

# PLANNING COMMISSION

ADDITIONAL ITEM ADDED AFTER  
DISTRIBUTION OF PACKET

Agenda # 2

Date 1/17/12

Time 11:30 a.m.



## **APPENDIX I**

### **RESPONSE TO COMMENTS ON DRAFT EIR**

The Draft Environmental Impact Report (EIR) for the City of San Marcos General Plan was distributed for public review on November 21, 2011, initiating a 45-day public review period ending on January 5, 2012. The document was made available online, at the San Marcos public library and at the City of San Marcos Planning Counter. During this public review period, a total of 26 letters and emails were received. After the close of the public comment period, 3 letters were submitted. Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15088(a), "the lead agency shall evaluate comments on environmental issues received from persons who reviewed the Draft EIR and shall prepare a written response." All comment letters received on the City of San Marcos General Plan Draft EIR, including the 3 letters received after the close of the public comment period, were evaluated for environmental issues, and written responses to comments on environmental issues were prepared.

Table 1 provides a list of the comment letters received, including details on the agency, organization, or individual that submitted the letter and the date of the letter. For organizational purposes, each letter was determined to be either a General Plan-themed letter or an EIR-themed letter. General Plan-themed letters are those that primarily relate to the content within the General Plan (i.e., Guiding Principles, goals, and policies, etc.). EIR-themed letters are those that primarily focus on aspects of the environmental analysis included in the Draft EIR. Each letter has been assigned a letter and number code as outlined in Table 1. Individual comments in each letter have also been coded to facilitate responses. General Plan-themed comments and responses are preceded by the letter G, while EIR-themed comments and responses are preceded by the letter E. Both General Plan-themed and EIR-themed comment letters will be considered equally by decision makers during hearings for the General Plan.

A copy of each comment letter is provided prior to the response(s). Within the responses to comments, all references to General Plan refer to policies and page numbers in the Public Review Draft General Plan, dated November 2011. All references to Draft EIR refer to the Public Review Draft Environmental Impact Report, dated November 2011.

**Table 1**  
**List of Comment Letters on the City of San Marcos General Plan Draft EIR**

| Letter No.                             | Agency/Organization/Individual  | Letter Date |
|--|---|-------------|
| <b>General Plan-Themed Letters (G)</b> |   |             |
| G1                                     | Carlson Family  | 11/29/2011  |
| G2                                     | Helen Cortez  | 11/29/2011  |
| G3                                     | Marsha Weeks  | 12/13/2011  |
| G4                                     | William T. Smith  | 12/13/2011  |
| G5                                     | Kevin Mecum   | 12/15/2011  |
| G6                                     | CA Reza San Marcos LLC c/o Capstone Advisors, Inc.                      | 01/03/2012  |
| G7                                     | Karen Binns   | 01/04/2012  |
| G-8                                    | Michael Strong  | 01/05/2012  |
| <b>EIR-Themed Letters (E)</b>          |   |             |
| E1                                     | State of CA, Native American Heritage Commission                        | 11/30/2011  |
| E2                                     | Dept. of Toxic Substances Control                                       | 12/21/2011  |
| E3                                     | CA Dept. of Fish & Game   | 01/03/2012  |
| E4                                     | San Diego County Archaeological Society, Inc.                           | 01/02/2012  |
| E5                                     | San Luis Rey Band of Mission Indians.                                   | 01/13/2012  |
| E6                                     | County of San Diego, Dept. of Planning & Land Use.                      | 01/05/2012  |
| E7                                     | Michael Hunsaker  | 01/05/2012  |
| E8                                     | Sierra Club   | 01/05/2012  |
| E9                                     | Briggs Law Corporation c/o CREED-21                                     | 01/04/2012  |
| E10                                    | Vallecitos Water District   | 01/05/2012  |
| E11                                    | Jack Gorzeman   | 01/05/2012  |
| E12                                    | Bowie, Arneson, Wiles & Giannone c/o San Marcos Unified School District | 01/05/2012  |
| E13                                    | Stephen Bieri   | 01/05/2012  |
| E14                                    | San Diego LAFCO, Robert Barry   | 01/05/2012  |
| E15                                    | Twin Oaks Valley Community Group, Gil Jemmott                           | 01/09/2012  |
| E16                                    | Office of Planning and Research   | 01/05/2012  |
| E17                                    | Caltrans District 11  | 01/10/2011  |
| E18                                    | San Diego Association of Governments                                    | 01/05/2012  |



