual facility requirements and all associated fees and costs will be determined.

There are currently no plans for fully or partially reducing fees for affordable housing developments. This is not a valid mitigation measure for VWD facilities.

- Mitigation measure PSU-3 – Consider water-based services that reduce demand and draw on alternative supplies to be equivalent to new supplies. Water-based services include the application of state-of-the-art technology and practices; matching water quality to its end use; and financing local wastewater reuse in the same manner in which centralized water supply options are financed.

The District currently obtains 100% of its water supply from the San Diego County Water Authority, which in turn obtains most of its water from the Metropolitan Water District of Southern California. Therefore, the District's primary water sources are from northern California via the California State Water Project and from the

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Mr. Garth Koller
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Colorado River via the Colorado River Aqueduct. The District's 2008 Master Plan has analyzed alternative water supplies, including seawater desalination and treated water purchases from neighboring agency treatment plants. However, such alternatives may or may not develop and should not be considered as mitigation strategies.

At this time, the District does not have recycled water available in the San Marcos planning area. Furthermore, no plan exists for extending recycled water infrastructure or availability into the San Marcos planning area through Year 2030.

Section 3.14 – Water Service, Page 3.14-6

- This page states, "VWD currently has a population of approximately 87,700 within a 45-square-mile boundary in north San Diego County (VWD 2010a)."

As of the 2010 Census, the District's water service area has a population of 94,900.

Section 3.14 – Water, Page 3.14-21

- This page states, "Implementation of the proposed General Plan would result in new residential, commercial, and industrial land uses in the area, resulting in additional population within the planning area. The additional population would generate additional water demand and, therefore, require construction of additional water facilities, including supply and distribution facilities. A variety of improvements will be needed to serve demand accommodated by the proposed General Plan, including new groundwater wells and replacement wells, water storage tanks, water mains, and new pipelines. These improvements will be directed by the Water Master Plans of the four water providers operating with the planning area...."

The District's 2008 Master Plan identifies improvements and expansions necessary to serve the approved land use within its service area as of June 30, 2008. However, most Focus Areas were not approved by the City of San Marcos by that date, and therefore improvements to accommodate these Focus Areas were not included in the 2008 Master Plan.

For each specific development within a Focus Area, a water and sewer study and analysis for both onsite facilities and offsite facilities will be required to determine if the infrastructure is adequately sized to provide service to the development, including potable water distribution and storage, sewer collection and conveyance, and sewer treatment capacity. The water and sewer analysis will also identify any regional components necessary to serve the developments, which may include the

Mr. Garth Koller

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purchase or construction of additional treatment and disposal capacity. Upon completion and review of the water and sewer studies, actual facility requirements and all associated fees and costs will be determined.

Section 3.14 – Water, Page 3.14-22

- This page states, “By comparing existing land use patterns to future land use patterns as contained in the proposed General Plan, the planning area would require approximately 16,000 acre feet of water per year by 2030 to accommodate development pursuant to the proposed General Plan.”

The District interprets this statement to mean that *in addition to current water demands*, the City's planning area would require approximately 16,000 acre feet of water per year by 2030 to accommodate development pursuant to the proposed General Plan. Please clarify if this understanding is correct.

Section 3.14 – Water, Pages 3.14-23 through 3.14-24

- Table 3.14-5 – Estimated 2030 Water Demand under Proposed General Plan

This table estimates a total additional water demand of 16,000 acre feet per year in 2030 based on approximately 10,100 acres. Please clarify what this acreage represents. Does it represent undeveloped or under-developed land within the planning area's 21,162 acres?

The table matches the City's land use designation of “Low Density Residential” with the VWD land use category of “Residential 4-6 du/ac”. The District's 2008 Master Plan matched this land use designation with the VWD land use category of “Residential 4-8 du/ac”. Please revise Table 3.14-5 accordingly.

Section 3.14 – Water, Page 3.14-26

- This page states, “VWD anticipates relying on the SCCWA and VID surface water and groundwater for its water supply in the foreseeable future.”

The District does not anticipate relying on VID surface water and groundwater. Please revise the statement accordingly.

Section 3.14 – Wastewater Capacity, Page 3.14-33

Mr. Garth Koller

Draft PEIR/City of San Marcos General Plan and Zoning Ordinance Update

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- This page states, "Implementation of the proposed General Plan would result in new residential, commercial, and industrial land uses in the area, resulting in additional population. The additional population would generate additional wastewater and, therefore, additional demand wastewater collection, conveyance, and treatment services over current levels."

In contrast to the "Water" subsection on pages 3.14-21 through 3.14-26, this "Wastewater Capacity" subsection does not analyze the additional wastewater flows that would be generated under the proposed General Plan land use changes. The general plan should perform such an analysis and include discussion on the need to upgrade the District's land outfall and obtain additional wastewater treatment capacity at the Encina Water Pollution Control Facility.

Section 3.14 – Wastewater Capacity, Pages 3.14-33 through 3.14-34

- These pages state, "Individual developments would be reviewed by the City and the applicable wastewater providers to determine that sufficient sewer capacity exists to serve the specific development...."; and, "Following adoption of the proposed General Plan, future updates to the CIP for collection systems and planning for wastewater treatment plant expansion will consider future land uses anticipated by the proposed General Plan."

For each specific development within a Focus Area, a water and sewer study and analysis for both onsite facilities and offsite facilities will be required to determine if the infrastructure is adequately sized to provide service to the development, including potable water distribution and storage, sewer collection and conveyance, and sewer treatment capacity. The water and sewer analysis will also identify any regional components necessary to serve the developments, which may include the purchase or construction of additional treatment and disposal capacity. Upon completion and review of the water and sewer studies, actual facility requirements and all associated fees and costs will be determined.

The District's 2008 Master Plan identifies improvements and expansions necessary to serve the approved land use within its service area as of June 30, 2008. However, most Focus Areas were not approved by the City of San Marcos by that date, and therefore improvements to accommodate these Focus Areas were not included in the 2008 Master Plan.

Section 3.14 – Mitigation Measures, Pages 3.14-36 through 3.14-37

- Mitigation measure PSU-1 – Require wastewater to be recycled and used for

irrigation of open space and recreational areas to the extent possible.

At this time, the District does not have recycled water available in the San Marcos planning area. Furthermore, no plan exists for extending recycled water infrastructure or availability into the San Marcos planning area through Year 2030.

- Mitigation measure PSU-2 – Update existing fee programs, and revise as needed, to ensure adequate funding is available to provide infrastructure improvements and community facilities for new development. Amend appropriate codes to require new projects to pay for the infrastructure and services they necessitate, including through private financing or grants. Affordable housing developments that meet specified criteria may warrant full or partial fee reductions.

The District is in the process of updating its capacity fee ordinance for water and wastewater services. This will ensure that the District will have the ability to fund the approved agency development utilized in the District's 2008 Water, Wastewater and Recycled Water Master Plan (2008 Master Plan).

A water and sewer study and analysis for both onsite facilities and offsite facilities will be required for each specific development within a Focus Area to determine if the infrastructure is adequately sized to provide service to the development, including potable water distribution and storage, sewer collection and conveyance, and sewer treatment capacity. The water and sewer analysis will also identify any regional components necessary to serve the developments, which may include the purchase or construction of additional treatment and disposal capacity. Upon completion and review of the water and sewer studies, actual facility requirements and all associated fees and costs will be determined.

There are currently no plans for fully or partially reducing fees for affordable housing developments. This is not a valid mitigation measure.

- Mitigation measure PSU-3 – Consider water-based services that reduce demand and draw on alternative supplies to be equivalent to new supplies. Water-based services include the application of state-of-the-art technology and practices; matching water quality to its end use; and financing local wastewater reuse in the same manner in which centralized water supply options are financed.

