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**CITY OF SAN MARCOS
PLANNING DIVISION**

E8

ORIGINAL

B3 1.
#15.

Mary H. Clarke
168 Elise Way
Oceanside, CA 92057
January 5, 2012

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

RE: Comments on Draft Program EIR for San Marcos General Plan Update

Dear Mr. Koller:

E8-1

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

E8-2

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

E8-3
(City)

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

E8-4
(City)

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

Following are comments/questions specifically related to the Biological Resources section of the SM GPU:

p. 3.4.1:

E8-5

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

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

E8 Sierra Club, Mary Clarke

- E8-1 Comment noted. The City appreciates ongoing conservation community work. Issues regarding the City's commitment to biological resources and conservation are addressed in the following responses.
- E8-2 For the purposes of this response, it is assumed the "biological resources overlay" referenced in the comment is Figure RCS-2 Biological Resources from the City of Vista General Plan 2010. This figure identifies vegetation communities throughout Vista. Equally, the Conservation and Open Space Element of the City of San Marcos General Plan maps vegetation communities in Figure 4-1; additional open space and conservation areas are mapped in Figure 4-3. By reference, the General Plan relies on the Multiple Habitat Conservation Plan (MHCP) and uses the MHCP Subarea Plan as a guide for open space. See Appendix D, Multiple Habitat Conservation Plan section starting on page B-32 of the General Plan. Areas that are the highest priority for protection (e.g. Critical Habitat) are identified in the subarea plan.
- E8-3 The City of San Marcos acknowledges that it participated in the AHWMP completed in August 2008 and that there is no specific reference to the AHMWMP in the Draft General Plan. The AHWMP is not an adopted plan by the City. The AHMWMP covers those portions of HSAs 904.32 and 904.31 within the jurisdictional area of San Marcos which covers only 1,422 acres of the entire general plan area. The City also has an upper San Marcos Creek Management Plan that covers the majority of the City of San Marcos (18,000 acres) which was not identified either. The Draft General Plan identifies the impairments and issues for the affected waterbodies which are listed in the AHWMP. The City coordinates with the City of Vista with issues associated with the AHWMP through the Carlsbad Watershed Urban Runoff Management Plan (CWURMP) process. The focus of the Draft General Plan is overall general compliance with state and federal 303(d) impairments for all water bodies in the City of San Marcos, including the tributary creeks to the Agua Hedionda Creek. The AH Creek and Buena Creek are identified throughout the Draft General Plan identifies through its discussion the key issues of the AHWMP which are its current 303(d) listings. Mitigation Measures HWQ-7, 6, 10, 11, and 12 are designed to address those issues related to water quality per the AHWMP objectives:
1. Design land use and infrastructure so as to minimize impacts on the watershed.
 2. Protect, restore and enhance habitat in the watershed.
 3. Restore watershed functions, including hydrology, water quality, and habitat, using a balanced approach that minimizes negative impacts.
 4. Support compliance with regional, state, and federal regulatory requirements.

5. Increase awareness and stewardship within the watershed, including encouraging policymakers to develop policies that support a healthy watershed.

In addition, none of the sub watersheds in the General Plan Planning Area within the Final AHWMP are listed as priority subwatersheds, although there are some recommendations for land acquisition and stream restoration. The City would implement the Mitigation Measures identified in the Draft EIR for the HSAs 904.31 and 904.32 in coordination with the City of Vista and using the AHWMP as a base. The City of San Marcos will add text to acknowledge coordination with the City of Vista and the AHWMP in the implementation of the General Plan, and Mitigation Measures of the Final EIR.

- E8-4 The City of San Marcos is committed to watershed planning through policies of the General Plan including but not limited to policies COS-6.1, COS-6.2, COS-6.3, COS-7.1, COS-7.2, COS-8.1, COS-8.2, COS-8.3, COS-8.4, COS-9.1, COS-9.2, and COS-9.3. The EIR commits the further watershed planning actions including but not limited to Mitigation Measures HWQ-6, HWQ-7, HWQ-10, HWQ-11, and HWQ-12 which address those issues related to water quality per the AHWMP. The City would implement the Mitigation Measures identified in the EIR for the HSAs 904.31 and 904.32 in coordination with the City of Vista and using the AHWMP as a base. Currently the City of San Marcos has open space generally identified in the same generalized location as the AHWMP; see Figure 4-3 of the General Plan. The City of San Marcos will add text to acknowledge coordination with the City of Vista and the AHWMP in the implementation of the General Plan, and Mitigation Measures of the Final EIR. The recommendation for land acquisition and stream restoration is highly dependent on many factors over many years and requires close watershed planning with the City of Vista.
- E8-5 The Draft EIR discusses critical habitat in section 3.4.1, Critical Habitat on page 3.4-26. The Draft EIR states, "Due to entitlements and development activities of San Elijo Hills community, this area has been deemed as "not a viable option" for conserving the unfragmented core area under the MHCP. The MHCP also designated Focused Planning Area hardline and softline conservation areas in the Double Peak slope areas (SANDAG 2003). Section 3.4.6 of the Draft 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.