G1

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**From:** Carlson Family [mailto:rcarlson41@cox.net]

**Sent:** Tuesday, November 29, 2011 8:30 AM

**To:** Kiss, Lisa

**Subject:** San Marcos draft general plan comments to be submitted to committee - board

DRAFT

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

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

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

Politicians on both sides of the aisle have signed on to Agenda 21's "Sustainable Development."

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

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

G1-1

## **RESPONSE TO COMMENTS**

### **General Plan-Themed Letters (G)**

#### **G1 Carlson Family**

- G1-1 This comment is political in nature and does not pertain to the environmental analysis in the EIR. Therefore, no further response is required.

G2

**From:** [Kiss, Lisa](#)  
**To:** [Buckel, Jerry](#); [Rundley, Karen](#); [Bridges, John](#); [Keller, Garth](#); [Wright, Nicholas](#); [Peterson, James](#); [Romero, Lydia](#); [Frattona, Shannon](#); [Fisher, Yara](#)  
**Subject:** FW: New Comment on ourcityyourfuture.com  
**Date:** Wednesday, November 30, 2011 7:59:59 AM

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

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

A new comment has been submitted.

COMMENT:

G2-1

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

CONTACT INFORMATION:

Name: HELEN CORTEZ  
Email: [justmisshelen@yahoo.com](mailto:justmisshelen@yahoo.com)  
Zip Code: 92069

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

## **G2 Helen Cortez**

- G2-1 Comment noted. Thank you for taking the time to provide comments on the General Plan update.

The adoption or amendment of a general plan or specific plan is a legislative act subject to public review, notice, and hearings pursuant to (§65353-65356 general plan and §65453 specific plan). The following provisions apply to counties and general law cities. Pursuant to Government Code to §65351 the planning agency, in this case the City, must provide opportunities for review and involvement by citizens, public agencies, public utility companies and other community groups through public hearings and other means regarding plans for the physical development of a community.

According to City mailing label records of the “Study Area” notification, as part of the General Plan update/ GPAC process, the commenter Helen Cortez, was sent a letter regarding “Study Area” meetings. The mailing address listed for the referenced rental property is different from the commenter’s listed PO Box address. Mailing lists for notification purposes are generated from the City Tax Assessors office; it is the responsibility of the property owner to maintain accurate mailing addresses through the tax assessor.

A description of the General Plan update/GPAC process can be found starting on page 1-5 of the General Plan. The Final EIR documents the public participation process in section 1.4. Please find additional information regarding the General Plan update process and public participation opportunities below.

In Fall 2009, the City of San Marcos initiated a collaborative program to complete a comprehensive update of its General Plan by appointing the General Plan Advisory Committee (GPAC). The GPAC held 24 public meetings which included public input, staff and consultant collaboration. The proposed General Plan update provides a framework to accommodate future growth through development, redevelopment, infill, and mixed-use development based on the recommendations of the GPAC and the community outreach efforts. The Draft General Plan and DEIR was circulated for public review from November 5, 2011 to January 5, 2012.

The objectives for the public participation program were to involve a broad spectrum of community members and stakeholders; build consensus for the plan step by step; focus on topics to be addressed in the updated General Plan; and transparently communicate research, analysis and recommendations from the staff, GPAC, stakeholders and

community members. The multi-pronged approach for public participation included the following elements which occurred prior to circulation of the documents:

- General Plan Advisory Committee (GPAC) meetings open to the general public
- A telephone survey was conducted with statistically valid results
- Three (3) Community Workshop Series (4 separate locations, 12 total workshops)
- Newsletters and GP updates in the San Marcos 360° Article mailed out to all San Marcos residents during the update process
- Youth Program
- A General Plan website and dedicated a phone line for public interaction
- Special General Plan presentations given to:
  - Mobile Home Parks
  - Palomar Pomerado Health Group
  - San Marcos Economic Development Committee
- Participated at City street fairs

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

G3

Hello,

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

<http://www.ourcityyourfuture.com/documents/workshop3/PropertyOwnerConsiderationAreasLU18-23.pdf>)?

