



The County of San Diego

Planning Commission Hearing Report

Date:	August 5, 2016	Case/File No.:	PDS2016-TM-4700TE2, PDS2016- ER-87-08-081B
Place:	County Conference Center 5520 Overland Avenue San Diego, CA 92123	Project:	Country Estates Tentative Map Time Extension
Time:	9:00 a.m.	Location:	Easterly terminus of Deeb Drive and Northerly terminus of Hardell Lane
Agenda Item:	#1	General Plan:	RL-20 (Rural Lands)
Appeal Status:	Appealable to the Board of Supervisors	Zoning:	(RR) Rural Residential
Applicant/Owner:	Joseph H. Jaoudi	Community:	North County Metropolitan Subregional Plan Area/Twin Oaks Community
Environmental:	N/A	APNs:	178-160-04 & 05

A. EXECUTIVE SUMMARY

Requested Actions

This is a request for the Planning Commission to evaluate the Director's determination on the Tentative Map Time Extension, and take the following action: Uphold the Director's Determination, included in Attachment B, that the Time Extension should be denied.

B. REPORT SUMMARY

1. Summary

The purpose of this staff report is to provide the Planning Commission with the information necessary to consider upholding the Director's Preliminary Notice of Decision denying the Country Estates Tentative Map Time Extension.

The Tentative Map and Major Use Permit (MUP) would subdivide 77.9 acres into 55 residential lots, and three open space lots. An MUP for a Planned Development is also associated with the Tentative Map to allow for clustering and lot area averaging. The Tentative Map and MUP were

originally filed on September 8, 1987. On November 20, 1998, the project was denied at the Planning Commission. Reasons of denial included density, increased traffic, sight distance, infrastructure, and fire safety. The applicant appealed the decision to the Board of Supervisors, who approved the project on February 17, 1999. Immediately after the Board of Supervisors approval, a challenge to the Environmental Impact Report (EIR) was filed in court. The Court found the EIR deficient in Biology, Noise and Fire review and required changes. On February 2, 2005, the application was reheard by the Board of Supervisors. The Board rescinded the previously approved environmental documents and approved the revised EIR and Resolution (see Attachment 1 for Project History Timeline).

Since the 2005 approval, there was one Stay of Time Period and four State of California enacted Automatic Time Extensions, which extended the expiration date to March 23, 2016. The applicant filed for a Time Extension on March 17, 2016. The Time Extension submittal resulted in a 60-day automatic extension to May 23, 2016. The applicant did not complete all of the conditions needed to record a Final Map before May 23, 2016 and the Tentative Map expired (see Attachment F). If approved, the Time Extension may allow up to a maximum of six additional years to record the Tentative Map. The request for a Tentative Map Time Extension under Government Code Section 66452.6(e) was evaluated against the updated General Plan designation for the property and other current requirements, including CEQA and updated Regional Water Quality regulations.

The Director of Planning & Development Services (PDS) issued a "Preliminary Notice of Decision" denying the Time Extension on June 24, 2016.

2. Subject Property and Surrounding Land Uses

The site is approximately 77.9 acres and is located at the easterly terminus of Deeb Drive and northerly terminus of Hardell Lane, in the Twin Oaks Valley Community portion of the North County Metropolitan Subregional Plan area, within the unincorporated area of the County of San Diego (see Figure 1). The property is approximately one-quarter mile east of the City of Vista, two miles north of the City of San Marcos, and over two miles west of Interstate 15.

Surrounding land uses primarily consist of residential development to the west and south (see Figure 2). Land to the north is primarily vacant lands, with steep to rolling hills. Land to the east is large lot residential and commercial farmland. Existing parcels to the east and south are typically between one to two acre lots, although smaller lots occur within the City of Vista and the City of San Marcos. Parcels to the east range between four and 12.4 acres. Lots to the north are large, vacant lots, most between 39.1 to 71.1 acres in size, and are designated as draft Pre-Approved Mitigation Area (PAMA), within the Draft North County Multiple Species Conservation Program (MSCP). Buena Creek Road is located approximately one mile south of the site.