- E8-6 | Also, there are significant natural habitats remaining in the areas at the southeastern corner of San Marcos, south of Cal State - San Marcos and west of the City limits. Please explain in detail why these areas of habitat are not mentioned in this section.
- p. 3.4-7:
- E8-7 | Vernal Pools. The vernal pool areas identified in the DPEIR are different from the vernal pool areas shown on the City of San Marcos Focused Planning Area map for the SM SAP. The vernal pool areas in the SAP include the ones between S. Pacific St. and Las Posas Road, plus 3 additional locations: (1) at the northeast corner of Grand and Pacific; (2) just south of Mission Road and east of Las Posas; and (3) the area adjacent to Fry's. (The latter has been restored and protected.) These areas are shown in Fig. 3.4-1 of the DPEIR in a sort of greenish-cream color, which I cannot find on the legend for that Figure. What does that color represent? Why are the locations identified as (1) and (2), above, not identified as vernal pool areas in the DPEIR?
- p. 3.4-9, first paragraph:
- E8-8 | What is the meaning of the following sentence? (There seems to be a misprint at the end of the sentence)
- "Although this information provides current information for a program-level description of existing conditions for jurisdictional waters, wetlands, and riparian habitat, the maps and figures provided in this document should not planning area."
- Figure 3.4-4:
- E8-9 | Why does this figure not show the wildlife corridor along Agua Hedionda Creek? Wildlife corridors typically run along waterways.
- E8-10 | Also, it appears that the top of the ridgeline from the P Mountain northward is indicated as a wildlife corridor. This seems an unlikely wildlife corridor, as wildlife typically move along riparian corridors and other protected areas. What evidence is there that this is a wildlife corridor?
- E8-11 | Finally, the wildlife corridor along San Marcos Creek should be linked between Mission Road and the southwest side of Hwy 78. Although there are some barriers to wildlife movement in this reach of San Marcos Creek, the City should consider how this wildlife corridor could be made complete and functional. No further barriers to wildlife movement along the creek should be allowed. Please note that the draft San Marcos MHCP Subarea Plan map shows the creek to the northeast and southwest of Hwy 78 as 100% conserved.
- p. 3.4-26, paragraph 2:
- E8-12 | Please explain why the previously designated MHCP "Gnatcatcher Core Area" has been deemed as "not a viable option." When and why did this happen? Who deemed it "not a viable option"?
- CONCLUSION
- E8-13 | Our Task Force is very concerned about region-wide conservation planning. The MHCP and North County MSCP are two major efforts to plan for conservation while designating areas that are appropriate for development. The County's North County MSCP, which is in the development stage, includes conservation planning for the area north of San Marcos, in the San Marcos Sphere of Influence. Completion of the City's MHCP subarea plan should show how the City intends to link its conserved areas to the County's MSCP. Linkages from San Marcos to conserved lands or lands planned for conservation in jurisdictions adjacent to San Marcos need to be identified and set forth in the General Plan and the MHCP subarea plan.

Pg. 3.
#15

E8-13
(Cont.)

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

Sincerely,



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

E8-6 As stated in response E8-2, determinations and mapping within the MHCP and Subarea Plan serve as a guide for development and conservation within San Marcos. Section 3.4.1 of the Draft EIR is addressing locations where remaining habitat is “primarily” limited to; this is not intended as an exhaustive list of native habitats. Natural habitats in the areas south of California State University San Marcos are mapped in Figure 3.4-1, San Marcos Vegetation Communities. This area is delineated as primarily Chaparral with some Southern Mixed Chaparral. Limited areas of open space parks in the vicinity are mapped in Figure 3.4-2. Portions west of the City limits are outside the Planning Area addressed by the Draft EIR.

E8-7 Figure 3.4-1 delineates vegetation communities for the entire Planning Area. The inset map on Figure 3.4-1 focuses on the vernal pools between S. Pacific Street and S. Las Posas road as these are considered the most valuable and productive vernal pools in the Planning Area. All three of the “additional locations” identified in the comment are shown in Figure 3.4-1 as Valley and Foothill Grassland;” vernal pools are distributed within this habitat and represent a small although important portion. Mapping at the scale required for a General Plan cannot capture all of these features and is not intended to serve as detailed mapping for individual properties. Detailed mapping of vegetation community, vernal pools and aquatic features will be required, as applicable, for all project level analysis prior to approval.

E8-8 The City appreciates the thorough reading of the document. This sentence has been revised in the Final EIR to read, “Although this information provides current information for a program-level description of existing conditions for jurisdictional waters, wetlands, and riparian habitat, the maps and figures provided in this document should not be considered parcel-specific mapping for any property within the planning area.”

Section 15146 of the CEQA Guidelines confirms that an EIR for a general plan should not and indeed cannot, provide as much detail as an EIR for a specific development project.

E8-9 The Agua Hedionda Creek wildlife corridor will be added to Figure 4-2 in the General Plan and Figure 3.4-4 in the EIR. It should be noted that Agua Hedionda Creek wildlife corridor is designated as Open Space in the General Plan, as shown on Figure 4-3 in the Conservation and Open Space Element of the General Plan. By virtue of its Open Space designation, development will not be allowed within this corridor. This area is part of the San Marcos Highlands Specific Plan Area and appropriate mitigation measures from the environmental documentation prepared for the Specific Plan are required to be implemented to protect this area. Please refer to Response to Comment E15-14 for further discussion of the San Marcos Highlands Specific Plan.