There are many concerned citizens about this plan and we all want the opportunity to be heard on this matter.

G3-1

**G3 Marsha Weeks**

- G3-1 This comment does not pertain to the environmental analysis in the EIR. City Staff responded to the commenter regarding the nature and purpose of the bulldozer on site, unrelated to the General Plan or EIR. Therefore, no further response is required.



#5

Kiss, Lisa

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

Members of the Commission:

G4

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

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

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

Thank you for your time.

William T. Smith

G4-1

#### **G4 William T. Smith**

- G4-1 In response to the comment, the General Plan does provide land use and planning for the entire City, including Focus Area 29 which was referred to in the General Plan update process as P.O #20-23. This property privately owned, located north of Las Posas Road in a currently undeveloped area. The General Plan does not alter the approved number of unit permitted on the property; the same maximum development yield is being maintained from the previous General Plan land use designation and Public Facilities Plan for infrastructure. Your specific concerns of razing the canyon, the hiking trails, a small lake and wildlife will not occur as part of the development of this property. The intent of the current General Plan, as well as the proposed update, is to retain the natural canyon that surrounds the Aqua Hedionda Creek on the southeasterly portion of the property and not allow any residential development within the canyon; see Chapter 4 Conservation and Open Space Element. Figure 4-3 ( Open Space Areas ) of the Conservation and Open Space Element delineates this canyon as part of the City's open space network that will be preserved and maintained. This canyon is also part of a passive park and open space/greenbelt system as designated on the current Park Master Plan; Figure 5-2 of the Parks, Recreation, and Community Health Element indicates trails and bikeways existing and/or are planned for the area – these will be maintained should future development occur. Retaining this canyon as well as other natural drainage tributaries within the City is important to provide wildlife corridors and protect water quality which is a focal point of the new Conservation and Open Space Element.

As part of the General Plan update process, Focus Area 29 was identified for land use designation revision, not a change in the maximum development yield. Through an extensive public participation process (see response G2-1) and support of the property owner, the GPAC recommended the land use designation for Focus Area 29 be revised to "Specific Plan Area."

Focus Area 29 (Property Owner Initiate Area #20-23) was discussed at the February 2, 2011 GPAC (meeting # 19). Meeting notes of this discussion are available on the City's General Plan update web site; see [www.ourcityyourfuture.com](http://www.ourcityyourfuture.com). Meeting notes indicate there was discussion related to the property's yield, protection for wildlife, and the development approach.

Under the current land use designation development plans for the property only require a Tentative Subdivision Map with no specific requirements on design, physical development, or amenities other than what is indicated in the current General Plan guidelines. A Specific Plan allows the City greater discretion on design and development standards, as well as regulatory control over a particular property. The Specific Plan process required under the "Specific Plan Area" land use designation subjects future development plans to review by the City Council; in comparison current conditions would limit development review of a Tentative Subdivision Map to the City's Planning

Commission. Should future development be proposed on the property, a Specific Plan with separate hearing process will be required. This process will be subject to public workshops with the surrounding neighborhood to gain input on the proposed Specific Plan at that time.

Kiss, Lisa

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

**From:** Kevin Mecum [mailto:kevin.mecum@gmail.com]  
**Sent:** Thursday, December 15, 2011 12:29 AM  
**To:** Koller, Garth  
**Subject:** Re: Phone Call Follow-up Re: P.O. #20-23

Hello Garth,

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

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

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

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

G5-1

**G5 Kevin Mecum**

- G5-1 Comment noted. The City appreciates hearing community support and enjoyment of local services, community facilities and businesses. The General Plan does not propose as an specific development projects, nor is development proposed for Focus Area 29 (Property Owner Initiate Area #20-23) at this time. See response G4-1 addressing another community members comment on Focus Area 29; the response addresses planning and open space preservation issues related to this property.