The District currently obtains 100% of its water supply from the San Diego County Water Authority, which in turn obtains most of its water from the Metropolitan Water District of Southern California. Therefore, the District's primary water sources are from northern California via the California State Water Project and from the

18.
Mr. Garth Koller

Draft PEIR/City of San Marcos General Plan and Zoning Ordinance Update

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Colorado River via the Colorado River Aqueduct. The District's 2008 Master Plan has analyzed alternative water supplies, including seawater desalination and treated water purchases from neighboring agency treatment plants. However, such alternatives may or may not develop and should not be considered as mitigation strategies.

At this time, the District does not have recycled water available in the San Marcos planning area. Furthermore, no plan exists for extending recycled water infrastructure or availability into the San Marcos planning area through Year 2030.

Conclusion

Implementation of the proposed General Plan would result in additional water demand and wastewater flows over and above that considered in the District's 2008 Master Plan and 2010 UWMP. Without analysis of new projects, it is anticipated that this will have a significant impact to the District's water distribution and sewer collection and conveyance systems, as well as treatment and storage facilities. Upgrades to the District's existing infrastructure and the Encina Water Pollution Control Facility may be required.

A water and sewer study and analysis for both onsite facilities and offsite facilities will be required for each specific development within a Focus Area to determine if the infrastructure is adequately sized to provide service to the development, including potable water distribution and storage, sewer collection and conveyance, and sewer treatment capacity. The water and sewer analysis will also identify any regional components necessary to serve the developments, which may include the purchase or construction of additional treatment and disposal capacity. Upon completion and review of the water and sewer studies, actual facility requirements and all associated fees and costs will be determined.

The District suggests that Focus Area development impacts be analyzed cumulatively in a master study that includes all recently approved and currently proposed projects. Costs associated with the District's review of the developments' impacts on the District's facilities shall be the responsibility of the developer/owner.

This letter is issued for planning purposes only, and is not a representation, expressed or implied, that the District will provide service at a future date. The Vallecitos Water District relies one hundred percent on imported water supplies; water may not be available at the time a project is built. Commitments to provide service are made by the District Board of Directors and are subject to compliance with District fees, charges, rules and regulations. Nothing in this letter is intended to limit or prohibit the District from conditioning

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development projects outside of the Focus Areas as described in the draft EIR.

The Vallecitos Water District requests notification of and inclusion in any future public review and requests copies of any related studies and environmental documents when they become available.

If you have any questions, please contact the undersigned at (760) 744-0460 or by e-mail at rscholl@vwd.org.

Sincerely,

Robert Scholl

Robert Scholl, P.E.
Capital Facilities Engineer
VALLECITOS WATER DISTRICT

cc: Dennis Lamb, General Manager
Ken Gerdes, District Engineer
James Gumpel, Principal Engineer

Kiss, Lisa

From: Koller, Garth
Sent: Thursday, January 05, 2012 4:36 PM
To: Kiss, Lisa
Subject: FW: DEIR Comment Letter - San Marcos Draft General Plan
Attachments: DEIR comments_gorzeman.pdf

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

From: gorzemanj@cox.net [mailto:gorzemanj@cox.net]
Sent: Thursday, January 05, 2012 4:19 PM
To: Koller, Garth
Subject: DEIR Comment Letter - San Marcos Draft General Plan

> Mr. Koller:

Attached please find my comment letter on the DEIR for the City of San Marcos Draft General Plan.

Jack Gorzeman

19.

Jack Gorzeman
601 Carnation Court
San Marcos, CA 92078

January 5, 2012

Via Electronic Mail

Mr. Garth Koller
City of San Marcos
1 Civic Center Drive
San Marcos, CA 92069

RE: Comments on the Draft Environmental Impact Report for the City of San Marcos Draft General Plan

Dear Mr. Koller:

I am submitting this comment letter on the Draft Environmental Impact Report dated November 2011 ("the EIR) for the City of San Marcos Draft General Plan ("the Plan").

The EIR does not adequately define and describe the recommended land use changes for Focus Area 9 (Hanson C-5) that would allow for a meaningful review under CEQA. It is also confusing what exactly is being proposed for adoption under the Plan. The EIR states that the Specific Plan Area designation is used as both a general land use plan designation and a zoning designation by the City (Section 3.10); and emphasizes the point that the Plan would utilize specific plans to achieve development objectives consistent with the Plan. Appendix D-1 of the EIR summarizes the land use changes proposed through the Plan update process (Table D-1) for Hanson C-5. This table is similar to Table D-1 in Appendix D of the Plan. It is apparent that the adoption of the Plan would include the land use changes proposed for Hanson C-5. Appendix D-2 of the EIR identifies specific land use designations and acreages for Hanson C-5 (346 single-family units, 17 acres of MU4, 75 acres of parks/open space). However, there is no discussion in the EIR comparing the proposed land use changes for Hanson C-5 against the baseline (the Heart of the City Specific Plan). While it is recognized that this comparison would occur at the time a specific plan is submitted for Hanson C-5, the Plan and supporting documentation offers sufficiently detailed information to warrant a discussion of this comparison at the Program level under CEQA.

Furthermore, it is unclear in the EIR where the land use changes for Hanson C-5 would physically occur. In the Plan (Chapter 2), the reader is referred to Appendix D for the proposed land use updates for each Focus Area. Appendix D summarizes the land use changes for Hanson C-5 but shows no physical reference for the land use changes in the context of the specific plan area. Appendix D describes in general the planning process for arriving at land use recommendations via the steering committee (GPAC), interested parties and the general public. However, one must navigate online to the "Working Documents" site to find the physical depiction of the recommended land use plan for Hanson C-5. This land use plan shows Hanson C-5 as having the following acreages: 25.42 acres of LDR, 20.66 acres of LMDR, **33.89 acres of MU4**, 70.42 acres of parks, and 99.79 acres of open space; for a total of 250.18 acres. This appears to be inconsistent with the description in the Plan and EIR for build-out calculations – 346 residential units (25.42 acres of LDR and 20.66 acres of LMDR), **17 acres of MU4**, and 75 acres of parks/open space. What is actually being proposed?

Please revise the EIR to address these concerns.

Sincerely,


Jack Gorzeman

Kiss, Lisa

From: Lisa Keller [lkeller@bawg.com]
Sent: Thursday, January 05, 2012 4:52 PM
To: Koller, Garth; Kiss, Lisa
Cc: Alex Bowie; Tyler Dockins; Tanner, Kathy; gary.hamels@smusd.org
Subject: SMUSD Comments re City of San Marcos Draft EIR
Attachments: SMUSD GenPlanDraftEIR ltr to City of SM.PDF

Dear Mr. Koller and Ms. Kiss:

Please see the attached comment letter from Alex Bowie of our office on behalf of our client, San Marcos Unified School District, regarding the City of San Marcos' proposed General Plan and General Plan Draft EIR. Please feel free to contact our office should you have any questions.

Thank you.

Lisa Keller

BOWIE, ARNESON, WILES & GIANNONE

Lisa M. Keller, Paralegal
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20.

BOWIE, ARNESON, WILES & GIANNONE

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
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17001.Q2

*A PROFESSIONAL CORPORATION

January 5, 2012

VIA OVERNIGHT DELIVERY and
Email [gkoller@san-marcos.net; lkiss@san-marcos.net]

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

Attention: Garth Koller, Principal Planner, c/o Lisa Kiss, Planning Secretary, City of San Marcos Planning Division

Re: *San Marcos Unified School District Comments Regarding City of San Marcos Proposed General Plan and General Plan Draft Environmental Impact Report*

Dear Mr. Koller:

On behalf of San Marcos Unified School District (“SMUSD”), thank you for the opportunity to provide the following conceptual comments in regard to the City of San Marcos (“City”) proposed 2012 updated General Plan (“General Plan”), and the programmatic General Plan Draft Environmental Impact Report (“General Plan DEIR”). SMUSD staff and its environmental consultant, is continuing to review the information contained in both the General Plan and General Plan DEIR. SMUSD respectfully requests the opportunity to provide supplemental comments, if any, in the future.