- E8-10 P Mountain is currently a primarily undeveloped open space within the City. Figure 3.4-2 delineates much of P Mountain as General Plan Open Space Land Use and Existing Open Space/Preserve Land Use; see section 3.4.1. Wildlife Corridors are further addressed in this section starting on page 3.4-9. For the purposes of the Draft EIR, wildlife movement corridors in an urban context such as San Marcos are defined as, “a linear landscape feature of sufficient width and buffer to allow animal movement between two patches of comparatively undisturbed habitat, or between a patch of habitat and some vital resources. Regional corridors are defined as those linking two or more large areas of natural open space, and local corridors are defined as those allowing resident animals to access critical resources (food, cover, and water) in a smaller area that might otherwise be isolated by urban development.” The position of P Mountain as open space within the City, extending into the sphere of influence and contiguous to MHCP and regional open space conservation areas makes it reasonable to assume wildlife moved through this area and connects to other open spaces. As identified in section 3.4.1, P Mountain is also identified as a location of remaining native habitat which would support wildlife.
- E8-11 Comment noted. Section 3.4.1 of the Final EIR discusses the fragmented setting of native habitat and wildlife corridors due to urbanization. As stated in response E8-2, determinations and mapping within the MHCP and Subarea Plan serve as a guide for development and conservation within San Marcos.
- E8-12 The sentence referenced in the comment is from section 3.4.1 and reads, “Due to entitlements and development activities of San Elijo Hills community, this area has been deemed as “not a viable option” for conserving the unfragmented core area under the MHCP. The MHCP also designated Focused Planning Area hardline and softline conservation areas in the Double Peak slope areas (SANDAG 2003).” This is referencing the Final MHCP Plan, March 2003. Section 3.3 of the MHCP, page 3-19) identifies San Elijo Ranch as a remaining block of habitat that will not be substantially conserved due to land holding development agreements. In the case of San Elijo Hills, as referenced within the Questhaven/La Costa Meadows Neighborhoods, the community currently developed and/or underdevelopment based on previous development agreements and City approval.
- E8-13 Comment noted. The City acknowledges the ongoing conservation efforts of regional entities and incorporates by reference the MHCP and MSCP into the General Plan. Section 3.4.1 of the Final EIR documents the existing setting of conservation and biological resources within the Planning Area. Wildlife corridor linkages from San Marcos to surrounding conservation areas are illustrated in Figure 3.4-4. Open space areas within the City that demonstrate clear connections to surrounding adjacent areas are documented in Figure 3.4-2.

This comment requires further response from the City regarding the MHCP Subarea Plan. This response will be provided by 1/17/2011 and will be included in the final version of this Response to Comments Appendix.

E9

BRIGGS LAW CORPORATION

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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:

E9-1

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

E9 Briggs Law Corporation c/o Creed-21

E9-1 While the City has provided thoughtful written responses to all significant environmental issues raised in comments, a Lead Agency is not required to respond to “non-project-specific secondary materials” submitted to support comments on CEQA documents. (Environmental Protection & Information Center v. California Department of Forestry And Fire Protection (2008) 22 Cal.4th 459, 484.) Comments and issue “must be ‘fairly presented’ to the agency...Evidence must be presented in a manner that gives the agency the opportunity to respond with countervailing evidence.” (See Citizens For Responsible Equitable Environmental Development v. City Of San Diego (2011) 196 Cal.App. 4th 515, 528.) Thus, the City is not required to respond to voluminous attachment with little or no nexus to the General Plan EIR, particularly where the commenter has not explained the relevance of the attachment.

As a courtesy, a discussion of selected attachments where a clear relevance/nexus is available is addressed below:

The General Plan and EIR both reference the *CAPCOA: Model Policies for Greenhouse Gases in General Plans* document (attachment GHG1). Example policies were used to formulate Implementation Programs and Mitigations Measures including but not limited to: GHG-2, GHG-5 and WRD-2.3.

The California Environmental Quality Act: On The Front Lines of California's Fight Against Global Warming. Center for Biological Diversity Report (attachment GHG5) lists suggested provisions for general plans on page 11. Seven of the eight suggested provisions are incorporated into the planning, goals, policies, Implementation Programs and Mitigations Measures of the General Plan and EIR.

Green Communities Compliance Manual 2008. After review of the *Green Communities Compliance Manual 2008* (attachment GHG22), the General Plan addresses many of the outlined ideas.

Attachments GHG32 through GHG38 are California State Attorney General's Office comments on other General Plan documents. The California State Attorney General's Office did not submit a comment on this General Plan or EIR.

The General Plan incorporates goals, policies and Implementation Programs addressing conservation of water supplies. Further Mitigation Measures are provided in section 3.9.5 and 3.14.5 regarding water conservation at various levels. Ideas presented in *Water Use Efficiency Ideas* (attachment WS11), while they may have merit, are beyond the scope of the General Plan to regulate. Steps like these would need to be taken on a by-property, by-building, by-occupant basis.

16.

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

16.

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"

16.

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"



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:

E10-1

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.

E10-2

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.