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

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

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

**Sent:** Wednesday, December 14, 2011 1:12 PM

**To:** Koller, Garth

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

Hello Garth,

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

### **PO #20-23**

#### **Property Owner Comments:**

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

#### **General Public Comments:**

No comments.

#### **GPAC Comments:**

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

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

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

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

G 5-2 Portions of the comment related to neighborhood and community participation and future meetings times were directly responded to by City Staff via email correspondence and the questions were addressed. See response E5-1 for further discussion.

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

Thanks again for your help!

Kevin Mecum

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

Thank you Garth!

Kevin Mecum

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

G5-2  
Cont.

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

Hello Garth,

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

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

G5-3

- G5-3 This City has previously responded to all comments in this portion of the comment letter. The previously provided responses are included within the comment itself. As such, no further response is required.

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

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

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

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

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

Thanks again for your time and your help!

G5-3

Cont.

Kevin Mecum

619-717-6137

G6

#9.

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

January 3, 2012

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

JAN 04 2012

CITY OF SAN MARCOS

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

Dear Mr. Koller:

G6-1

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

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

Land Use

G6-2

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

Mobility Improvements

G6-3

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

**G6 Ca Reza San Marcos LLC C/O Capstone Advisors, Inc.**

G 6-1 Comment noted. The City appreciates support for and public participation in the General Plan process.

G 6-2 The General Plan designates the referenced property at the northeast corner of Woodward Street and W.Mission Road as "Specific Plan Area;" this is a revision from the previous General Plan that designated the property as a combination of Commercial and Single Family Residential (R-1-10). See Figure 2-5 of the Land Use and Community Design Element for the Land Use Plan.

This property is currently part of the draft Richmar Specific Plan. The City has committed to working with the property owner as applicable to properly address the associated planning issues as the processing of the Richmar Specific Plan progresses.

G 6-3 Figure 3-7 of the General Plan identifies General Plan Mobility Improvements. This comment addresses the Bridge/Overcrossing or Undercrossing notated between Twin Oaks Valley Road and Woodward Street, north of W. Mission Road. This future bridge is planned as the extension of Richmar Avenue spanning Twin Oaks Valley Creek. As the timing of the bridge improvements and future development details are unknown at this time, development impacts to your property, if any, have not been identified. Future individual development projects will be subject to appropriate City-level studies as applicable and will be required to undergo project-specific CEQA environmental review and mitigation measures will be identified to reduce any project-specific significant impacts.



G6-3  
Cont.

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

Coastal Sage

G6-4

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

Wildlife Corridor

G6-5

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

Open Space

G6-6

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

G6-7

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

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

Regards,



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

G 6-4 Mapping of vegetation community in Figure 4-1 of the General Plan are done at the “10,000 foot level” to provide a general understanding of the location and coverage of vegetation types within the City. The figure does indicate the presence of Diegan Coastal Sage Scrub on the Property. Future individual development projects will be subject to appropriate City-level studies as applicable and will be required to undergo project-specific CEQA environmental review and mitigation measures will be identified to reduce any project-specific significant impacts.

The Final EIR determined that after implementation of Mitigation Measures identified in section 3.4.5, in coordination with federal, state and local regulations would reduce impacts associated with critical habitat, sensitive vegetation communities and jurisdictional waters including wetlands and riparian habitat, and result in less than significant impacts at the program level.

G 6-5 Wildlife corridor and linkages are mapped on Figure 4-2 of the General Plan. The corridor identified in the comment connects MHCP mitigation lands in the northern SOI area to the Twin Oaks Valley riparian corridor, generally along the open space east of Twin Oaks Valley Road and west of Woodward Street. Figure 4-2 does not indicate the wildlife corridor/linkage extends to the Property in question west of Woodward Street. However, the General Plan is intended as a planning document for the entire City. The Final EIR determined that after implementation of Mitigation Measure BR-3 and BR-5 in coordination with federal, state and local regulations would reduce impacts associated with archaeological resources and result in less than significant impacts at the program level; see sections 3.4.4, 3.4.5 and 3.4.6 of the EIR for further information. Future individual development projects will be subject to appropriate City-level studies as applicable and will be required to undergo project-specific CEQA environmental review and mitigation measures will be identified to reduce any project-specific significant impacts.