The General Plan suggests an increase of 11,208 in the number of dwelling units. This, as noted, is estimated to increase the number of SMUSD K-12 students by 5,070, in addition to the approximately 4,588 current overcapacity K-12 students noted in the General Plan DEIR. Based on this information, the total present and future grade K-12 students requiring additional school facility housing are approximately 9,658. As noted herein, the present and future students necessitate additional interim and permanent school facilities, school sites, and modernization and upgrades to existing school facilities at all K-12 grade levels (“School Facilities”).

In addition to the suggested and requested additions to the General Plan set forth in Exhibit “A”, the following comments respectfully address significant adverse impacts to the environment and SMUSD as a result of the 5,070 additional K-12 students expected to be

BOWIE, ARNESON, WILES & GIANNONE

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generated by the proposed General Plan and the 4,588 current K-12 students exceeding present capacity of SMUSD. The planning, development, and funding of School Facilities required to house those students, as well as the current excess SMUSD students, and the direct and indirect environmental impacts resulting from the construction of such School Facilities needs to be addressed in the General Plan and General Plan DEIR.

1. Significant Adverse Impact on School Facilities

Based upon the student generation rates within the General Plan, extracted from the 2011 SMUSD School Facilities Needs Analysis ("2011 SFNA"), the General Plan suggests an increase to the total K-12 grade students by 5,070. Of the 5,070 students generated by the General Plan, 2,574 are elementary students, 1,113 are middle school students, and 1,383 are high school students. SMUSD is currently exceeding student capacity levels in nearly all SMUSD School Facilities. As reflected in Table 2-7 of the General Plan and Table 3.14-2 of the General Plan DEIR, SMUSD has an existing excess of 4,588 K-12 students; 2,571 elementary school students, 782 middle school students, and 1,235 high school students. As a result, existing School Facilities are incapable of absorbing the students generated by the General Plan, and new School Facilities are needed to properly house existing and anticipated SMUSD students.

In addition to the new School Facilities required for existing excess enrollment, the General Plan, as recognized by both the General Plan and General Plan DEIR, would create a need for several new School Facilities.¹ The 2011 SFNA students per School Facility numbers are; 750 students per elementary school, 1,200 students per middle school, and 3,000 students per high school. Using the number of students generated by the General Plan as set forth above, the number of new facilities necessitated by the General Plan are; 3.4 elementary schools, 0.9 middle school, and 0.5 high school. Adding the existing excess capacity to the anticipated 5,070 General Plan K-12 students, the number of School Facilities ultimately required for the total 9,658 K-12 students are; 6.9 elementary schools, 1.6 middle schools, and 0.9 high schools. The General Plan should include an analysis of anticipated School Facilities required to house the generated students, as well as a plan for the development of School Facilities.

2. Cost of School Facilities Necessitated by the General Plan

The 2011 SFNA establishes the cost to SMUSD on a per student basis, to provide School Facilities. The cost per student amounts are established in the 2011 SFNA through a detailed analysis of current and recent School Facilities development projects. The 2011 SFNA costs per

¹ General Plan, Land Use and Community Design Element, page 2-50; General Plan DEIR, Section 4.1 Long Term Effects, page 4.0-9.

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student are; \$50,429 for elementary students, \$61,678 for middle school students and \$73,709 for high school students. Based upon these actual costs to SMUSD, the following table represents the actual cost to SMUSD of the students generated by the General Plan:

Grade Level	Cost per Student	General Plan Students	Cost to House Students
Elementary (K-5)	\$50,429	2,574	\$129,804,246
Middle (6-8)	\$61,678	1,113	\$68,647,614
High (9-12)	\$73,709	1,383	\$101,939,547
Total		5,070	\$300,391,407

As indicated above, the total cost to SMUSD to provide School Facilities necessitated by the General Plan is \$300,391,407. This amount is over and above the approximately \$268,915,770 needed to provide School Facilities to the 4,588 current excess capacity students.

3. *School Fees*

As noted within the General Plan and the General Plan DEIR, SMUSD may levy a fee for new residential and industrial and commercial development ("School Fees"). School Fees are permitted and governed by Education Code Sections 17260 *et seq.* and Government Code Sections 65995 *et seq.* Currently, SMUSD is authorized to levy School Fees in the amount of \$4.68 per square foot for new residential development ("Level II School Fee"), and \$0.47 per square foot for new industrial and commercial development. The 2011 SFNA establishes a weighted average square footage of dwelling units projected to be developed within SMUSD of 1,503 square feet per dwelling unit. This average is generated from averages calculated using development type and square footage as provided by the County of San Diego on the Property Characteristics Data Tape for dwelling units constructed from 2006 thru 2010 within the boundaries of SMUSD, and was reviewed and approved by the City during the 2011 SFNA review process. Utilizing this average square footage, the total square footage of the 11,208 General Plan dwelling units is 16,845,624 square feet. Multiplying this square footage by the Level II School Fee amount of \$4.68 per square foot yields potential Level II School Fees from the 11,208 General Plan dwelling units of \$78,837,520.32. The General Plan further creates an additional 21,332,250 square feet of non-residential building floor area. Multiplying this square footage by the industrial and commercial School Fee amount of \$0.47 per square foot yields potential collectable industrial and commercial School Fees of \$10,026,157.50. Thus, based on the current School Fee amounts, the total School Fees that SMUSD may collect from the build out of the General Plan residential and non-residential development is \$88,863,677.82. The following table summarizes the foregoing calculations:

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	School Fee / sq. ft.	Dwelling Units (DU)	Average Sq. Ft. / DU	Total Sq. Ft.	Total Fee
Residential	\$4.68	11,208	1,503	16,845,624	\$78,837,520.32
Comm./Indst.	\$0.47	n/a	n/a	21,332,250	\$10,026,157.50
Total					\$88,863,677.82

4. *Funding Shortfall for SMUSD School Facilities*

As seen above, School Fees will not provide sufficient funding for the School Facilities necessitated by the General Plan. Deducting the total School Fees of \$88,863,677.82 from the actual cost to provide School Facilities necessitated by the General Plan of \$300,391,407, leaves a shortfall of \$211,527,729.18. In theory this shortfall could be partially mitigated by State funding, which is provided pursuant to the School Facilities Program established by Government Code Sections 65995.5, 65995.6 and 65995.7, however, such funding does not account for interim, administrative or supportive facilities, and is generally insufficient to mitigate the shortfall noted above. Additionally, it is unlikely that State funding will be available to SMUSD when it is needed, due to the lack of remaining authorized state bonds and the tumultuous economic condition of the State. Furthermore, the General Plan should include provisions requiring that in the event a statewide general obligation bond measure that includes bond issuance authority to fund construction of K-12 School Facilities fails to be adopted by the voters, that developer mitigation, as to new development, will be required in order to ensure sufficient School Facilities are provided concurrently with new development.²

5. *School Fees are Not Full and Complete Mitigation of the General Plan's Environmental Impacts Related to School Facilities*

The payment of School Fees is not full and complete mitigation of the environmental impacts of the General Plan.³ For purposes of the California Environmental Quality Act ("CEQA"), the payment of School Fees does not relieve a lead agency of the legal obligation to consider and mitigate where feasible, the indirect environmental impacts resulting from foreseeable School Facilities. (See, *Chawanakee Unified School District v. County of Madera, et al.*, (2011) 196 Cal. App. 4th 1016. ("Chawanakee").) Hence, the designation of "Less Than Significant" as to the adverse environmental impacts of the General Plan on the environment, including the School Facilities of SMUSD is in error, and needs to be corrected.

² See, Government Code Section 65997.

³ See Exhibit A for suggested revision to language regarding Senate Bill 50 in Appendix B, Page B-24 of the General Plan.

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In *Chawanakee*, the Court of Appeal of California, Fifth Appellate District rejected the notion that payment of School Fees satisfies all obligations to consider and mitigate school related impacts in an environmental impact report (“EIR”). The Court of Appeal in *Chawanakee* held that the statutory framework governing School Fees only excludes from EIR consideration and mitigation, adverse physical changes to the school grounds, school buildings and any school related consideration regarding a school district’s ability to accommodate enrollment. Therefore, indirect impacts such as traffic, even when related to school transportation, and reasonably foreseeable indirect impacts from the construction of school facilities such as dust and noise pollution, must be considered in a project’s EIR.