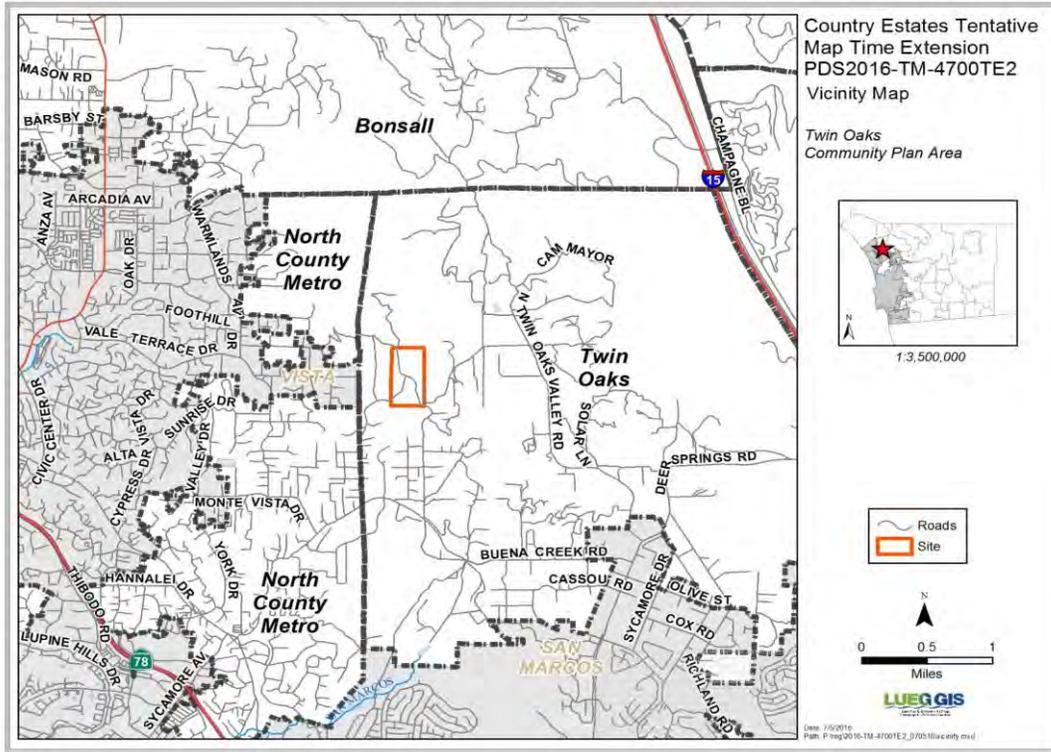


Figure 1: Project Location

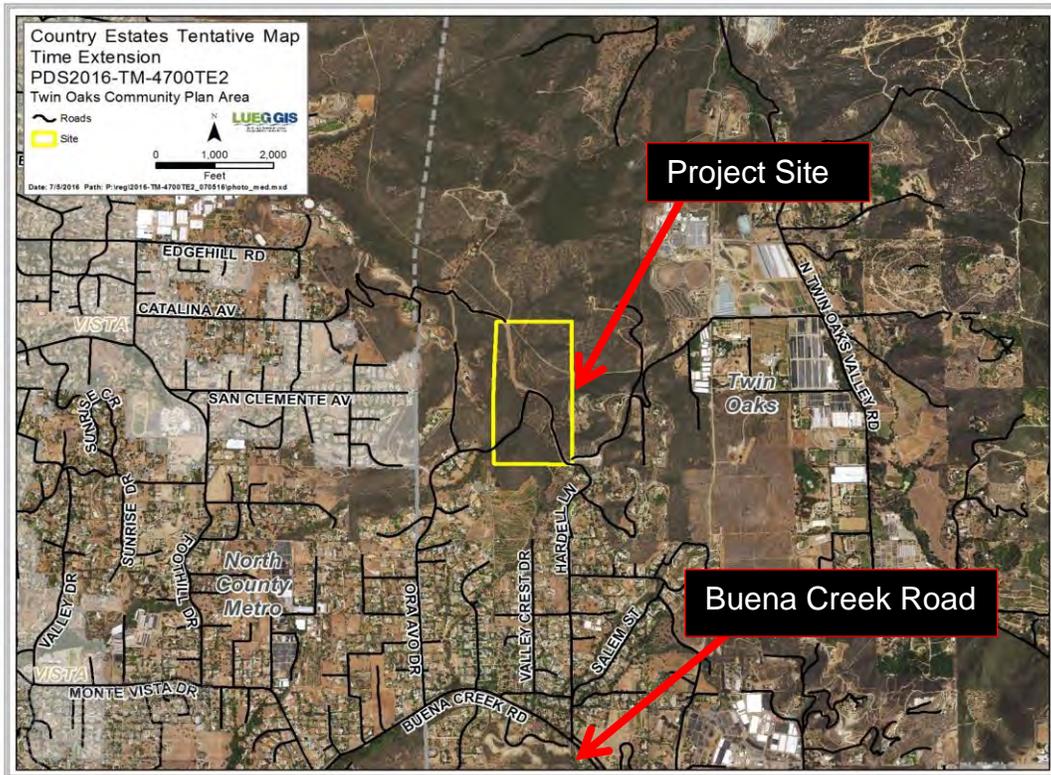


Figure 2: Aerial Project Location

C. DEVELOPMENT PROPOSAL

1. Project Description

The project is a Time Extension of a Tentative Map and MUP for 55 residential lots and three open space lots, over 77.9 acres (see Attachment A). The MUP allowed for lot area averaging and clustered design. The residential lots range in size from 0.5 acre to 1.6 acres in size. A discretionary Time Extension would allow the applicant up to an additional six years to continue processing the conditions and plans in order to record a Final Map.

2. Final Map Process

Tentative Map 4700 had an expiration date of March 23, 2016. Prior to the expiration date, the applicant is required to record a Final Map with the Department of Public Works. In order to record a Final Map, the applicant must fulfill all conditions of the map (e.g., grading and improvement plans, mitigation credits, road improvement dedications, etc.). A typical filing period to record a Final Map takes a minimum of 12 - 18 months. If the applicant cannot fulfill all the conditions within the Tentative Map Resolution, as well as receive approval of the Improvement and Grading Plans prior to the expiration date, they would not be considered "timely filed," and may then apply for a discretionary Time Extension.

The applicant filed a discretionary Time Extension on March 17, 2016. Section 66452.6(e) of the Subdivision Map Act states "Prior to the expiration of an approved or conditionally approved Tentative Map, upon an application by the subdivider to extend that map, the map shall automatically be extended for 60 days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first." This 60-day period (May 23, 2016) allowed the applicant to attempt to record the map with the Department of Public Works by satisfying all the map conditions and other applicable requirements in effect at the time the map was approved.

During the 60-day extension period, the applicant provided some of the information needed to complete the Final Map. However, the following information provided was either incomplete or deficient (see Attachment F).

1. Lack of conformance with updated Stormwater and Water Quality requirements :
 - Drainage Plan was not accepted as complete.
 - SWQMP was not accepted as complete.
2. Receipt of purchased biological mitigation credits does not match the biological mitigation condition.
3. Condition of Satisfaction process was not completed.
 - Biological Monitor Contract was not received.
 - Noise Monitor Contract was not received.
 - Resource Management Plan was not submitted to address sensitive flora (tetracoccus).

4. CEQA review was not completed due to new impacts (e.g., relocation of a waterline within the proposed Biological Open Space Easement).
5. Grading Plan redlined comments were not addressed, storm drain and retaining wall profiles were incomplete.
6. On-Site Improvement Plans comments were not complete.
7. Off-Site Improvement Plans comments were not complete.

Due to the extent of incomplete and deficient information, the Final Map was determined to be incomplete and not in substantial conformance with the approved Tentative Map. Therefore, the Final Map was not timely filed, and staff did not continue review, as the Map had expired.

The applicant filed the discretionary Time Extension request on March 17, 2016, during the Final Map process. On June 24, 2016 staff issued the "Preliminary Notice of Decision" to deny the Time Extension Request. This notice was placed on the Planning Commission agenda on July 15, 2016, as an informational item. The Planning Commission set the item for a public hearing on August 5, 2016.

D. ANALYSIS AND DISCUSSION

The Director's determination to not grant an additional time extension for the Tentative Map was based on a number of factors. These include: 1. Substantial Conformance with the Tentative Map, 2. Sufficient Time to Process a Final Map, 3. Time Extension Analysis, and 4. the California Environmental Quality Act.

1. Substantial Conformance with the Tentative Map

During the processing of the Tentative Map to a Final Map, staff determined that the applicant had relocated the water line within the proposed Biological Open Space Easement due to a recent request from the Vallecitos Water District. The filing of a Final Map shall be in substantial conformance with the approved Tentative Map. The previously approved water line location within the proposed Biological Open Space had been analyzed within the Certified EIR, and impacts were mitigated appropriately based on this design. The applicant submitted Grading and Improvement Plans which showed the water line in a different location within the Biological Open Space. Staff determined that this change was not in conformance, and requested that the applicant either correct the plans as shown on the approved Tentative Map, or staff would need to perform an environmental review. The applicant recorded the easement for the relocated water line without consulting staff in advance. Therefore, staff determined that the proposed Final Map is no longer in substantial conformance with the approved Tentative Map.