G 6-6 The comment correctly observes that the Property is not designated by the General Plan as any form open space or conservation area; see Figure 4-3. In comparison, Figure 4-4 identifies Farmland Mapping and Monitoring Program (FMMP) Farmland which carry specific State agricultural resources requirements. The “Non-Farmland/Open Space,” mapped on Figure 4-4, indicates those properties do not have FMMP Farmland status and are “open space” in the sense the property is vacant/undeveloped as opposed to “Urbanized” for the purposes of this map; this map does not indicate any open space status in relation to City conservation, open space or preservation.

G6-7 Conclusion commented noted. The City appreciates public participation in and comment on this process.

# 9.

Kiss, Lisa

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

Good Morning,

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

Thank you.

Best,  
Suzie Bechtol

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

---

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

#12.

G7

Kiss, Lisa

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

January 4, 2012

Karen Binns  
2637 Deer Springs Place  
San Marcos, CA 92069-9761  
1-760-744-5916  
[royalviewranch@aol.com](mailto:royalviewranch@aol.com)

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

**Re: Draft General Plan and EIR**

Dear Mr. Koller,

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

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

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

Sincerely,

G7-1

Karen Binns

**G7 Karen Binns**

- G7-1 Comment noted. The City currently has no plans for annexation of Sphere of Influence properties, including the comment-referenced property. Future annexation may occur as initiated by individual property owners. Should annexation be requested/occur in the future, annexation and project development would be subject to the public review process as applicable. See the County of San Diego General Plan discussion in section 3.10.4 of the Final EIR for further information regarding General Plan consistency with the County of San Diego General Plan, Sphere of Influence issues and annexation process.

G8

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,

G8-1

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.

G8-2

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 lane 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.)

G8-3

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 ¼ 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:

## **G-8 Michael Strong**

- G8-1 Comment noted. The City appreciates the support for Complete Streets and mobility prioritization.
- G8-2 As stated in the comment, Figure 3-1 of the General Plan designates Discovery Street as 4 lanes. The classification and typology of Discovery Street was developed to enable it to serve as a potential outlet for parallel travel to San Marcos Boulevard. This is consistent with planning and improvements for Discovery Street approved within the San Marcos Creek Specific Plan. Extensive public participation and planning were expended on San Marcos Creek Specific Plan leading to approval in 2007. The Specific Plan together with the Complete Streets philosophy calls for an ultimate Discovery Street cross section consisting of vehicular travel lanes, sidewalks, a Class I multiuse trail and bicycle lanes. The San Marcos Creek Specific Plan can be found on the City's website at <http://www.san-marcos.net/index.aspx?page=327>; see Chapter 5 Circulation and Transportation which addresses Discovery Street improvements as approved on page 5-12.
- G8-3 San Marcos Boulevard is a key transportation corridor through the core of San Marcos. Speed limits are posted based on roadway design and land use adjacencies to manage traffic flow and traffic safety. Drivers are required to abide by posted speed limits and slow down to reduce speed limits within school zones.

The General Plan designates San Marcos Boulevard as a Multi-Way boulevard to prioritize public transit and walking along this corridor; see Table 3-2 of the Mobility Element. Future improvements to this corridor based on the Multi-Way boulevard status will result in modified roadway design.

Discovery Street is discussed in response G8-2. As future plans for this corridor are developed, they could include potential options to manage traffic flow and ensure consistency with the adjacent land uses. One such consideration would be a roundabout at the La Sombra Drive intersection.

G8-3  
Cont.

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.

G8-4

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.