For numbers by Department: Administration (760) 744-2736; Engineering (760) 744-3507; Finance (760) 744-5989; Meadowlark Water Reclamation Facility (760) 744-2435; Operations/Maintenance (760) 744-5246

E10 Vallecitos Water District

E10-1 The comment is noted. The City appreciated the comments provided as introduction to the comment letter.

E10-2 The comment is noted. The City appreciates clarification of the rules and regulations of the Vallecitos Water District (VWD) regarding new development within Focus Areas, the responsibility of the VWD and private developers/land owners, and easement requirements. The pending update of the Zoning Ordinance will address issues related to structures over VWD facilities and required setbacks; these items are outside the scope of the General Plan. Policy LU-17.4 of the General Plan requires all utilities to be shown on site plans; this will help to ensure your requirements are met.

In support of the VWD adopted Ordinance No. 162 (2009), the General Plan includes the following policies, Implementation Programs and Mitigation Measures addressing water conservation: policies LU-2.5, LU-13.2, COS-4.7, COS-5.1, COS-5.2, and COS-5.3; Implementation Programs LU-8.6, COS-5.3, COS-5.4, COS-5.5, COS-7.4; EIR Mitigation Measures addressing water conservation include GHG-2, GHG-5, GHG-10, HWQ-2, HWQ-3, HWQ-4, PSU-1, PSU-3, and PSU-4.

18.

Mr. Garth Koller
Draft PEIR/City of San Marcos General Plan and Zoning Ordinance Update
January 5, 2012
Page 2

E10-2
Cont.

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

E10-3

- 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

E10-4

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

M:\Engineering\Comment\CAPITAL\San Marcos General Plan\San Marcos General Plan Draft EIR.doc

- E10-3 Comment noted. The Draft EIR determined impacts would not be cumulatively considerable. This conclusion is based on design features of the General Plan and Mitigation Measures of the EIR that address appropriate CEQA analysis and project-specific studies to provide for adequate service and infrastructure.

Within the Land Use and Community Design Element, the General Plan discusses water supply issues starting on page 2-38 and wastewater infrastructure including working with water districts to plan and maintain facilities on page 2-40. Furthermore, the General Plan includes policies and Implementation Programs addressing these issues; policies LU-8.1, LU-8.2, LU-8.3, LU-14.1, and LU-14.2; Implementation Programs LU-7.1, LU-7.2, LU-8.5, and LU-8.11. Per CEQA requirements, individual development projects would be reviewed for project-specific impacts, including water and wastewater infrastructure, and wastewater capacity, during any required environmental review. If project-specific significant impacts are identified, applicable mitigation measures will be placed on the project as conditions of approval.

- E10-4 Mitigation Measure PSU-1 has been deleted from section 3.14.5 of the Final EIR. Per the discussion of section 3.14.4, other water districts and future projects use or intend to utilize recycled wastewater services. However, at this time the City cannot commit to requiring the recycling of wastewater when existing and near-future capacity is not available. Elimination of Mitigation measure PSU-1 does not change the conclusion regarding significant impacts related to water infrastructure and water supply.

Mr. Garth Koller
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	irrigation of open space and recreational areas to the extent possible.
E10-4 Cont.	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.
	<ul style="list-style-type: none"> 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.
E10-5	<p>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).</p> <p>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.</p>
E10-6	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.
E10-7	<ul style="list-style-type: none"> 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. <p>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</p>

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E10-5 Mitigation Measure PSU-2 is intended to address City-associated fee programs, including those fees associated with and/or reduced for affordable housing. The City appreciates the acknowledgment that VWD is updating its capacity fee ordinance for water and wastewater services. As stated in response E10-3, the General Plan provides design features, policies and Implementation Programs to directly tie development approvals to relevant studies and the ability to provide adequate infrastructure. See response E10-3 for further discussion and details.

E10-6 See response E10-5, first sentence.

E10-7 Mitigation Measure PSU-3 specifically states the word “consider” to infer that identified and/or future alternatives will be considered as available/feasible for all water providers serving the Planning Area. The Draft EIR discusses individual water districts and sources in section 3.14.2 and 3.14.4.

See response E10-4 regarding recycled wastewater services and the associated eliminated Mitigation Measure.

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E10-7
 Cont.

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

E10-8

- 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

E10-9

- 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

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E10-8 Comment noted. The City appreciates the provision of updated information. The Final EIR has been revised to reflect that, “as of the 2010 Census, VWD currently has a population of approximately 94,900 within a 45-square-mile boundary in north San Diego County.”

E10-9 See response E10-3, second paragraph; the General Plan provides design features, policies and Implementation Programs to directly tie development approvals to relevant studies and the ability to provide adequate infrastructure. See response E10-3 for further discussion and details.

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E10-9
 Cont. 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

E10-10 • 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

E10-11 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?