2. Sufficient Time to Process a Final Map

When a Tentative Map is approved, the applicant is given three years to record their Final Map. The average processing time to record a Final Map is approximately 12-18 months. As previously noted, Tentative Map 4700 was approved on February 2, 2005. Since the 2005 approval, there was one Stay of Time Period and four State of California enacted Automatic Time Extensions, which extended the expiration date to March 23, 2016. This provided the applicant 11 years to record the Final Map, which is more than three times as long as what is standard. The applicant began processing the Final Map with The County of San Diego less than a year before the March 23, 2016 expiration date. While The County of San Diego worked closely with the applicant to try and meet the expiration date, they were unsuccessful. As shown in Attachment 1 and Attachment F, there were too many unresolved items and inconsistencies to record a Final Map.

3. Time Extension Analysis

Staff reviewed the Time Extension application to determine if it meets relevant ordinances and guidelines. The following factors were considered:

- An approved Tentative Map may be extended for a cumulative period of not more than six years per Section 66452.6(e) of the Subdivision Map Act. This does not include Automatic Time Extensions provided by the State nor any “Stay” provisions due to a development moratorium or court proceedings.
- Tentative Map 4700 received four separate Automatic Time Extensions for a total of seven years. The applicant may also file a discretionary Time Extension application, which if approved, would allow up to an additional six years.

In addition to these factors, in order to determine whether Tentative Map 4700 should be further extended, staff considered the following.

Subdivision Map Requirements

The Map Act states that a Tentative Map shall expire two years after approval, except that local jurisdictions have the authority to grant up to one additional year, for a total of three years. The County of San Diego provides for a three year approval period. Discretionary Time Extensions may also be approved that would allow additional time for the Tentative Map to be processed. Applicants may apply for a Vesting Tentative Map to acquire vested rights to proceed with development in compliance with specified ordinances, policies and standards in effect when the application is accepted as complete.

The Subdivision Map Act, at Government Code Section 66452.6(e), allows a subdivider to apply for a discretionary Time Extension not exceeding a cumulative period of six years. Upon application, the Map expiration date is automatically extended for 60-days or until the application is approved, conditionally approved, or denied, whichever occurs first.

The San Diego County Code, at Sections 81.316 and 81.317, implements the state law and sets forth the duties of the Director on applications for Time Extensions. Section 81.316 requires that notice of the Time Extension request be given to the public and other County departments and that the Director obtain their recommendations. Section 81.317 requires the Director to make a preliminary decision to approve, conditionally approve or deny the application unless he elects to schedule the application for a hearing directly with the Planning Commission. If the Director's decision is to deny an application, the notice shall contain the reasons for the denial.

Time Extension Considerations

When a new Tentative Map application is submitted, it must be evaluated against the General Plan for conformance. This is consistent with the Subdivision Map Act, at Government Code Sections 66473.5 and 66474, which requires the approval of a proposed Tentative Map to be found consistent with the General Plan.

However, the State Map Act and County Subdivision Ordinance do not provide any explicit criteria under which the decision on a discretionary Tentative Map Time Extension must be made. Staff did evaluate the consistency of the Tentative Map with the new General Plan Update, which was adopted on August 3, 2011. The General Plan Update changed the density for Tentative Map 4700 to one dwelling unit per 20 acres, whereas the General Plan which was in effect at the time of the original approval was one dwelling unit per acre. Staff has concluded that the decision to deny a discretionary Time Extension on the basis of its inconsistency with the current General Plan and lack of conformance to the approved Tentative Map (including changes to the subdivision design), when supported by adequate findings, to be an appropriate and defensible decision.

The County has not had to face this issue in recent years because of the Automatic Time Extensions that were enacted by the Legislature but are now expiring. Government Code Section 66474.2(a) generally requires the local agency to evaluate a Tentative Map against only those ordinances, policies, and standards, including the General Plan, in effect at the time of completeness of the original Tentative Map application. Because Section 66474.2(a) does not expressly address how to evaluate discretionary Time Extensions, staff evaluated a number of similar standards and policies for guidance. These include: a. Vesting Tentative Map Rights, b. Zoning Non-Conforming Use Criteria, and c. General Plan Update Policies.

a. Vesting Tentative Map Rights

The Subdivision Map Act, beginning at Government Code Section 66498.1, and the County Subdivision Ordinance, at County Code beginning at Section 81.1201, describe the Vesting Tentative Map process. A Vesting Tentative Map confers a vested right to proceed with development in substantial compliance with the ordinances, policies and standards in effect at the date the local agency determines the Tentative Map application is complete. The rights are vested for three years under County Code Section 81.1204, and can be extended. The vesting rights expire with the expiration of the Map.

The Vesting Tentative Map intentionally provides broader protection to proceed under the original requirements than is provided under a standard Tentative Map. The applicant in this case did not seek nor obtain a Vesting Tentative Map.

b. Zoning Non-Conforming Use Criteria

Zoning regulations often define legal non-conforming use provisions. Non-Conforming Uses are defined within the County Zoning Ordinance as the use of a building, structure or site which was “lawfully established and maintained, but which, because of the application of this ordinance to it, no longer conforms to the specific regulations applicable to the zone in which it is located.” This principle is specifically provided for Zoning matters, but it is not found within the Subdivision Map Act or in the County Subdivision Ordinance.

Specific exceptions or modifications can be provided within the Zoning Ordinance for projects. For example, County Zoning Ordinance Section 6952 lists the regulations for Large Wind Turbines, and describes certain requirements such as setbacks, noise, height, etc. Section 6952.c.5 was adopted by the Board of Supervisors on October 29, 2014, to apply certain provisions to the Tule Wind Energy Project Major Use Permit (MUP-09-019). This option was evaluated for Tentative Map 4700; however, there is no similar application for the purposes of changing the regulations of a Tentative Map.

c. General Plan Update Policies

On August 3, 2011, the County of San Diego’s General Plan Update was adopted, which focused on a long-range plan for physical development.