The assertion in the General Plan that payment of school fees is considered full and complete mitigation, and the General Plan DEIR’s proclamations that “no mitigation beyond the payment of school fees is required”⁴ and that “payment of school fees is considered full and complete mitigation of any school impacts,”⁵ are therefore inaccurate and lead to a legal deficiency of the General Plan and General Plan DEIR to sufficiently identify, consider, and evaluate a plan for the required School Facilities, as well as the significant environmental impacts resulting from those School Facilities. In order to address the significant impacts resulting from the General Plan, the General Plan and General Plan DEIR should be revised to include a plan for, as well as an analysis of, the School Facilities necessitated by the General Plan, and the indirect environmental impacts of those School Facilities.

The General Plan DEIR does not address the indirect adverse environmental impacts resulting from the reasonably foreseeable School Facilities, such as increased traffic and circulation or air and noise pollution from the construction of School Facilities and associated transportation. Instead, the General Plan defers the appropriate facilities planning to later annual facilities master plans, and further defers responsibility to SMUSD suggesting it will evaluate the environmental effects of expansion, construction, and operation of additional School Facilities at an undetermined later date.⁶ Such deferred analysis and mitigation is contrary to the fundamental purpose of CEQA to provide important environmental impact information prior to the adoption of the General Plan, as well as contrary to the requirements elucidated by *Chawanakee*.⁷ Due to these deficiencies, the General Plan DEIR incorrectly determines that the environmental impact from School Facilities is Less Than Significant and not cumulatively considerable.⁸ Therefore, in its current form, the General Plan does not adequately apprise the public and relevant government entities of its true adverse environmental impacts, to the degree

⁴ General Plan DEIR, Executive Summary, page ES-34, Table ES-3.

⁵ General Plan DEIR, Section 3.14.2, Regulatory Settings, page 3.14-12;
See also General Plan DEIR Section 3.14.4, Schools, page 3.14-20.

⁶ General Plan, Implementation Plan, Appendix A, page A-11.

⁷ General Plan DEIR, Section 3.14.4, Schools, page 3.14-20.

⁸ General Plan DEIR, Section ES-4, Table ES-1

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required by CEQA. Furthermore the General Plan DEIR's conclusion that the implementation of the proposed General Plan would result in less than significant impacts and that no mitigation is required, does not satisfy the CEQA environmental review requirements.⁹

6. *Mitigation of Significant Impacts to SMUSD*

Integral to the General Plan, are goals, policies, and programs to further collaboration with SMUSD to ensure high-quality K-12 public education in superior and accessible facilities throughout the community.¹⁰ Historically, mitigation agreements and the creation of community facilities districts have proven to be successful methods of furthering similar goals and policies, and mitigating funding shortfalls to school districts. The impact to SMUSD resulting from the General Plan may be partially mitigated by similar mitigation agreements to fund the School Facilities necessitated by the General Plan. We recommend implementation of such mitigation methods along with a plan for School Facilities necessitated by the General Plan, within a revised General Plan, to help prevent the devastating shortfall to SMUSD; to enable successful and meaningful fulfillment of the General Plan's goals, policies and programs; and to sufficiently address the significant environmental impacts related to the School Facilities as required by CEQA.

These comments, as well as the suggested revisions to the General Plan language in Exhibit A, are set forth to strengthen the ability of the City and SMUSD to continue on an upward trajectory in setting standards for high quality K-12 education through environmentally conscious means, such as locating new School Facilities near residential communities in order to reduce transportation noise and air pollution and encourage safe walking and biking to school, as set forth in Goal PR-2, Policy PR-2.2, and the PR-2.2 Implementation Plan.¹¹ Including a plan for the concurrent availability of required School Facilities within the General Plan prevents long term economic waste and encourages a healthy and safe environment by obviating the need for amassing portable classrooms at existing School Facilities, which will decrease recreation space and which lack of proximity to new residential development will necessitate increased transportation noise and air pollution. It is important that the General Plan and General Plan DEIR assess and address the above concerns in order to proactively ensure concurrent adequate School Facilities as well as environmental compliance for future projects developed in accordance with the proposed General Plan. Addressing these cumulative impacts now, instead of limiting the review of such impacts to a development-by-development basis, may help to

⁹ General Plan DEIR, Section 3.14.5, Mitigation Measures, page 3.14-36. Additionally, the General Plan DEIR, Section ES.3, Potential Areas of Controversy, should be amended to include School Facilities are a potential area of controversy.

¹⁰ General Plan, Introduction, Goal LU-11, Policy LU-11.1, page 1-11.

¹¹ General Plan, Parks, Recreation, and Community Health Element, page 5-13; General Plan, Appendix A, Implementation Plan, page A-33

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avoid violations of CEQA, and produce the most desirable long-term outcome. Including a plan for School Facilities in the General Plan, in addition to strengthened General Plan language that promotes sufficient funding of School Facilities, will not only help to bring the General Plan and General Plan DEIR into compliance with CEQA, but it will additionally enable the City to continue to be a strong educational hub of Northern San Diego County and provide K-12 students with the education and community they deserve.

On behalf of SMUSD, we submit this comment letter pursuant to its duty to prepare and work diligently with the City toward providing its students, parents, faculty, staff, and property owners with the School Facilities they require and deserve, and to avoid significant adverse impacts on the existing educational facilities of SMUSD. We appreciate your consideration on this important matter.

Very truly yours,

BOWIE, ARNESON, WILES & GIANNONE

Alexander Bowie
By: Alexander Bowie

cc: Gary Hamels, Assistant Superintendent Business Services,
San Marcos Unified School District
Katherine Tanner, Executive Director, Facilities Planning and
Development, San Marcos Unified School District

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BOWIE, ARNESON, WILES & GIANNONE

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EXHIBIT A Suggested Modifications to General Plan¹²

1. Introduction Page 1-11:

Guiding Theme: An Educational and Academic Hub. The citizens of San Marcos recognize the academic and financial enrichment that Palomar Community College, CSUSM, and other higher educational institutions provide the community. As these institutions expand with a growing regional population, opportunities exist for greater synergy between the community and academia. Policies and programs are woven throughout the General Plan to further coordination and collaboration, and capture the innovation and progressive spirit emanating from the college community. In addition, the General Plan addresses research and development, high technology, and renewable/alternative energy pursuits in conjunction with university activities. The General Plan also contains policies and programs to further collaboration with the San Marcos Unified School District to ensure high-quality K-12 public education throughout the community, **including the ongoing planning and development of school facilities to address the currently needed facilities for the current excess capacity students as shown in Table 2-7, as well as the students generated from the General Plan development over time.** This necessitates that school sites for such additional students be conceptually identified, and provisions providing for their reservation and acquisition as development occurs shall be provided for in the General Plan.

2. Introduction Page 1-14

Next Steps Toward a Sustainable San Marcos [...] The City will be an effective leader and partner in sustainability efforts. Participation in larger scale sustainability efforts is critical because local environmental, economic, and social issues cannot be separated from their broader regional, national, and global context. The General Plan promotes the development of strong working relationships between the City and other entities, such as the San Diego Association of Governments (SANDAG), San Diego County, **San Marcos Unified School District**, CSUSM, local businesses, nonprofit organizations, and other government agencies, to accomplish San Marcos's sustainability goals.

¹² Suggested additions are in **bold**, and suggested eliminations are in ~~strikeout~~.