G8-5

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



- G8-4 The General Plan addresses a range of planning, land use, safety, environmental quality and community health within each of the Elements with a goal of providing integrated planning techniques that support a range of mobility options and promote accessibility. Specifically, the City has voluntarily added the Parks, Recreation and Community Health Element to the General Plan to address such issues.

The Mobility Element of the General Plan addresses functional classification of roadways based on the broader circulation network and adjacent land uses. Figure 3.1 of the Mobility Element identifies roadway widths for the primary circulation corridors which may include increasing or decreasing roadway width, number of lanes and volumes to fit with the overall mobility approach.

- G8-5 Comment noted. Mobility improvements identified in the General Plan are subject to environmental analysis by the Final EIR. See section 3.16.4 for Transportation and Traffic analysis. This analysis is intended to address the potential environmental impacts resulting from these mobility improvements. Additional environmental analysis as applicable is addressed in each topic area of the Final EIR. Individual improvement projects would be required to do an Initial Study under CEQA to determine any potential impacts outside the scope or coverage of the General Plan Final EIR; should no additional impacts be identified by the Initial Study, no further CEQA documentation or public hearing/notification would be required.

As discussed in response G8-3, a roundabout at the La Sombra Drive intersection may be under consideration in the future; this improvement was not considered in the General Plan or Final EIR. Additional improvements outside the scope of these documents may be considered and would be subject to CEQA analysis as applicable.

The City appreciates the provision of additional information regarding roundabout and traffic calming strategies.

## NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364  
SACRAMENTO, CA 95814  
(916) 653-6251  
Fax (916) 657-5390  
Web Site [www.nahc.ca.gov](http://www.nahc.ca.gov)  
ds\_nahc@pacbell.net



November 30, 2011

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

**City of San Marcos**

1 Civic Center Drive  
San Marcos, CA 92069

DEC 03 2011

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

Dear Mr. Koller:

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

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

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

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

## **EIR-THEMED LETTERS (E)**

### **E1 Native American Heritage Commission**

- E1-1 Introductory comment noted. No further response is required.
- E1-2 Comment noted. This comment supports the ethnographic resource statements of the Final EIR. See section 3.5.1, Table 3.5-1.
- E1-3 Section 3.5.1 addresses required records search for ethnographic resources on page 3.5-5. On September 29, 2009, a request was sent to the Native American Heritage Commission (NAHC) for a search of the Sacred Lands Inventory for information on cultural resources related to Native American occupation of the study area. On October 20, 2009, the NAHC responded that there were known sites within 0.5-mile of the study area and that these required consultation with interested Native American parties. Only one identified interested party chose to consult with the City, and no ethnographic issues were presented in consultation.
- E1-4 See response E1-2. This comment requires further response from the City. This response will be provided by 1/17/2011 and will be included in the final version of this Response to Comments Appendix.

E1-3  
Cont.

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

E1-4

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

E1-5

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

E1-6

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

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

E1-7

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

- E1-5 The General Plan supports avoidance of Native American cultural resources and other cultural and paleontological resources. The General Plan addresses historic preservation, extending to Native American cultural/ethnographic resources on page 4-21 of the Land Use and Community Design Element. Policies supporting protection of cultural, historic, archeological, paleontological, and architectural resources include policies COS-2.5, COS-11.1, COS-11.2, and COS-11.3; Implementation Programs regarding these issues include COS-8.1, and COS-8.2.
- E1-6 The City values Native American cultural resources. Policy COS-2.5 specifically addresses conservation of cultural resources and sites SB 18 and CEQA compliance. NEPA requirements are not applicable to this Project. The City, as the lead agency for this Project, included planning measures, policies and Implementation Programs to analyze and conserve the historic and cultural context of the Planning Area. See the applicable policies and Implementation Programs as cited in response E1-5. Furthermore, Mitigation Measures CR-1 through CR-8 in section 3.5.5 are designed to reduce potential archeological impacts associated with this Project and future developments. The Final EIR determined that after mitigation, potential impacts associated with archeological and historic resources would be less than significant; see section 3.5.6.

Table 3.5-1 lists Summary of Historical and Archeological Resources in San Marcos.