E10-12 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

E10-13 • 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

E10-10 This comment pertains parenthetically to Table 3.14-5 starting on page 3.14-23 of the Final EIR. Due to an error, Table 3.14-5 accounts for approximately half of the planning area acreage. This table does not account for Specific Plan Areas identified in Figure 2.0-2 of the Final EIR. Specific Plan Areas were not accounted for in Table 3.14-5 due to the manner in which these areas are mapped; generally development capacity of the Specific Plan Areas has historically be calculated by number of dwelling units and/or non-residential square footage rather than by acres per land use type. This mapping condition does not allow for the VWD estimated water demand calculation as reflected in the Table 3.14-5 for the other land uses within the Planning Area. A footnote has been added to Table 3.14-5, page 3.14-24, to state, “*Table accounts for 10,178 of 21,162 acres of the Planning Area. Acreage for Specific Plan Areas as mapped on Figure 2.0-3 are not included in calculation.”

Due to the conditions stated above, the following statement from section 3.14.4 Water Supply is inaccurate: “By comparing existing land use patterns to the 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 reference to 16,000 acre feet has been struck. Textual discussion has been added to this section to more accurately discuss and reflect water demand calculations for expected development capacity.

As noted in Response to Comment E10-9, VWD’s 2008 Master Plan indentifies improvement and expansions necessary to serve the approved land use within its service areas as of June 30, 2008. Land use changes under the General Plan are limited to those Focus Areas identified in 2.0-4 of the Final EIR. Of the 47 Focus Areas considered for land use changes, only 33 Focus Areas ultimately experience land use changes under the General Plan. Land use changes different from, or in excess of, approved land uses in 2008 as considered by the VWD 2008 Master Plan are limited to these 33 Focus Areas.

In Appendix D of the General Plan and Appendix D of the EIR, Table D-1:San Marcos Focus Areas have been updated to include a “Total Area” column to provide acreages for each Focus Area. Based on the acreages added to Table D-1, the total land use acreage changed within the 33 Focus Areas is 1,531.98 acres; this represents a change to 7.2% of the total Planning Area. The majority of Focus Areas experiencing land use changes would be considered developed or infill properties for which an active land use would have been accounted for in the VWD 2008 Master Plan demand calculations; these include the following Focus Areas and brief description of the land use change that is unlikely to impact future water demand:

- Focus Areas 1, 2, and 3; these are large blocks of the existing urban core of San Marcos. The majority of land in the area is currently developed. Land use changes in these Focus Areas would primarily be applied to redevelopment projects. Where land

is currently vacant, the previous land use would have been accounted for in the VWD 2008 Master Plan. In some instances the new land use may be a more or less intense water demand land use, however the increase in water demand would be limited due to previously accounted for land use designations.

- Focus Area 9, land use changes rebalancing the planned uses. This property's previous land uses would have been accounted for in the VWD 2008 Master Plan. The land use changes reflected in the General Plan merely change the location and disposition of land uses, however do not necessarily increase water demands.
- Focus Area 22/Focus Area 45; the land use change represents a decrease in the number of permitted residential units from the permitted land use accounted for in the VWD 2008 Master Plan.
- Focus Area 29, land use change from specific uses (AG/RR/MDR/OS) to a Specific Plan Area land use designation. This land use change does not impact the number of permitted dwelling units on the site, rather the change requires additional public review in the future under a Specific Plan. Limited to no water demand change.

Overall, the land use changes identified for the Focus Areas are a revision of uses, not new designations for land that would have been previously unaccounted for in the VWD 2008 Master Plan. Specific Plan Areas as identified in Figure 2.0-3 were, for the most part except where overwritten by a Focus Area, established in, if not buildout, by 2008, thus water demand for these areas would have been within the the VWD 2008 Master Plan calculation. Based on the facts above, calculation of water demand based on the expected development capacity (including the Focus Areas and Specific Plan Areas) would result in an increased water demand by 2030, however not to a significant degree based on the limited extend of actual land use changes identified by the General Plan.

E10-11 See response E10-10 for a discussion on Table 3.14-5. The acreage calculated in Table 3.14-5 does not adequately account for the entire Planning Area as Specific Plan Areas are not reflected in the calculations. Response E10-10 addresses revisions to the Final EIR to account for this error and supplement the water supply/demand discussion.

E10-12 The City appreciates the thorough reading of the document and provision of more accurate information. The Final EIR revises the VWD land use category associated with the General Plan designation "Low Density Residential" to "Residential 4-8 du/ac." as consistent with VWD 2008 Master Plan.

E10-13 The City appreciates the thorough reading of the document and provision of more accurate information. The Final EIR, section 3.14.4, revises the referenced sentence. The

statement now reads, “VWD anticipates relying on the SDCWA surface water and groundwater for its water supply in the foreseeable future.”

E10-14

- 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

E10-15

- 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

E10-16

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

E10-14 The City appreciates the suggestion of an analysis of additional wastewater flows; however, this study is not being undertaken at this time.

The General Plan includes Policy LU-14.1 addressing working with service providers to ensure adequate wastewater system(s). The Draft EIR addresses alternative water source options and potential environmental impacts in section 3.14.4 starting on page 3.14-29. This section includes discussion of the Encina Water Pollution Control Facility and other current and future alternative source options. Should the VWD require upgrading of land outfall and additional wastewater treatment capacity from Encina Water Pollution Control Facility, this shall be the responsibility of the VWD and outside the control of the City. At this time, the City maintains the planning and policies of the General Plan support adequate water and wastewater infrastructure and coordination with applicable water districts; no language regarding VWD and Encina Water Pollution Control Facility are necessary.