Prior to the adoption of the General Plan Update, the Board of Supervisors recognized that there were several General Plan Amendments and Tentative Maps which were in process and did not conform to the proposed General Plan Update. In order to address this issue, the Board asked that the County return with a draft policy to resolve the conflicts for these applications that were in process. On August 6, 2003, the Board of Supervisors adopted the “Pipelining Policies for General Plan 2020” (see Attachment 2). This policy allowed for greater certainty for applicants with active cases by allowing those projects to be processed under the existing General Plan. The policy provided that Tentative Maps or Tentative Parcel Maps submitted and deemed complete on or before August 6, 2003, shall be governed by the existing General Plan. However, this policy does not discuss Time Extensions, but rather, maps that were in process prior to the adoption of the General Plan Update.

4. California Environmental Quality Act (CEQA)

Tentative Map 4700 was approved with an EIR. A Tentative Map Time Extension is a discretionary project subject to review under the California Environmental Quality Act (CEQA). In accordance with CEQA Guidelines Section 15162, when an EIR has been certified for a project and a subsequent application for a discretionary action is requested, no subsequent EIR shall be prepared unless the Lead Agency determines one or more of the following:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified becomes available.

The impacts of the proposed Time Extension and Tentative Map changes have not been evaluated by the County pursuant to CEQA Guidelines Section 15162. Since the EIR was certified in 2005, the Tentative Map was changed to relocate the water line within the proposed Biological Open Space. Additional changes to the Tentative Map may be required to comply with updated Stormwater regulations. Further environmental review may be required to comply with CEQA.

Because the decision was to deny the Time Extension for the reasons stated above, staff did not complete a CEQA analysis at this time. The previously certified EIR can be found at Attachment G.

5. Conclusion

After reviewing similar standards and policies for guidance, staff determined that the Time Extension application should be denied for the following reasons:

1. The lack of substantial conformance to the approved Tentative Map.
2. The sufficient amount of time the applicant had to record the Final Map.
3. Staff's evaluations based on the current General Plan and guidance of similar ordinances, standards and policies.
4. The possibility of additional environmental review due to project changes.

E. COMMUNITY PLANNING GROUP

On May 18, 2016, the Twin Oaks Valley Community Sponsor Group (CSG) held a meeting to discuss the Country Estates Time Extension application. The group recommended that PDS not support a Time Extension because the documents are out of date, the State requires updated water quality standards, insufficient traffic mitigation, wildfire concerns, and the project not in compliance with the current General Plan. In addition, public testimony was taken which addressed several topics, including traffic, density, substandard roads and dead-end road length during emergency evacuation. After deliberation, the CSG voted 4-0-0 to recommend denial of the Time Extension (Ayes – 4, Noes – 0, Absent/Abstain – 3).

The minutes from the CSG and letters from the community during the CSG meeting are found under Attachment H, Public Documentation.

F. PUBLIC INPUT

Comments were received as a result of the public notices sent at the time of the Time Extension application submittal, during processing of the permit and at the CSG meeting. These issues, as noted earlier, varied widely. The main points were increase in traffic along an already substandard roadway (Buena Creek Road), inadequate infrastructure (sewer, public utilities), wildfire, biological mitigation, community character, and lack of compliance with the General Plan.

Staff has received over 150 e-mails, 500 flyers, and dozens of phone calls protesting the applicant's request for a Time Extension. Copies of the emails can be found in Attachment H. An example of the flyer is also found in Attachment H.

G. RECOMMENDATIONS

Staff recommends that the Planning Commission:

Uphold the Director's Determination, included in Attachment B, that the Time Extension should be denied.

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AUTHORIZED REPRESENTATIVE:  _____
MARK WARDLAW, DIRECTOR

ATTACHMENTS:

- Attachment 1– Project History Timeline
- Attachment 2 – Board of Supervisor’s “Pipelining Policies for General Plan 2020”
- Attachment A – Planning Documentation
- Attachment B – Directors Determination Denying a Time Extension (June 24, 2016)
- Attachment C – BOS Resolution Approving TM4700 (February 2, 2005)
- Attachment D – Stay of Time Period to File a Final Map for TM4700 (October 10, 2007)
- Attachment E – Letters from Karen ZoBell, attorney for applicant (June 22, 2016 and July 1, 2016)
- Attachment F – Checklist Timeline and Comments
- Attachment G – Certified EIR (February 2, 2005)
- Attachment H – Public Documentation
- Attachment I – Ownership Disclosure

Attachment 1 – Project History Timeline

Project Timeline

The following is a history of TM-4700 from the filing date until Preliminary Decision.

- TM4700/MUP87-059 was filed on September 8, 1987 with the Department of Planning and Land Use. The Major Use Permit (MUP) was for a Planned Development, which allowed clustering and a reduced lot size.
- On November 20, 1998, TM4700/MUP87-059 was denied by the Planning Commission. Reasons of denial included density, increased traffic, sight distance, infrastructure, and fire safety.
- On November 25, 1998, the applicant appealed the Planning Commission decision of denial. The project was placed on the Board of Supervisors Agenda.
- On February 17, 1999, the Board of Supervisors approved TM4700 and MUP87-059.
- Immediately after the Board of Supervisors approval, a challenge to the Environmental Impact Report (EIR) was filed in court. The Court found the EIR deficient in Biology, Noise and Fire review and required changes.
- On February 2, 2005, the applicant was reheard by the Board of Supervisors. The Board rescinded the previously approved environmental documents and approved the revised EIR and Resolution. This hearing set the expiration for February 2, 2008.
- The applicant filed a Stay of Time Period Approval, which is allowed under Section 81.314 of the Subdivision Ordinance. This stay set the new expiration date to March 23, 2009, and is noted in the October 10, 2007 letter from The County of San Diego to the applicant. This letter also highlighted that the process to final a map can take more than a year to complete.
- On July 15, 2008, the State of California Legislature enacted the first of several Automatic Time Extensions, as a proactive approach to the economic situation at the time. The State Senate adopted SB1185, which added 12 months to the expiration of the map. The expiration date was extended to March 23, 2010.
- On July 15, 2009, Automatic Time Extension AB333 added 24 months. This extended the expiration date to March 23, 2012.
- On July 13, 2011, Automatic Time Extension AB208 added 24 months. This extended the expiration date to March 23, 2014.
- On August 3, 2011, the County of San Diego's General Plan Update was adopted, which decreased the density of the land within TM4700. The density of the General Plan changed from 1du/acre to 1du/20 acres. During this time, the applicant did not participate in a Property Specific Request review, which allowed property owners to contest the General Plan change.