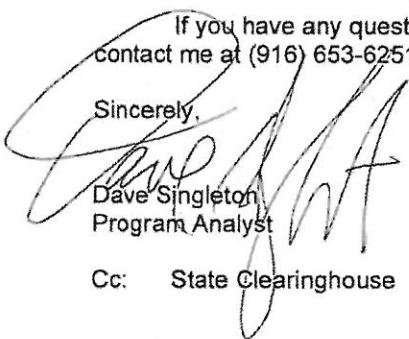
- E1-7 The Final EIR determined that after mitigation, potential impacts associated with archeological and historic resources would be less than significant; see section 3.5.6. Mitigation Measures CR-5 and CR-6 specifically address the enforcement of historic preservation laws and Native American consultation to minimize potential impacts to historic and cultural resources that may occur at the result of a proposed project. See section 3.5.5.

E1-8

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

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

Sincerely,



Dave Singleton  
Program Analyst

Cc: State Clearinghouse

Attachment: Native American Contact List

- E1-8 Comment noted. As demonstrated in the General Plan and Mitigation Measures of the Final EIR, the City values historic and cultural resources and is committed to continuing notification, relationships and consultation with Native American tribes as appropriate.

## California Native American Contacts

San Diego County  
November 30, 2011

Pala Band of Mission Indians  
Tribal Historic Preservation Office/Shasta Gaugher  
35008 PalaTemecula Road, PMB Luiseno  
Pala, CA 92059 Cupeno  
sgaugher@palatribe.com  
(760) 891-3515  
  
(760) 742-3189 Fax

Pauma & Yuima Reservation  
Randall Majel, Chairperson  
P.O. Box 369 Luiseno  
Pauma Valley CA 92061  
paumareservation@aol.com  
(760) 742-1289  
(760) 742-3422 Fax

Rincon Band of Mission Indians  
Tiffany Wolfe, Cultural & Environmental  
P.O. Box 68 Luiseno  
Valley Center, CA 92082  
twolfe@rincontribe.org  
(760) 297-2632  
(760) 297-2639 Fax

Pauma Valley Band of Luiseño Indians  
Bennae Calac, Tribal Council Member  
P.O. Box 369 Luiseno  
Pauma Valley CA 92061  
bennaecalac@aol.com  
(760) 617-2872  
(760) 742-3422 - FAX

San Pasqual Band of Indians  
Kristie Orosco, Environmental Coordinator  
P.O. Box 365 Luiseno  
Valley Center, CA 92082 Diegueno  
**(760) 749-3200**  
council@sanpasqualtribe.org  
(760) 749-3876 Fax

San Luis Rey Band of Mission Indians  
Tribal Council  
1889 Sunset Drive Luiseno  
Vista, CA 92081  
760-724-8505  
760-724-2172 - fax

San Luis Rey Band of Mission Indians  
Cultural Department  
1889 Sunset Drive Luiseno  
Vista, CA 92081 Cupeno  
760-724-8505  
  
760-724-2172 - fax

La Jolla Band of Mission Indians  
James Trujillo, Vice Chair  
22000 Highway 76 Luiseno  
Pauma Valley CA 92061  
rob.roy@lajolla-nsn.gov  
(760) 742-3796  
(760) 742-1704 Fax

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

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

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





Matthew Rodriguez  
Secretary for  
Environmental Protection



E2

## Department of Toxic Substances Control

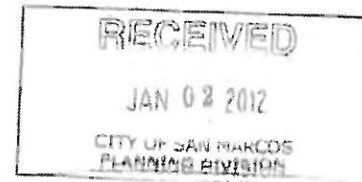
Deborah O. Raphael, Director  
5796 Corporate Avenue  
Cypress, California 90630



Edmund G. Brown Jr.  
Governor

#7

December 21, 2011



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

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

Dear Mr. Koller:

E2-1

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

E2-2

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

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

## **E2 Department of Toxic Substances Control**

- E2-1 This comment provides introductory remarks and summarizes the project description contained in the EIR. No further response is needed.
- E2-2 Table 3.8-1 in the Draft EIR identifies hazardous materials and sites located within the planning area as listed on the California Environmental Protection Agency's Cortese List (Government Code Section 65962.5). Section 3.8.4 of the Draft EIR provides a program level analysis of the threat to human health and the environment from potential hazardous materials conditions in the planning area. Mitigation Measures HM-1 through HM-4 are included in Section 3.8.5 to reduce potential impacts. In addition, the General Plan contains Goal S-4, Policies S-4.1 through S-4.4, and Implementation Programs S-4.1 through S-4.4 to protect the environment from the potentially harmful effects of hazardous materials and waste conditions within the planning area. As specific public sector and private sector development projects are proposed, additional environmental analysis will be undertaken to determine the threat to human health and the environment from potential hazardous materials. Additional environmental documentation and environmental studies, such as but not limited to investigations, sampling, and/or remediation, could be required for specific development projects. Appropriate mitigation measures could also be required if significant hazardous materials impacts are identified.

E2-2  
(Cont.)

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

E2-3

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

E2-4

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

E2-3 Refer to Response to Comment E2-2.

E2-4 Refer to Response to Comment E2-2.

- |       |    |   |
|-------|----|---|
| E2-5  | 4) | If buildings, other structures, asphalt or concrete-paved surface areas are being planned to be demolished, an investigation should also be conducted for the presence of other hazardous chemicals, mercury, and asbestos containing materials (ACMs). If other hazardous chemicals, lead-based paints (LPB) or products, mercury or ACMs are identified, proper precautions should be taken during demolition activities. Additionally, the contaminants should be remediated in compliance with California environmental regulations and policies.   |
| E2-6  | 5) | Future project construction may require soil excavation or filling in certain areas. Sampling may be required. If soil is contaminated, it must be properly disposed and not simply placed in another location onsite. Land Disposal Restrictions (LDRs) may be applicable to such soils. Also, if the project proposes to import soil to backfill the areas excavated, sampling should be conducted to ensure that the imported soil is free of contamination.   |
| E2-7  | 6) | Human health and the environment of sensitive receptors should be protected during any construction or demolition activities. If necessary, a health risk assessment overseen and approved by the appropriate government agency should be conducted by a qualified health risk assessor to determine if there are, have been, or will be, any releases of hazardous materials that may pose a risk to human health or the environment.  |
| E2-8  | 7) | If the site was used for agricultural, livestock or related activities, onsite soils and groundwater might contain pesticides, agricultural chemical, organic waste or other related residue. Proper investigation, and remedial actions, if necessary, should be conducted under the oversight of and approved by a government agency at the site prior to construction of the project.  |
| E2-9  | 8) | If it is determined that hazardous wastes are, or will be, generated by the proposed operations, the wastes must be managed in accordance with the California Hazardous Waste Control Law (California Health and Safety Code, Division 20, Chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations, Title 22, Division 4.5). If it is determined that hazardous wastes will be generated, the facility should also obtain a United States Environmental Protection Agency Identification Number by contacting (800) 618-6942. Certain hazardous waste treatment processes or hazardous materials, handling, storage or uses may require authorization from the local Certified Unified Program Agency (CUPA). Information about the requirement for authorization can be obtained by contacting your local CUPA. |
| E2-10 | 9) | DTSC can provide cleanup oversight through an Environmental Oversight Agreement (EOA) for government agencies that are not responsible parties, or a Voluntary Cleanup Agreement (VCA) for private parties. For additional information on the EOA or VCA, please see  |

- E2-5 Refer to Response to Comment E2-2.
- E2-6 Refer to Response to Comment E2-2.
- E2-7 Refer to Response to Comment E2-2.
- E2-8 Refer to Response to Comment E2-2.
- E2-9 Refer to Response to Comment E2-2.
- E2-10 The City appreciates DTSC comments. No further response is required.

Mr. Garth Koller  
December 21, 2011  
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E2-10  
(Cont.)

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

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

Sincerely,



Greg Holmes  
Unit Chief  
Brownfields and Environmental Restoration Program

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