BOWIE, ARNESON, WILES & GIANNONE

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City of San Marcos Planning Division
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3. Introduction Page 1-18

Land Use and Community Design Element [...] The Land Use and Community Design Element is considered the “umbrella” element of the General Plan, encompassing issues and policies that are considered interconnected with other Elements. For example, **the placement and development of new school facilities are necessitated by housing development and community design as detailed in the Housing Element, and such school facilities impact the Open Spaces and Mobility Elements by increasing park and recreation space through reducing temporary portable classrooms and reducing traffic congestion and air pollution by providing timely permanent local school facilities. Identification and reservation of future school sites is provided for in the General Plan.** Additionally, land use policies within the City have a direct bearing on the local street system identified in the Mobility Element. Issues and needs identified in the Housing Element have led to an emphasis on providing options for some additional affordable housing within the community as a component of future development options for vacant and underutilized properties within the City. The Land Use Element also designates areas to be used as open spaces and areas for conservation and preservation of natural resources. Goals and policies on the preservation and maintenance of these areas are also addressed in the Conservation and Open Space Element and the Parks, Recreation, and Community Health Element. Implementation of goals and policies related to air quality and greenhouse gas emissions discussed in the Conservation and Open Space Element depends, in part, on consistency with the Land Use and Mobility Elements.

4. Land Use and Community Design Element, Page 2-33 – 2-34

Schools [...] The districtwide student generation rate for the SMUSD is 0.4524 student per residential unit and is based on the 2011 School Facilities Needs Analysis, the latest need analysis available, adopted by the Governing Board on March 11, 2011 (SMUSD 2001). This number reflects the K-12 student generation rate and it is figured on a districtwide basis. This number breaks down to (K-5): 0.2297 for elementary school, 0.0993 for middle school, and 0.1234 for high school, for a total of 0.4524. This includes all types of housing within the SMUSD. The 2011 School Facilities Needs Analysis is incorporated, by reference, into this General Plan.

Based on the student generation rates, the General Plan development is anticipated to generate approximately 5,070 additional K-12 grade students. School facilities must be developed to house these students, as well as the approximately 4,588 excess

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BOWIE, ARNESON, WILES & GIANNONE

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capacity students in the existing SMUSD school facilities, in order for San Marcos to remain a hub of high quality education. Funding for such school facilities may be accomplished through several methods, including developer mitigation agreements and the alteration and expansion of existing community facilities districts or the creation of new community facilities districts.

Permanent school facilities should be developed concurrently with new development projects, as provided for in the General Plan, in order to ensure consistency with the Goals and Policies of the General Plan. This should include continuing to provide high quality education in safe and conveniently located facilities, obviating the need for temporary portable classroom facilities, encouraging walking and biking to schools, and reducing traffic congestion and air and noise pollution from transportation to further overcrowded school facilities. Future developer agreement and community facility district financing should be assured by future development provided for in the General Plan to fund school facilities concurrent with future development. In the event a statewide general obligation bond measure fails to be adopted by the voters in 2012, as provided in Government Code Section 65997, developer mitigation agreements shall be required for new development in order to ensure sufficient and concurrent school facilities are developed to house students generated by such development.

5. Land Use and Community Design Element, Page 2-50

Goal LU-8

Ensure that existing and future development is adequately serviced by infrastructure and public services.

Policy LU-8.1: New development shall pay its fair share of required improvements to public facilities and services, to ensure sufficient facilities, such as schools, are funded and developed concurrent with additional development.

6. Land Use and Community Design Element, Page 2-52

Goal LU-11

Schools: Ensure all residents have access to high-quality education.

Policy LU-11.1: Collaborate with the local public school district (SMUSD), private schools, and institutions of higher learning to ensure a range of traditional

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BOWIE, ARNESON, WILES & GIANNONE

City of San Marcos Planning Division

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and distance-learning educational opportunities are provided in superior, accessible facilities that compliment the surrounding land uses.

Policy LU-11.2: Work with SMUSD and developers to ensure adequate school facilities are funded through means such as developer mitigation agreements and community facilities districts, and to ensure adequate school facilities are developed concurrent with development projects, in order to provide school facilities for students generated by such projects.

7. Mobility Element, Page 3-4 – 3-5:

Goal M-3

Promote and encourage use of alternative transportation modes, including transit, bicycles, neighborhood electric vehicles (NEVs), and walking, within the City.

[...]

Policy M-3.5: Ensure that streets in areas with high levels of pedestrian activity (such as employment centers, residential areas, mixed use areas, and schools) support safe pedestrian travel by providing detached sidewalks, bulb-outs, enhanced pedestrian crossings, pedestrian bridges, and medians.

Policy M-3.6: Work with SMUSD and developers to locate and reserve for future acquisition by SMUSD, school sites in close proximity to new residential development to encourage and enable safe walking and biking to school.

8. Implementation Plan, Appendix A, Page A-7:

Issue: Education Hub. LU-4.1. Funding Source: **Mitigation Agreements, community facilities districts, prepayment of statutory and alternative school fees, General Fund, development fees.**

9. Implementation Plan, Appendix A, Page A-11:

LU-8.2

Continue to coordinate with the education community to address the following, as applicable:

- Preparation of facilities master plans, and identification of future school and administrative facilities sites, student generation formulas, and facility improvement plans;

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BOWIE, ARNESON, WILES & GIANNONE

City of San Marcos Planning Division
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Page 12

- Coordination of school facilities planning, funding, development and construction, concurrent with new development in the General Plan area;

[...]

Funding Source: Mitigation Agreements, community facilities districts, prepayment of statutory and alternative school fees, Development fees, General Fund.

10. Relate Regulations, Plans, and Programs, Appendix B, Page B-24:

Senate Bill 50 – Leroy F. Greene

Schools Facilities Act of 1998

SB 50, or the Leroy F. Greene School Facilities Act of 1998, restricts the ability of local agencies to deny project approvals on the basis that public school facilities (classrooms, auditoriums, etc.) are inadequate. School impact fees are collected at the time when building permits are issued. Payment of school fees are also collected at the time when building permits are issued. ~~Payment of school fees is required by SB 50 for all new residential development projects and is considered "full and complete mitigation" of any school impacts.~~ School impact fees are payments to offset capital cost impacts associated with new developments, which result primarily from costs of additional facilities, related furnishings and equipment, and projected capital maintenance requirements. ~~As such, agencies cannot require additional mitigation for any school impacts.~~ SB 50 does not, however, relieve a lead agency of its environmental impact report obligation to consider, and mitigate where feasible, indirect environmental impacts from reasonably foreseeable school facilities, such as traffic and circulation congestion and noise and air pollution resulting from the construction of such school facilities.

#21.
Kiss, Lisa

From: Koller, Garth
Sent: Thursday, January 05, 2012 5:38 PM
To: Kiss, Lisa
Subject: FW: Comments on General Plan Update Document and Draft EIR
Attachments: January 5, 2012 - Letter to Garth Koller.pdf

From: Stephen Bieri [<mailto:sabieri@bierico.com>]
Sent: Thursday, January 05, 2012 5:26 PM
To: Koller, Garth
Subject: Comments on General Plan Update Document and Draft EIR

Garth, here are my comments. I did not hear from Jerry regarding his response to any comments received regarding my properties, particularly the Murai property at the end of Las Posas. I would appreciate receiving them prior to the workshop on Monday night. Thanks, Steve



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January 5, 2012

Mr. Garth Koller - Principal Planner

CITY OF SAN MARCOS

1 Civic Center Drive

San Marcos, California 92069

RE: Comments on Draft EIR and General Plan Update Document

Dear Garth:

I just have a couple of brief comments.

- 1.) EIR – Appendix D-1 -- Table D-1 (San Marcos Focus Areas): for Focus Area 28 in the GPLU column it should read “SPA (LI/C/MHDR/OS)”. This will make it consistent with Focus Area 11 in the same Table as well as with the wording for CA 7 and POA 19 in the General Plan Document. It was LI that was approved, not BP.
- 2.) EIR – General Plan Land Use Map – Figure 2.0-3: there is no Land Use Type color designator for Focus Areas 11/28 and 29. Please color them to be consistent with the land uses called out in the GPLU column of Table D-1 of Appendix D-1.
- 3.) General Plan Update Document: for POA 20-23 the words “up to” should be deleted. This property has always been designated for 89 units. No variation from this amount was ever discussed at any of the meetings or workshops.