- On July 11, 2013, Automatic Time Extension AB116 added 24 months. This extended the expiration date to March 23, 2016.
- On November 2, 2015, the applicant filed a Pre-Screen application to start the process of recording the Tentative Map.
- On November 3, 2015, staff completed the Pre-Screen review. Staff's list to the applicant noted the lack of a Stormwater Management Plan, Drainage Study, punchlist responses, and Condition of Satisfaction application, along with supporting documentation.
- On January 4, 2016, the applicant submitted the Grading and On-Site Improvement Plans. The applicant noted within the information provided that the Stormwater Management Plan and Drainage study were forthcoming.
- On January 15, 2016, County staff contacted the applicant to advise that the Stormwater and Hydromodification studies still had not been submitted. The applicant replied that both studies would be provided within two weeks.
- On January 16, 2016, the applicant filed Landscape Plans with Land Development to continue the process of recording the Tentative Map.
- On February 3, 2016, the applicant informed staff that they are still addressing the staff checklist letter for outstanding comments and requirements.
- On March 1, 2016, staff completed the First Review of the Grading Plan and Improvement Plans, and supplied the applicant with a correction list required for approval of the plans.
- On March 8, 2016, the applicant submitted and satisfied the Fair Housing Letter condition.
- On March 17, 2016, the applicant filed a Time Extension with PDS. The Time Extension allowed for a 60-day stay of expiration, from March 23, 2016 to May 23, 2016. During the 60 days, the applicant was to complete all necessary conditions of approval, technical studies, and plans in order to record the Final Map.
- On March 18, 2016, staff reminded the applicant that the project must be in compliance with the new MS-4 Stormwater requirements, which affects the Grading and Improvement Plans.
- On April 8, 2016, Real Estate Services asked County staff to confirm easements. Staff could not confirm, as they were waiting for the applicant to submit the updated maps.
- On April 13, 2016, staff asked the applicant for the status of all outstanding items.
- On April 19, 2016, the applicant filed revised Grading Plan and On-Site Improvement Plans for staff's second review.
- On April 25, 2016, staff met with the applicant to review the status of the project.

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- On April 29, 2016, applicant stated that the Vallecitos Water District (VWD) was requiring a rerouting of the waterline through the proposed biological open space easement. Staff informed the applicant that any new alignments of the VWD waterline through the proposed biological open space easement cannot be recorded until an environmental review is completed. The applicant recorded the new easement without contacting staff in advance.
- On May 1, 2016, staff routed the applicant's Stormwater (SWQMP) report for review by third party reviewer (in order to expedite).
- On May 2, 2016, the applicant submitted Off-Site Improvement Plans for staff's first review.
- On May 3, 2016, comments on the SWQMP were provided to the applicant.
- On May 16, 2016, staff asked the applicant for the status of the revised Grading Plan, and reminded the applicant that they had to submit the Condition Satisfaction application. Staff also provided comments.
- On May 17, 2016, staff asked for status of cost estimate for landscape plantings, etc. Also, staff responded to the applicant that a lien could be used for guaranteeing installation of improvements, but not for placing environmental mitigation measures.
- On May 18, 2016, the Twin Oaks Valley Community Sponsor Group reviewed the request for the Time Extension. A motion to deny the Time Extension passed 4-0-0-3, with three members absent.
- On May 19, 2016, the applicant submitted a receipt for annexation into the lighting district and a water commitment form.
- On May 20, 2016, staff asked the applicant for status of Condition Satisfaction application, and to confirm if the revised Grading Plan would be submitted. The applicant responded that the Grading Plan would be submitted by 4 p.m. or over the weekend, but that the outstanding Drainage study was still being reviewed by their engineer. Staff provided updated checklist comments. Staff stated they would come into the office on Saturday and Sunday to review any other submittals by the applicant.
- On May 21, 2016, the applicant filed revised Grading and On-Site Improvement Plans for staff's third review. At the close of business on May 23, 2016, staff reviewed all outstanding items and determined that a timely filed Final Map did not occur. On May 23, 2016, the 60-day automatic extension of the expiration date had been reached, and the Map had now expired.
- On June 24, 2016, the Director of PDS issued a Preliminary Notice of Decision to deny the Tentative Map Time Extension (Attachment B).

**Attachment 2 – Board of Supervisor’s
“Pipelining Policies for General Plan 2020”**



COUNTY OF SAN DIEGO

LAND USE AGENDA ITEM

BOARD OF SUPERVISORS

GREG COX
First District

DIANNE JACOB
Second District

PAM SLATER
Third District

RON ROBERTS
Fourth District

BILL HORN
Fifth District

DATE: August 6, 2003

TO: Board of Supervisors

SUBJECT: PIPELINING POLICIES FOR GENERAL PLAN 2020 (District: All)

SUMMARY:

Overview

General Plan 2020 is a comprehensive update of the San Diego County General Plan, which will establish future growth and development patterns for the unincorporated areas of the county. In several areas of the County, General Plan 2020 proposes to change land use designations and densities from those in the existing General Plan. Because of this, some applications for General Plan Amendments or Tentative Maps that are currently in process based on the existing General Plan do not conform to the General Plan 2020 Working Copy of the Regional Land Use Distribution Map.

To address this issue in a timely manner, on June 25, 2003 (1), the Board of Supervisors directed the Chief Administrative Officer to return in 30 days with a draft policy to resolve conflicts for applications that are currently in process. This issue is commonly referred to as "pipelining". If approved, the recommendations listed below would establish pipelining policies to be used in connection with General Plan 2020.

Recommendation(s)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed action is exempt from the California Environmental Quality Act as specified under sections 15061(b)(1) and 15061(b)(3) of the State CEQA Guidelines for the reasons detailed in the Notice of Exemption Form dated July 16, 2003, on file with the Department of Planning and Land Use.
2. Determine that applications for new Plan Amendment Authorizations or new Specific Plans must be submitted and deemed complete by the Department of Planning and Land Use on or before July 23, 2003, in order to be processed under the provisions of the current General Plan. Applications for Specific Plans submitted after July 23, 2003, shall be governed by the General Plan in effect at the time the Specific Plan is approved.
3. Determine that applications for Tentative Maps or Tentative Parcel Maps that are submitted and deemed complete by the Department of Planning and Land Use on or before August 6, 2003, will be processed under the provisions of the current

SUBJECT: PIPELINING POLICIES FOR GENERAL PLAN 2020 (District: All)

General Plan. Applications for Tentative Maps or Tentative Parcel Maps that are submitted after August 6, 2003, shall be governed by the General Plan in effect at the time the Tentative Map or Tentative Parcel Map is approved or disapproved.