E10-15 See responses E10-3 and E10-5 regarding project-level studies for services and infrastructure.

The City acknowledges that planning efforts of the General Plan could not be planned for in the VWD 2008 Master Plan (VWDMP). Population / service projections of the VWDMP were based on SANDAG 2050 Regional Growth Forecast Update coverage to the average daily demand of all water use sectors within the service district. Table 9.0-1 demonstrates current SANDAG projections plus approved planned units that occurred prior to update of the General Plan; this is a more comprehensive service number. Table 9.0-2 compares General Plan expected development capacity to existing development and extrapolated SANDAG 2050 Regional Growth Forecasts from Table 9.0-1. The planned capacity population estimate in the Table 2.0-3 as revised for the Final EIR (128,040 persons / 44,734 dwelling units) is 3,061 dwelling units more than SANDAG/approved projections. This indicates merely seven percent of the General Plan expected development capacity would be unplanned for per the VWDMP. Furthermore, VWD does not serve this entire existing or expected population. All new development/redevelopment (covered under VWDMP, within Focus Areas or other locations within the City) will be subject to project-specific CEQA analysis. As discussed in response E10-3, development approval will require infrastructure/service studies and CEQA environmental analysis. If project-specific significant impacts are identified, applicable mitigation measures will be placed on the project as conditions of approval.

**Table 9.0-1
Comparison of Population: SANDAG 2050 Growth
Forecast to General Plan Expected Capacity**

Population Factor	SANDAG Projections
SANDAG 2050 Regional Growth Forecast (2030 projections March 2011 update - city limits only)	101,298
University District SPA (units planned for prior to the General Plan - not assumed in SANDAG Growth Forecast)	10,404
Focus Area 4 - Richmar SPA (units planned for prior to the General Plan - unapproved units only)	890
Sphere of Influence (SOI) (Assumed 10% growth from existing conditions)	6,593
Expected dwelling unit capacity of the GP with the planned land uses*	119,185
Dwelling Unit Estimate based on projected Population	41,673

**Table 9.0-2
Comparison of Population:
SANDAG 2050 Growth Forecast to General Plan Expected Capacity**

Population Factor	Existing	SANDAG Projections	General Plan	SANDAG / General Plan Difference
Population / Dwelling Unit Capacity	90.385	119,185*	128,040	8,855 (7.4%)
Dwelling Units	30,635	41,673*	44,734	3,061 (7.3%)

*From Table 9.0-1

E10-16 See response E10-4.

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- irrigation of open space and recreational areas to the extent possible.
- E10-16
 Cont. | 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.
- E10-17 | • 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.
- E10-18 | 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

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E10-17 See response E10-5.

E10-18 See response E10-5.

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E10-18
 Cont.

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

E10-19

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.

E10-20

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.

E10-21

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

E10-19 See response E10-15 and E10-3 regarding planning for infrastructure.

E10-20 See response E10-3 regarding development approval ties to require infrastructure/service studies and CEQA environmental analysis.

E10-21 Comment noted. These issues are reflected in the EIR discussion of Program-level water supply impacts in section 3.14.4, and cumulative impacts in section 4.2. The City understands commitments to provide service are made by the VWD Board of Directors and are subject to compliance with VWD fees, charges, rules and regulations.

18.

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

E10-22 | 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

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E10-22 Comment noted. Future notification, if applicable, will be provided.

E11

#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").

E11-1

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.

E11-2

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

E11 Jack Gorzeman

- E11-1 The recommended land use changes for Focus Area 9 (Hanson C-5) were appropriately analyzed in the Draft EIR. As described on page 1.0-1 of the Draft EIR, a Program EIR is prepared for a series of actions that can be characterized as one project. As discussed by the California Supreme Court, “it is proper for a lead agency to use its discretion to focus a first-tier EIR on only the...program, leaving project-specific details to subsequent EIRs when specific projects are considered.” (In re Bay Delta (2008) 43 Cal. 4th 1143, 1174). An advantage of a Program EIR is that it allows the lead agency to consider broad policy alternatives and “program wide mitigation measures” at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts. (CEQA Guidelines §15168(b)(4).)

The General Plan Advisory Committee (GPAC) recommended land use changes for Focus Areas 9, as well as all other Focus Areas, were included in the calculations for the citywide San Marcos General Plan Expected Development Capacity (refer to Table 2.0-2 in the Draft EIR). For the purposes of a Program EIR analysis, this is an appropriate mechanism to assess changes from existing conditions. Refer to Table 2.0-3 in the Draft EIR which compares the expected development capacity resulting from long-term implementation of the General Plan policy to existing land use conditions.

The General Plan is a broad-based planning document, not a final site plan. It is not the intent of this document to provide site-specific analysis. While the land use designation changes proposed in the General Plan and analyzed in the Draft EIR will guide what type of development is allowed to occur on a particular site, the actual development is driven by many outside factors, including physical characteristics of a parcel; access and infrastructure issues; compatibility considerations; and market conditions and demands. The Program EIR can serve as a first-tier document for later CEQA review of individual projects included in the program, such as development of Focus Area 9.