Thank you for your time and attention to my comments.

Sincerely,

Stephen A. Bieri

Kiss, Lisa

From: Barry, Robert [Robert.Barry@sdcounty.ca.gov]
Sent: Thursday, January 05, 2012 5:06 PM
To: Kiss, Lisa
Subject: LAFCO comments on the Draft PEIR for the City of San Marcos General Plan Update

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

Mr. Koller,

Thank you for providing the San Diego LAFCO with the opportunity to provide comments on the Draft PEIR for the City of San Marcos General Plan Update.

The City of San Marcos General Plan Update does not appear to include changes (expansions/contractions) to the San Marcos Planning Area. If changes to the San Marcos Planning Area are proposed in the General Plan Update, these changes may require subsequent action(s) by LAFCO involving revisions or a comprehensive update to the City's adopted sphere of influence; therefore, any such changes should be identified and discussed in the Draft PEIR.

The Draft PEIR does not identify any proposed changes to the existing San Marcos Planning Area that may potentially affect the adopted sphere of influence for the City of San Marcos; therefore, San Diego LAFCO has no additional comments on the draft document.

Please let me know if you have any questions.

Robert Barry, AICP
San Diego LAFCO
9335 Hazard Way, Suite 200
San Diego, CA 92123
(858) 614-7788
<http://www.sdlafco.org>

Kiss, Lisa

From: Koller, Garth
Sent: Monday, January 09, 2012 9:50 AM
To: Kiss, Lisa
Subject: FW: Twin Oaks Valley Community Sponsor Group Comments on San Marcos General Plan Update
Attachments: SM GP Update 2012 comments 01.doc

RECEIVED
JAN 09 2012

CITY OF SAN MARCOS
PLANNING DIVISION

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

From: Gil Jemmott [mailto:twinoaks.engineering@gmail.com]
Sent: Thursday, January 05, 2012 9:53 PM
To: Garth Kohler; slfarrell; Ben Morris
Subject: Twin Oaks Valley Community Sponsor Group Comments on San Marcos General Plan Update

Hello Mr. Kohler

I am Gil Jemmott, Vice Chair of the Twin Oaks Valley Community Sponsor Group. I am writing to you tonight to transmit a copy of our comments on the San Marcos General Plan Update. They should be attached to this email. If they are not please contact me at gil.jemmott@gmail.com or by phone. My cell is 760-522-7963, and my land line is 760-744-8099.

Please confirm that this communication arrived in good order. If you would like I can hand deliver a hard copy to the San Marcos City offices at your convenience.

Sincerely,

Gil Jemmott
Vice Chair
Twin Oaks Valley Community Sponsor Group



Twin Oaks Valley Community Sponsor Group

P.O. Box 455

#23
San Marcos, Ca. 92079

January 5, 2012

City of San Marcos

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JAN 09 2012

CITY OF SAN MARCOS
PLANNING DIVISION

Dear Mr Kohler,

Thank you very much for this opportunity to comment on the proposed San Marcos General Plan and DEIR. These are very detailed and complex documents and due to time constraints we have had to keep our comments limited. It is really too bad that those who could not access the document on the website and therefore are dependant on the County library may only have a more limited 30-day review period due to the restricted library hours and holidays. These documents are too complex for the average person to review in that amount of time. It would have been a more publicly accessible document if it had been released so the review period didn't overlap the Thanksgiving, Christmas and New Years holidays when many people are busy with families or out of town.

Although we felt the General Plan is lacking in several ways we find it is a refreshing change from the old General Plan, creating in the early 1980s. So much has changed.

According to the research by True North Research, Inc. for 2009, when presented with a series of environmental initiatives that could be considered by the City, 90% of those polled selected acquiring and preserving additional natural open space as being important.

(Attachment 1: Page 5 from report prepared by True North Research, Inc, 2009 for City of San Marcos General Plan)

Open space, considered in the old General Plan as "underutilized land", is now seen as an amenity –something of value. Since the 1980s San Marcos, due to rapid growth, has lost many of its open space lands leaving the remaining lands fragmented and degraded. The joy of good planning is that it can eventually fix some of the problems previously created. It is not easy and it may take several generations but it is possible. Brown fields can become green fields with open space parks. Take for example, the Baldwin Hills Scenic Overlook in Los Angles. This formerly degraded spent oil field is now a treasured open space park. Recent revegetation has resulted in some of the native wildlife returning to the site. Restoration of damaged habitat is good, but it is much less costly to preserve nature than it is to restore it.

Because both documents are related we will try to indicate with each comment if it is for one or both documents. For the record, although the Summary states, "...City of San Marcos initiated a collaborative program to complete a comprehensive update of its General Plan", the Twin Oaks Valley Sponsor Group, a citizens advisory group appointed by the County Board of Supervisors, was not invited to be involved in the General Plan Advisory Committee. That is unfortunate when you consider there are members the Sponsor Group

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who have over ten years experience with the County's General Plan. We do, however, appreciate Staff informing us of the GPAC meetings and taking time to meet with members of the sponsor group towards the end of the process. I would like to say that I often agreed with Staff over the recommendations of the GPAC committee, especially with Staff's recommendations for areas along the SR78 corridor. Sadly, it appears that the DEIR failed to address several of the comments to the NOP from the County, the Twin Oak Valley Community Sponsor Group, or the Wildlife Agencies.

About 10 years ago, when the general plan was being updated, we requested that a rollback of the sphere of influence to the then current city boundaries be studied. Richard Gittings, who was the city manager at the time, said that the planning had progressed too far for this to be done, but that this would be included in the next general plan update.

In our letter responding to the most recent NOP, we asked that one of the alternatives to the General Plan show the roll back of the San Marcos Sphere of Influence (SOI) to the City's current boundary and identify the associated environmental impacts. This valid project alternative was AGAIN not studied and we ask that the EIR be withdrawn and revised to include this analysis. Waiting another 10 years is unacceptable.

We believe that removing the impacts associated with the implementation of the General Plan in our planning area would reduce the cumulative negative environmental impacts for both those impacts in the City of San Marcos and those in the unincorporated SOI (sphere of influence). We ask that all land use designations for the City of San Marcos in the SOI areas match the land use designation of the recently adopted County General Plan. As we will discuss later in our comments there are areas where the City's land use under it's General Plan is dramatically different and will have significantly more negative impacts (under CEQA) than the County's designation.

Unfortunately, there has been a lengthy and troubled history between the Twin Oaks community and the City of San Marcos regarding problems associated with the old General Plan and its outdated land use designations. This is especially true in light of the fact that some of the new planning logic is left out of the new version of the General Plan. If implemented, the proposed General Plan would significantly impact the Twin Oaks Valley Community planning area and other SOI areas of the adopted North County Metro General Plan/ County General Plan.

Much of the Twin Oaks Planning Area is within the SOI of the City of San Marcos. We notice that throughout the General Plan and DEIR there are discussions regarding planning for the SOI areas and yet several of the maps do not show the resources or constraints within the SOI areas. For instance, Figure 4-2/ 3.4-4 Wildlife Corridor and Linkage shows no wildlife corridors outside the City limits and yet there is wildlife present and there are recognized wildlife corridors within the portion of our planning area that is within the City's SOI. This same observation can be made regarding Figure 3.1-1, Figure 4-3/4.3-2 Open Space Areas and Figure 4-5 Scenic Resources. In addition, San Marcos Creek and its tributaries along the northern portions of Twin Oaks Valley Road and along Deer Springs Road as well as, Buena Creek and their tributaries didn't appear to be included on Figure 4-8 in either the Draft General Plan or DEIR. These water courses should be included because inappropriate planning in the SOI could significantly impact these creeks. Also

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included in the planning should be drainage areas that may be outside of the SOI but drain directly into the SOI creeks and flood plains since these upland areas can carry significant pollutants and siltation into waterways. If the General Plan identifies and discusses the SOI areas then the resources, and impacts to resources, of the SOI areas should also be discussed and identified in the written portion and the corresponding Figures.