Fiscal Impact

N/A

Business Impact Statement

N/A

Advisory Board Statement

N/A

BACKGROUND:

General Plan 2020 (GP 2020) proposes to change land use designations and densities in several areas of the County from those in the existing General Plan. However, current or previously submitted applications for General Plan Amendments or Tentative Maps are required to conform to the land use designations or densities shown in the existing General Plan. Therefore, some applications that are currently in process based on the existing General Plan do not conform to the General Plan 2020 Working Copy of the Regional Land Use Distribution Map.

To address this issue, on June 25, 2003 (1), the Board of Supervisors directed the Chief Administrative Officer to return in 30 days with draft “pipelining” policies to resolve conflicts for applications that are currently in process. If approved, the recommendations in this Board letter would establish pipelining policies to be used in connection with GP 2020.

Establishing pipelining policies at this point in time will achieve three objectives:

1. Provide certainty for applicants who have submitted (or will submit) applications for projects.
2. Reduce the number and scope of potential conflicts between future applications and GP 2020.
3. Enable the County to have a more predictable and defensible land use distribution plan or “project” when preparing the GP 2020 Environmental Impact Report (EIR).

Pipelining policies will provide greater certainty for applicants with active cases by allowing those projects to be processed under the existing General Plan while providing notice that applications received during this transition period may need to conform to GP 2020. Reducing potential future conflicts will help ensure that GP 2020 serves as an effective guide for orderly growth and development. Similarly, including pipelined projects in the cumulative impact analysis portions of the EIR will lead to greater predictability and result in a more complete and defensible environmental analysis.

Because various types of development applications produce different impacts and are governed by different legal requirements, two separate policies are recommended; one for Plan

SUBJECT: PIPELINING POLICIES FOR GENERAL PLAN 2020 (District: All)

Amendment Authorizations or Specific Plans, and one for Tentative Maps or Tentative Parcel Maps.

Plan Amendment Authorizations / Specific Plans

Plan Amendment Authorizations (PAA) and Specific Plans (SPA) applications are typically large projects that require a long, complex approval process. For PAA applications, the level of complexity is particularly high because the application is not consistent with the existing General Plan.

The Subdivision Map Act does not address pipelining for PAA or SPA applications. However, the proposed policy specifies that applications for Plan Amendment Authorizations and Specific Plans that were submitted and deemed complete by the Department of Planning and Land Use on or before July 23, 2003, would be processed under the provisions of the current General Plan. For PAAs, “deemed complete” means that the application meets the requirements in the applicable Board Policy (I-63), and the Department’s submittal requirements including payment of fees. For SPAs “deemed complete” means that the application meets the Department’s submittal requirements including payment of fees. It allows applicants who have already expended time and money on PAA or SPA applications to continue their process with a high degree of certainty.

The earlier cutoff date is recommended because these types of applications typically involve large projects, potentially significant environmental impacts, and a complex approvals process. PAA projects that are inconsistent with both the existing General Plan and GP2020 may incorporate major conflicts with existing and proposed County regulations. Finally, a large number of submittals would also complicate the GP2020 environmental review process, and potentially threaten the consensus achieved thus far for the GP2020 update.

Tentative Maps / Tentative Parcel Maps

The proposed pipelining policy for Tentative Maps or Tentative Parcel Maps (TM or TPM) provides greater certainty for project applicants and complies with procedures described in the State’s Subdivision Map Act.

The proposed policy specifies that applications for Tentative Maps or Tentative Parcel Maps submitted on or before August 6, 2003, shall be governed by the existing General Plan. For TMs and TPMs, “deemed complete” means that the application is complete pursuant to Section 65943 of the Subdivision Map Act. It allows applicants who already expended time and money on subdivision applications to continue their process with a high degree of certainty. This policy also specifies that applications for Tentative Maps or Tentative Parcel Maps submitted after August 6, 2003, shall be governed by the General Plan in effect at the time the map is approved or disapproved.

The August 6, 2003 cut off date is designed to comply with State requirements in Section 66474.2 of the Subdivision Map Act, which require the County to pass a motion and provide public notice when Tentative Map or Tentative Parcel Map approvals will be based on policies not in effect on the date the application is determined to be complete.

SUBJECT: PIPELINING POLICIES FOR GENERAL PLAN 2020 (District: All)

Linkage to the County of San Diego's Strategic Plan

Proposed pipelining policies will reduce future conflicts with GP2020, which is consistent with the County's Strategic Initiatives for the Environment, Safe and Livable Communities and Kids. Recognizing environmental constraints when applying densities to land throughout the County, for example, is consistent with Strategic Initiatives for the Environment and is incorporated in GP2020 planning concepts. Planning concepts associated with physical form are consistent with the County's Strategic Initiatives for building Safe and Livable Communities. Community development concepts include a balance of development densities, housing types, and uses within each community – which meets another County-wide Strategic Initiative to support Kids through the planning for housing parks and open space.

Respectfully submitted,

ROBERT R. COPPER
Deputy Chief Administrative Officer

SUBJECT: PIPELINING POLICIES FOR GENERAL PLAN 2020 (District: All)

AGENDA ITEM INFORMATION SHEET

CONCURRENCE(S)

COUNTY COUNSEL REVIEW	<input checked="" type="checkbox"/> Yes	
Written disclosure per County Charter §1000.1 required?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
GROUP/AGENCY FINANCE DIRECTOR	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> N/A
CHIEF FINANCIAL OFFICER	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> N/A
Requires Four Votes	<input type="checkbox"/> Yes	<input type="checkbox"/> No
GROUP/AGENCY INFORMATION TECHNOLOGY DIRECTOR	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> N/A
COUNTY TECHNOLOGY OFFICE	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> N/A
DEPARTMENT OF HUMAN RESOURCES	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> N/A

Other Concurrence(s): N/A

ORIGINATING DEPARTMENT: Department of Planning and Land Use

CONTACT PERSON(S):

Ivan Holler, Deputy Director	_____
Name	_____
858-694-3789	_____
Phone	_____
858-694-2555	_____
Fax	_____
MS0650	_____
Mail Station	_____
ivan.holler@sdcountry.ca.gov	_____
E-mail	_____

AUTHORIZED REPRESENTATIVE: _____ GARY L. PRYOR, DIRECTOR

SUBJECT: PIPELINING POLICIES FOR GENERAL PLAN 2020 (District: All)

AGENDA ITEM INFORMATION SHEET

(continued)

PREVIOUS RELEVANT BOARD ACTIONS:

June 24, 2003 (1), directed the Chief Administrative Officer to return to the Board in 30 days with a draft policy on pipelining.