- E11-2 The land use assumptions for Focus Area 9, as included in appendix D-2, are accurate assumptions. The graphic on the project website has been updated in response to this comment. Also, Appendix D-1 has been revised to include graphic illustrations that depict land use designations for all “Land Use Special Conditions, which includes Focus Area 9.

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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 92069Attention: Garth Koller, Principal Planner, c/o Lisa Kiss, Planning Secretary, City of San
Marcos Planning DivisionRe: *San Marcos Unified School District Comments Regarding City of San Marcos
Proposed General Plan and General Plan Draft Environmental Impact Report*

Dear Mr. Koller:

E12-1

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.

E12-2

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

E12 Bowie, Arneson, Wiles & Giannone C/O San Marcos Unified School District

E12-1 This comment provides opening remarks and no further response is needed.

E12-2 This comment summarizes the estimated increase in SMUSD K-12 students based on the increase in dwelling units as estimated from the General Plan's expected development capacity and SMUSD's student generation rate. It should be noted that there was a mathematical error in Table 2.0-3, Expected Development Capacity Comparison from Existing Conditions. None of the land use assumptions used to calculate the expected development capacity as provided in the Draft EIR have changed; the discrepancy is an addition error. This error has been corrected, as shown in ~~strikeout~~ and bold below:

**Table 2.0-3
Expected Development Capacity Comparison to Existing Conditions**

	City	SOI	Planning Area Total	Net Change	Percent Change
Population					
Existing 2010	84,391	5,994	90,385	---	---
Expected Development Capacity	121,446	6,539	128,040	37,655	42%
Housing					
Existing 2010	27,744	2,891	30,635	---	---
Expected Development Capacity	41,551	292 3,183	41,843 44,734	11,208 14,099	37% 46%
Non-Residential Square Feet					
Baseline	N/A	N/A	11,584,883*	---	---
Expected Development Capacity	N/A	N/A	32,917,133	21,332,250	184%

Source: SANDAG 2011b; AECOM 2011

*Note: Under-reported. Estimated by retail, industrial and office inventory (KMA & CoStar), does not include full inventory of public buildings

Due to the correction of this error, the net change in dwelling units from existing conditions compared to General Plan expected development capacity is 14,099 dwelling units. Based on the SMUSD student generation rate, an anticipated increase of 6,378 students would occur with implementation of the General Plan. This correction has been made in the following Sections of the Draft EIR: 3.0-XX. It should be noted that this does not change the significance of any impact conclusions stated in the Draft EIR.

This comment also outlines concerns that are expanded upon throughout the remainder of the letter. Responses to these comments are provided in Responses to Comments E12-3 through E12-10. For responses to suggestions provided in Attachment A, please refer to Responses to Comments E12-11 through E12-20.

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Contd.

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*

E12-3

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*

E12-4

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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E12-3 It is not the intent of the General Plan document to provide an analysis of School Facilities needs as school facilities planning is beyond the purview of the City. As part of the General Plan's Implementation Plan (Appendix A of the General Plan), Implementation Program LU-8.2 requires the City to coordinate annually with SMUSD in the preparation of facilities master plans, and identification of future school and administrative facility sites, student generation formulas, and facility improvement plans. The City has a long history of working closely with SMUSD to plan for the development of schools within San Marcos and will continue to do so upon implementation of the General Plan update.

E12-4 The City appreciates the cost information presented. No questions or new information regarding the environmental analysis within the Draft EIR were raised; therefore, no further response is required.

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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

E12-5

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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E12-5 The City appreciates the cost information presented. Refer to Response to Comment E12-6.

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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

E12-5
Cont.

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

E12-6

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

E12-7

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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- E12-6 Mitigation agreements for impacts on school facilities are negotiated between the developer and the school district. As stated in the Land Use and Community Design Element, the General Plan contains policies aimed to ensure that existing and future development is adequately served by infrastructure and public services, including schools. Policy LU-8.1 requires that all new development pay its fair share of required improvements to public facilities and services. In addition, Policy LU-8.2 promotes development timing that is guided by the adequacy of existing/expandable infrastructure, services, and facilities. These policies are inclusive of school facilities. Appendix A (Implementation Plan) includes Implementation Program LU-7.2 which requires new development to pay for infrastructure and services. The City will continue to operate within its purview and implement the General Plan the policies and programs stated above. However, mitigation for impacts on school facilities is the responsibility of the school district and the developer.
- E12-7 The commenter cites a recent court case, *Chawnanakee Unified School District v. County of Madera*, to support their statement that the “payment of school fees is not full and complete mitigation of the environmental impacts for the General Plan” and that the Draft EIR inappropriately concludes that impacts on school facilities are less than significant.

Under SB 50, the school fees levied against development projects by school districts to fund construction or reconstruction of school facilities are “the exclusive methods of considering and mitigating impacts on school facilities that occur or might occur” as a result of approval of development projects under CEQA.