Comments to DEIR, 1.1 Purpose of the Program EIR:

There is an inherent problem with Program EIRs. They need to be general because projects haven't come forward with detail necessary to foresee all or sometimes even some of the impacts. Yet we know there will be impacts. San Marcos has had explosive growth since the 1980s and evidence of both good and bad land use decisions provide opportunities for study and reflection. Because we now have examples of how past land use through the old General Plan has impacted the community we have the tools needed to be more specific and less general in both the DEIR and General Plan. Below are three examples.

1. San Marcos has many off ramps and on ramps to SR78. This is convenient, but during peak traffic hours, the far right lanes of SR 78, especially eastbound, function more as extensions of the on and off ramps than actual thru travel lanes. In these areas, people are trying to merge onto the freeway in a very short distance, while other commuters are desperately trying to get off the freeway. It creates a dangerous situation. It also, reduces the capacity of SR78 because the traffic in the right hand lane must travel at reduced speeds to accommodate all the added activity of vehicles trying to get on and off the freeway. It creates a domino effect, reducing traffic speeds and adding congestion through San Marcos. We would appreciate a discussion in either the General Plan or DEIR that addressees the impacts the General Plan will have regarding this specific issue and how it will be mitigated. As San Marcos grows this problem will get worse. The General plan should detail the design changes and land use changes that will help fix this problem. This is an important issue for Twin Oaks because commuters trying to bypass the congestion in San Marcos use Buena Creek Road. We don't believe that the Las Posas Road connection to Buena Creek Road will correct this issue because the SR78 / Las Posas Road connection design for the east bound on ramp and off ramp is so confusing and because it is too close to the Rancho Santa Fe on ramp.

2. Additional detail is need to assure proper wildlife corridors are provided around roadways. It is commonly known that adequate wildlife undercrossings under roadways are important to protect not only wildlife but also people. Large animals such as mule deer and mountain lions can do a lot of damage to vehicles and potentially passengers when collisions occur. We know wildlife undercrossings are important for safety. The knowledge exists to design undercrossings to work properly. This information is available through numerous studies, the Wildlife Agencies, the Biological Goals and Guidelines of the MHCP and other sources. Sadly, due to the very high mortality rate of wildlife along Twin Oaks Valley Road between Cal State San Marcos and San Elijo Road after the road was opened, we know what happens when either no undercrossing or an insufficient or badly designed undercrossing is built. Since the road crosses and obstructs a known wildlife corridor, the outcome was predictable. Therefore, the General Plan and DEIR should discuss this issue and under Goals and Policies discuss what measures will be used to allow wildlife to move through the open space safely.

3. A final example would be the need for residential planning in steep slope areas that so that it does not increase the failure of the slope. We know that much of San Marcos has a thin layer of topsoil overlaid on an easily fractured rock base. Cuts into this rock face, exposing it to wind and water through participation cause the rock to erode, eventually breaking free and falling. Without topsoil, there is little that will grow to protect the rock face from eroding further. We see evidence along the slopes at the base of the south side of Owens Peak. Here the rock has fallen into back yards and in some spots chain link fence is used to hold the hillside. Attempts to vegetate these areas are problematic. We think it would be good for the General Plan and DEIR to discuss this issue and have goals and policies to prevent inappropriate cuts to hillsides that create or accentuate this problem. We ask that a policy be added to the Conservation And Open Space Element/ Protecting Scenic Resources and Landform Features Goal COS-3, Protect natural topography to preserve and enhance the natural beauty of San Marcos that states: "Discourage grading that leaves large exposed rock faces and allow grading that is in harmony with the natural topography of the area."

Therefore, although this is a Program EIR we believe that when there is evidence of impacts, from implementation of past projects under the existing General Plan, these impacts are now considered foreseeable they should be studied in context to the land use changes under the proposed General Plan. A jurisdiction cannot hide under the skirt of a Program EIR when it is foreseeable that the implementation of the General Plan will have impacts made known through the outcome of past projects. We don't think the DEIR has met the criteria under CEQA "*to identify the significant effects on the environment of a project, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided*" (Public Resources Code Section 21002.1[a])."

Comments to Section 3.10 Land Use And Planning

Noted on 3.10-2, Table 2.10-1, Existing Land Use Acreage, 2009, is that San Marcos has 11.8% or 2,299 acres of the total 21,161 acres of it's planning area in Open Space (parks and conservation). Since this figure includes the 5,629 acres of unincorporated land within the City's SOI, we would like to know how much of the 11.8% open space is within the SOI? Also, how much of this SOI is within the Twin Oaks Valley Planning Area.

Comments to College Area Neighborhood and Specific Plan Areas.

A portion of the College Area Neighborhood and one SPA, the San Marcos Highlands SPA is in the SOI of the Twin Oaks Community Planning Area. This area was designated as an SPA in 1991, encompasses approximately 297 acres and given a density based upon planning logic that was common at that time. Since then many things have changed both in our knowledge of good land use planning and governmental regulations. Therefore this SPA along with other older SPA need to be evaluated under what is now known and the guiding principals of the proposed General Plan. The impacts of these projects need to be discussed in the DEIR. This has not been done.

The Highlands SPA land use designation is in conflict with the County's land use designation. The County's designation is 1 du per ten acres under the adopted General Plan and the rational for this designation is attached. Attachment 2: County assessment of San Marcos Highlands for General Plan) In the previous General plan the density and level of

impacts designation was much lower than under the SPA. The County's designation was due to the steep slopes and sensitive resources of the site. The area is the headwaters of Agua Hedionda Creek and shown as a Focused Planning Area in the Federal Register for the MHCP. It is a recognized wildlife corridor and a Pre Approved Mitigation Area for the County's North County MSCP. Due to the environmental constraints a proposed project for the site, known as The San Marcos Highlands Project received strong objections from governmental agencies including, the Department of Fish and Game, US Dept of Fish and Wildlife, EPA, San Diego County DPLU and the Twin Oaks Valley Community Sponsor Group. The portion of this SPA that is within the SOI of the Twin Oaks Planning Area is adjacent to rural low-density development and the implementation of the SP at the current designation would divide the existing rural community that abuts the site on three sides.

This SPA is problematic and the issues are well documented in the comments to the San Marcos Highlands, NMD, MND, SEIR, DEIR and these documents are incorporated by reference into these comments. Attachment 3: Past comments from agencies We ask the consultant preparing these documents review all biological documents and governmental comments on file regarding The San Marcos Highlands Project Specific Plan and then discuss these impacts within the context of the General Plan and EIR. It appears this SPA designation is in conflict with other elements goals and policies of the proposed General Plan. The SPA density should be reconsidered since this General Plan is a "constitution for future development" and clearly the Specific Plan for this site is problematic.

Comments to Surrounding Land Uses

For the unincorporated areas adjacent to the City of San Marcos and in the SOI please include the land use designations and identify each parcel that is in Conflict with the County General Plan. Please discuss how the DIER address impacts to surround unincorporated communities. All impacts, not just those impacts to current San Marcos residents need to be identified. Because in some areas of the General Plan and DEIR is talks about planning for the SOI areas while in other areas discussions are limited to within the existing City limits it is not clear if the DEIR has fully considered impacts of the proposed General Plan on SOI and adjacent incorporated areas. This clarification needs to be provided as part of this document.

Comments to Multiple Habitat Conservation Plan (MHCP)

Please discuss why the USF&WS and CDF&G have not approved the San Marcos Draft Sub-area plan and discuss deficiencies and concerns raised by the Wildlife Agencies in the response to comments to the Notice of Preparation for this General Plan. Please demonstrate how the proposed San Marcos Subarea Plan, P.O. 20-23, also known as the Murai Property, and lands with Vernal pools along Las Posas as well as other lands with sensitive resources meets Biological Goals and Guidelines of the MHCP.