As articulated by the ruling in the *Chawnanakee* case, SB 50 strictly limits the disclosure, discussion and analysis of the physical impacts of new development on school grounds, school buildings and “any school-related consideration relating to a school district’s ability to accommodate enrollment.” As stated in Section 3.14.4 of the Draft EIR, SMUSD is able to collect such fees to fund new school construction needed as a result of new development and through funding provided by the State School Facilities Program, as well as other funding established through negotiations leading to mitigation agreements between SMUSD and developers within the district and the establishment of community facilities districts. The environmental effects of expansion, construction, and operation of additional school facilities will be evaluated by SMUSD in its efforts to plan for construction of new schools or expansion of existing facilities as individual projects move forward through the environmental process conducted by SMUSD. Further, pursuant to Section 15145 of CEQA, analysis of the physical changes in the planning area, which may occur from future construction of specific school facilities, would be speculative and no further analysis of their impacts is required. Therefore, the impact on school facilities as a result of implementation of the General Plan is less than significant.

However, the *Chawnanakee* case did clarify that impacts on the physical environment that are not school facilities (such as traffic, air quality, and noise), are not excused from consideration and mitigation and must be included in the EIR. All existing and planned land uses designated for schools have been assumed in the General Plan's expected development capacity and therefore have been adequately analyzed throughout the Draft EIR. For clarity, the language has been added to Section 3.14.4 of the EIR to acknowledge that impacts associated with implementation of the General Plan on the physical environment that are not school facilities, such as air quality, noise, and traffic, have been analyzed in their specific sections of this Draft EIR; sections 3.3, 3.11, and 3.16 respectively.

Please refer to Response to Comment E12-3 to address the comment about school facilities analysis.

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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.

E12-8

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

E12-8 At the program level, the General Plan expected development capacity assumes a non-residential square footage for all public and institutional uses throughout the planning area, including existing and planned school facilities and have therefore have been adequately analyzed throughout the Draft EIR as part of the overall program being evaluated. However, analysis of the specific physical changes in the planning area which may occur from future construction of school facilities would be speculative at this time and no further analysis of their impacts is required pursuant to Section 15145 of CEQA. Construction of any new school facilities would be subject to CEQA documentation prepared by SMUSD for its future facilities. Project-specific environmental documentation prepared pursuant to CEQA would identify potentially significant impacts and appropriate mitigation measures at the project level.

While the City intends to coordinate with SMUSD in school facilities planning, it is not within the scope of the General Plan or the Program EIR to analyze school facility needs or determine impacts based on speculative information about future school construction.

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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

E12-9

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.

E12-10

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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E12-9 Please refer to Response to Comment E12-6.

E12-10 This comment summarizes statements made throughout the letter. No new questions or new information regarding the environmental analysis within the Draft EIR were raised; therefore, no further response is required.

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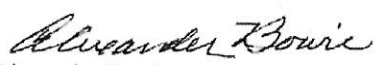
E12-10
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avoid violations of CEQA, and produce the most desirable long-term outcome. Including a plan for School Facilities in the General Plan, in addition to strengthened General Plan language that promotes sufficient funding of School Facilities, 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 an 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


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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EXHIBIT A

Suggested Modifications to General Plan¹²

1. Introduction Page 1-11:

E12-11

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

E12-12

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 strikethrough.

E12-11 The Guiding Themes were developed through an extensive public process, which is detailed in the General Plan's Introduction chapter. The General Plan also includes policies and Implementation Programs address coordination between the City and SMUSD for school facilities planning and improvements (refer to Policy LU-11.1 and Implementation Program LU-8.2). The City appreciates the suggested language provided; however, it will not be added to the Guiding Themes as the spirit of the language is mirrored in existing policy language.

E12-12 The San Marcos Unified School District has been added to the list of entities included in the General Plan's Introduction under the heading *Next Steps Toward a Sustainable San Marcos*; see page 1-14 in section 1.3.

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3. Introduction Page 1-18

E12-13

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

E12-14

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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E12-13 The City appreciates the suggested language provided; however, it will not be added to the Introduction describing the Land Use and Community Design Element. The General Plan's Land Use and Community Design Element and Mobility Element contain policies to develop a land use pattern that is compatible with, and supports a variety of, mobility opportunities (refer to Policies LU-3.1 through LU3.5). The Mobility Element Complete Streets is a development guide to balance the needs of all users, including school children, in the planning, design, and construction of transportation projects.

E12-14 The City appreciates the suggested language provided; however, it will not be added to the Land Use and Community Design Element of the General Plan. This type of analysis language is included in the Section 3.14.4 of the EIR. In addition, please refer to Response to Comment E12-6.

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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.

E12-15

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.

E12-16

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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E12-15 The City appreciates the suggested language provided; however, it will not be added to Policy LU-8.1 of the General Plan. Please refer to Response to Comment E12-6.

E12-16 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.

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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.

[...]

E12-17

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:

E12-18

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:

E12-19

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

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E12-17 The City appreciates the suggested language provided; however, it will not be added the suggested policy to the General Plan as the spirit of the suggested language is mirrored in existing policy language.

E12-18 The cited Implementation Program relates to developing green-collar jobs and the suggested language is not applicable. Therefore, it has not been added to Implementation Program LU-4.1.

E12-19 The City appreciates the suggested language provided; however, it will not be added to Implementation Program LU-8.2. Please refer to Response to Comment E12-6.

20.

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E12-19
Cont.

- 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.**

E12-20

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.

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E12-20 In review of Government Code Section 65996 (a)(2)(b), the language in Appendix B related to Senate Bill 50 – Leroy Green School facilities Act of 1998 will not be modified as suggested.