Please show how the MHCP will link to Pre Approved Mitigation Areas in the County within the Twin Oaks Planning Area and to areas set aside for open space by the County that may be impacted by the implementation of the proposed General Plan. For example, the Tai Estates and recently approved Sugarbush TM (SP03-003-FEIR) (Attachment 4: Aerial view of Sugarbush TM) set aside areas for open space and a 500-foot wide corridor to connect areas that abut the San Marcos Highlands SPA. It is important to provide adequate wildlife movement from the San Marcos Highlands SPA to other open space areas to assure that cut-off areas of habitat are not created. This connection or discussion of connections to nearby open space areas is not addressed in either the proposed General Plan or DEIR.

The General Plan should address the orphaned properties within the City associated with the judgement on disposition of the The Environmental Trust Properties. (Attachment 5: aerial view with TET properties near Owens peak) These properties were set aside through the development phase. San Marcos has trails and access easement across some of the properties and they were included as part of the subarea plan for the MHCP. P Mountain, shown on page 4-22 of the Conservation and Open Space Element is one of these properties. The most recent information we have indicates that San Marcos declined to take position of these properties. There is concern that these properties, now owned by the State, could be stripped of their open space designation and sold for development. Considering the financial situation of the State of California we are concerned this will likely happen. Both the General Plan and DEIR should discuss the former TET properties, show their locations, and address how they impact the San Marcos' subarea plan for the MHCP. A discussion as to their management should be included. This is an important issue for our planning area. First, because policies and actions by the City of San Marcos would directly impact our planning area if we were to be annexed to the City in the future. Secondly, these properties form part of San Marcos MHCP subarea plan of lands through the San Marcos Mountains that need to connect to the PAMA areas of the North County MSCP.

Comments to 2050 Regional Transportation Plan/Sustainable Communities Strategy (2050 RTP/SCS)

Please provide a graphic noting which areas within the city are within $\frac{1}{4}$ mile (average walking distance, not direct line point to point distance) to public transportation facilities and discuss how areas outside walking distance will be served so that green-house gases and air pollution will be reduced. Describe what policies will be implemented to reduce pollution from automobile traffic in the Twin Oaks Valley area and along SR78.

Comments regarding Division of an Established Community and Conflict with an Adopted Land Use Plan

As previously discussed, the San Marcos Highlands SPA both divides the established rural community that is to the north and north-west of Santa Fe Hills, and within the Twin Oaks Valley Community Planning Area and conflicts with the County's adopted land use plan.

Comments to 3.16 Transportation and Traffic

As previously discussed, the numerous and closely spaced on and off ramps create problems on SR78 and need to be addressed in the DEIR.

On page 3.16-32, It states, “Las Posas Road/SR-78 Westbound Ramps – PM Peak Hour – The City is implementing flexible LOS standards at this intersection to reduce impacts for pedestrians and bicycles through the corridor and minimize impacts to the urban environment. Therefore, although it is congested during the PM peak hour, the project impact is considered less-than-significant. “ Please describe how this will be done. What is a flexible LOS standard?

It also states, “Buena Creek Road/Twin Oaks Valley Road – AM and PM Peak Hours – The impact is considered significant and mitigation is required”. What mitigation will be used and what impacts will it have on the Twin Oaks Valley Community Planning Area?

On page 3.16-34&35, Table 3.16-7, **Proposed General Plan Intersection Level of service**, several roads both within and adjacent to the Twin Oaks Valley Planning Area as service level F both under existing and proposed conditions. Clearly with over forty years of disclosure and mitigation under CEQA under our belts we would have not allowed this situation to occur! The proposed General Plan would significantly add to the misery commuters feel during evening commutes along Twin Oaks Valley Road at Borden Road and Buena Creek Road. Please explain the factors that created this result and discuss if the proposed General Plan will only add to the problem.

Table 3.16-8 Proposed General Plan Daily Roadway Volumes and Levels of Service shows Twin Oaks Valley Road north of Windy Way to drop from LOS D to LOS E if the proposed General Plan is implemented. How will this be mitigated? We disagree with SANDAG that LOS E is acceptable and believe when traffic does not move freely that it only exacerbates green house gas emissions, and noise problems and is harmful to residents. The impact is not less than significant if you just lower the standards. Lowering standards to get compliance is not a good solution. Please explain how LOS is acceptable to commuters and will help the City address Green House Gas and air pollution issues? Green house gases caused by traffic congestion make population density, Circulation Element, and need to meet reduce greenhouse gasses linked and should be addressed in the General Plan and DEIR.

Comments to the Conservation and Open Space Element

In both the General Plan and DEIR there is an error in at least one of the wildlife corridors. In Figure 4-2, Wildlife Corridor and Linkage doesn't show a wildlife corridor along Agua Hedionda Creek, which is a recognized wildlife corridor. Instead the corridor is shown along the San Marcos Mountains ridge. Animals using wildlife corridors tend to follow creeks due to the presence of water, foraging opportunities and cover supplied by the riparian canopy. Not as many animals use ridgelines where there is little water, not much food, and little cover from predators. Please refer to the MHCP Biological Goals and Guidelines as well as documents from Wildlife Agencies and the EPA in response to the San Marcos Highlands Project, DEIR, SEIR, MND, ND, etc. Also refer to the Agua Hedionda Creek Management Plan.

Since this document covers planning for SOI areas, the elements of the General Plan should also cover these areas. Figure 4-2 does not show San Marcos creek that is on the south side of Deer Springs Road or other creeks in the Twin Oaks Valley Planning Area. Please add these features to the documents. Because the creek designator color is so pale it does not have sufficient contrast against the background. It should be increased so that it is easy for the public to see, especially those who are vision impaired.

In Figure 4-3, Open Space Areas in both General Plan and DEIR the areas designated for General Plan Open Space Use do not show a connections to other open space areas set aside for conservation by the County that are to the North west of the northern portion along Agua Hedionda Creek. The County designated portions of the Sugarbush project for habitat open space. There needs to be an east west corridor connection between the San Marcos Mountains and the Mountain range that is just south of Buena Creek Road. Figure 4-3 should also show County Pre Approved Mitigation Areas (PAMA) for the North County MSCP. (Attachment 6: PAMA map for the unincorporated areas near San Marcos)

Illegal off-road vehicle can damage habitat and cause erosion in open space. An example of this occurs on P Mountain shown on page 4-22 of the Conservation and Open Space Element. We ask that a Goal of the Conservation And Open Space Element be:

“Work with Law Enforcement and the Community to eliminate damage to open space areas and actively pursue illegal off road vehicle activity in parks and open space areas.”

Figure 4-3 doesn't show any areas set-aside in the Twin Oaks Valley Planning Area for opens space use in the General Plan. If the City plans to one day annex these areas then it should show both recreation and open space. Or, it should present alternative showing the SOI rolled back to the existing City boundaries. This comment also applies to Figure 4-5, Scenic Resources. It needs to be addressed to make elements of the General Plan comply with Goal COS-1 on page 4-22 of the General Plan, Identify, protect, and enhance significant ecological and biological resources within San Marcos and its adaptive Sphere of Influence.

Watershed and Water Quality Protection

Both the General Plan and DEIR do not evaluate the finings of the Agua Hedionda Creek Watershed Management Plan. The study and associated Plan should be noted and considered in this section of the San Marcos General Plan and DEIR.

In the implementation of the Santa Fe Hills project the City allowed the developer to take runoff from streets and use Agua Hedionda Creek as a storm drain. How will issues like this be corrected so that the City can comply with water quality policies? How will Goal COS-6 be implemented?

Please note in the General Plan and DEIR that the headwaters of Agua Hedionda Creek are within the College Area Community Plan.

In Figure 4-9, 303 (d) Listed Water Bodies, please show impaired creeks and water bodies in the SOI areas, and the areas that drain into these listed water bodies.

Thank you for the opportunity to comment on these very important documents. Please feel free to contact for any questions or if you need copies of any documents referenced in our comments.

Sincerely,

Gil Jemmott, Vice Chair

Cc:
attachments