BOARD POLICIES APPLICABLE:

N/A

BOARD POLICY STATEMENTS:

N/A

CONTRACT NUMBER(S):

N/A

BOARD08-06\PIPLINING-LTR;tf

COUNTY OF SAN DIEGO BOARD OF SUPERVISORS
REGULAR MEETING - PLANNING AND LAND USE MATTERS
WEDNESDAY, AUGUST 6, 2003, 9:00 AM
Board of Supervisors North Chamber
1600 Pacific Highway, Room 310, San Diego, California

3. **SUBJECT: NOTICED PUBLIC HEARING:
PIPELINING POLICIES FOR GENERAL PLAN 2020
(DISTRICT: ALL)**

OVERVIEW:

General Plan 2020 is a comprehensive update of the San Diego County General Plan, which will establish future growth and development patterns for the unincorporated areas of the county. In several areas of the County, General Plan 2020 proposes to change land use designations and densities from those in the existing General Plan. Because of this, some applications for General Plan Amendments or Tentative Maps that are currently in process based on the existing General Plan do not conform to the General Plan 2020 Working Copy of the Regional Land Use Distribution Map.

To address this issue in a timely manner, on June 25, 2003 (1), the Board of Supervisors directed the Chief Administrative Officer to return in 30 days with a draft policy to resolve conflicts for applications that are currently in process. This issue is commonly referred to as "pipelining". Because various types of development applications produce different impacts and are governed by different legal requirements, two separate policies are recommended; one for Plan Amendment Authorizations or Specific Plans, and one for Tentative Maps or Tentative Parcel Maps. If approved, the recommendations listed below would establish pipelining policies to be used in connection with General Plan 2020.

FISCAL IMPACT:

N/A

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

Find that the proposed action is exempt from the California Environmental Quality Act as specified under sections 15061(b)(1) and 15061(b)(3) of the State CEQA Guidelines for the reasons detailed in the Notice of Exemption Form dated July 16, 2003, on file with the Department of Planning and Land Use.

Determine that applications for new Plan Amendment Authorizations or new Specific Plans must be submitted and deemed complete by the Department of Planning and Land Use on or before July 23, 2003, in order to be processed under the provisions of the current General Plan. Applications for Specific Plans submitted after July 23, 2003, shall be governed by the General Plan in effect at the time the Specific Plan is approved.

Determine that applications for Tentative Maps or Tentative Parcel Maps that are submitted and deemed complete by the Department of Planning and Land Use on or before August 6, 2003, will be processed under the provisions of the current General Plan. Applications for Tentative Maps or Tentative Parcel Maps that are deemed complete after August 6, 2003, shall be governed by the General Plan in effect at the time the Tentative Map or Tentative Parcel Map is approved or disapproved.

ACTION:

ON MOTION of Supervisor Horn, seconded by Supervisor Jacob, the Board of Supervisors closed the Hearing; directed the Chief Administrative Officer to review the extent of the problems and inconsistencies that are posed by subdivisions and come back to the Board in 60 days with a report of possible solutions; changed dates reflected in the second recommendation to read August 6, 2003, and took action as recommended.

AYES: Cox, Jacob, Slater, Roberts, Horn

4. SUBJECT: GENERAL PLAN 2020 INTEREST GROUP MEMBERSHIP (DISTRICT: ALL)

OVERVIEW:

General Plan 2020 is a comprehensive update of the San Diego County General Plan, which will establish future growth and development patterns for the unincorporated areas of the County. The Interest Group is one of the two advisory groups established by the Board of Supervisors to provide input on the project. Members of the group have invested a significant amount of time and effort in an often contentious process to reach consensus on their recommendations. In part, because of their involvement, the project has been able to move forward with broad based support.

On June 25, 2003 (1), the Board of Supervisors directed the Chief Administrative Officer to return in 30 days with a resolution to the conflict of purpose with some members of the Interest Group. This is a proposal to address possible conflict of interest issues on the General Plan 2020 Interest Group.

FISCAL IMPACT:

N/A

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER:

Dismiss the individuals on the Interest Group who are found to have a conflict of purpose with the General Plan 2020 process. Appoint new individuals who have a similar background interest in order to maintain a balanced group.

ACTION:

ON MOTION of Supervisor Cox, seconded by Supervisor Jacob, the Board of Supervisors filed the recommendation.

AYES: Cox, Jacob, Slater, Roberts

NOES: Horn

Attachment A – Planning Documentation

Country Estates Tentative
Map Time Extension
PDS2016-TM-4700TE2

Vicinity Map

Twin Oaks
Community Plan Area



1:3,500,000

Legend:

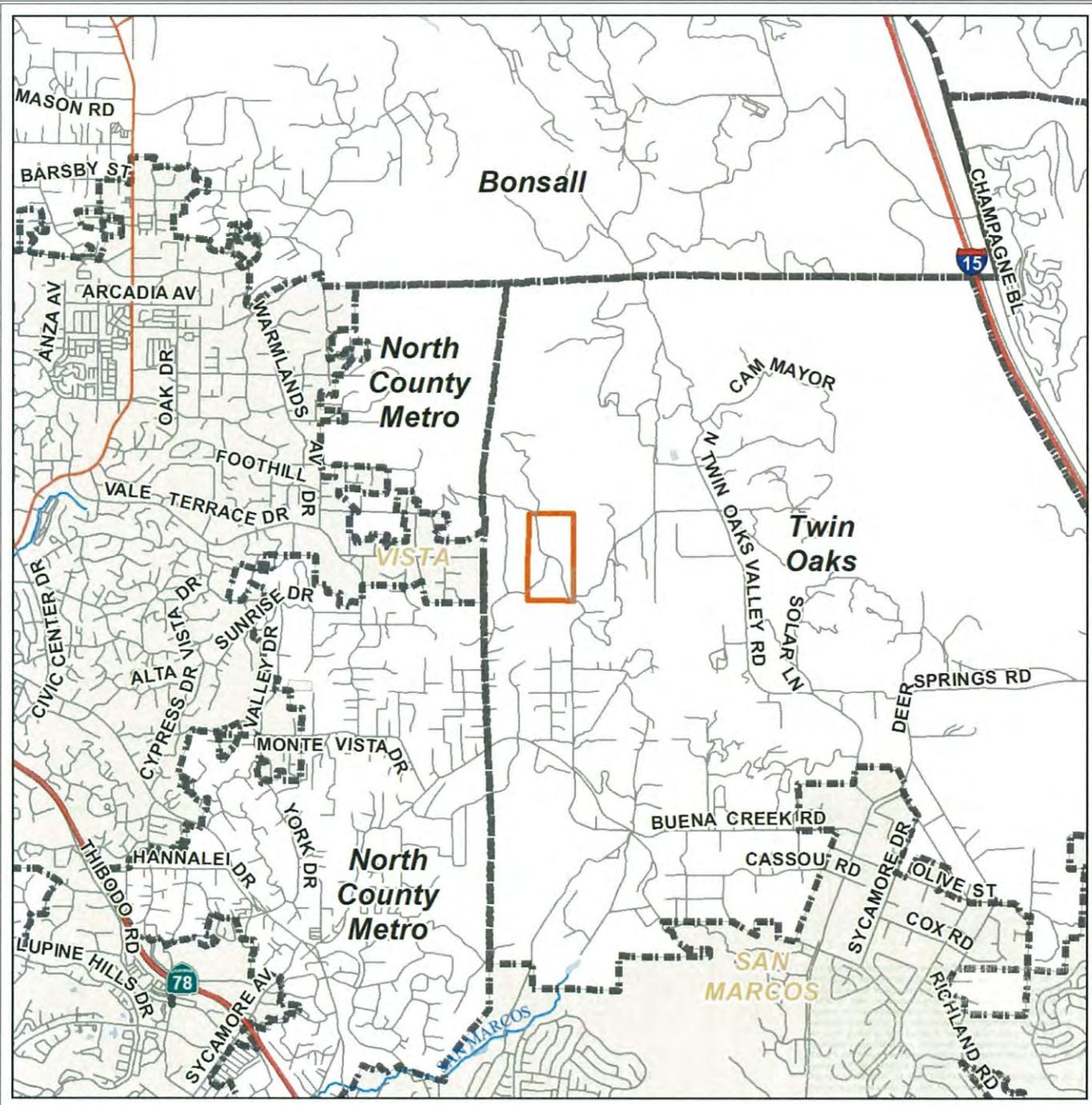
- Roads
- Site

Scale:

0 0.5 1 Miles

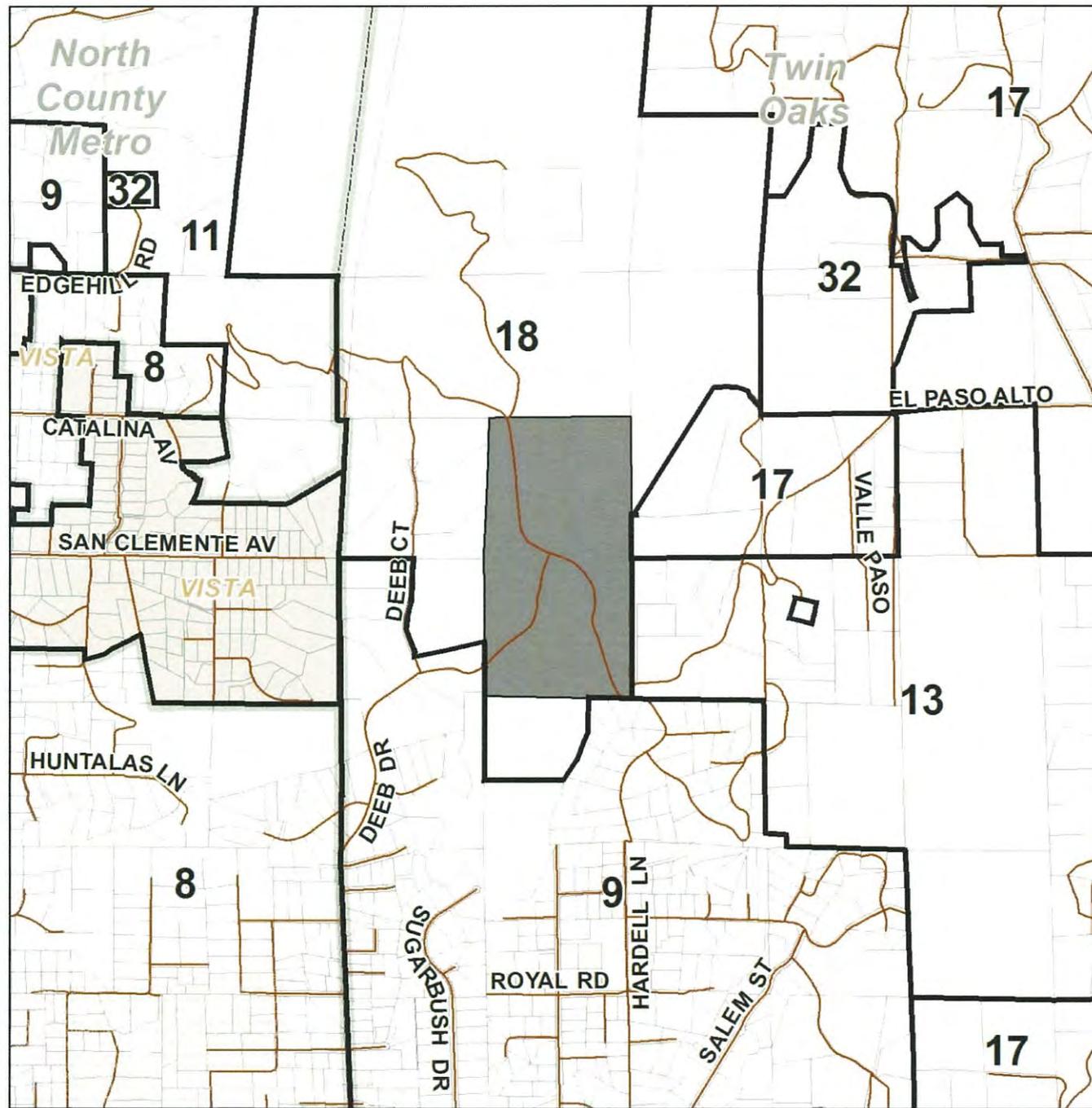


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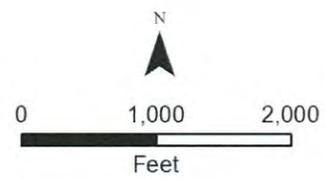


Country Estates Tentative
Map Time Extension
PDS2016-TM-4700TE2
General Plan Map
Twin Oaks
Community Plan Area

- (8) Village Residential (VR-2)
- (9) Semi-Rural Residential (SR-1)
- (11) Semi-Rural Residential (SR-2)
- (13) Semi-Rural Residential (SR-4)
- (17) Semi-Rural Residential (SR-10)
- (18) Rural Lands (RL-20)
- (32) Public/Semi-Public Facilities



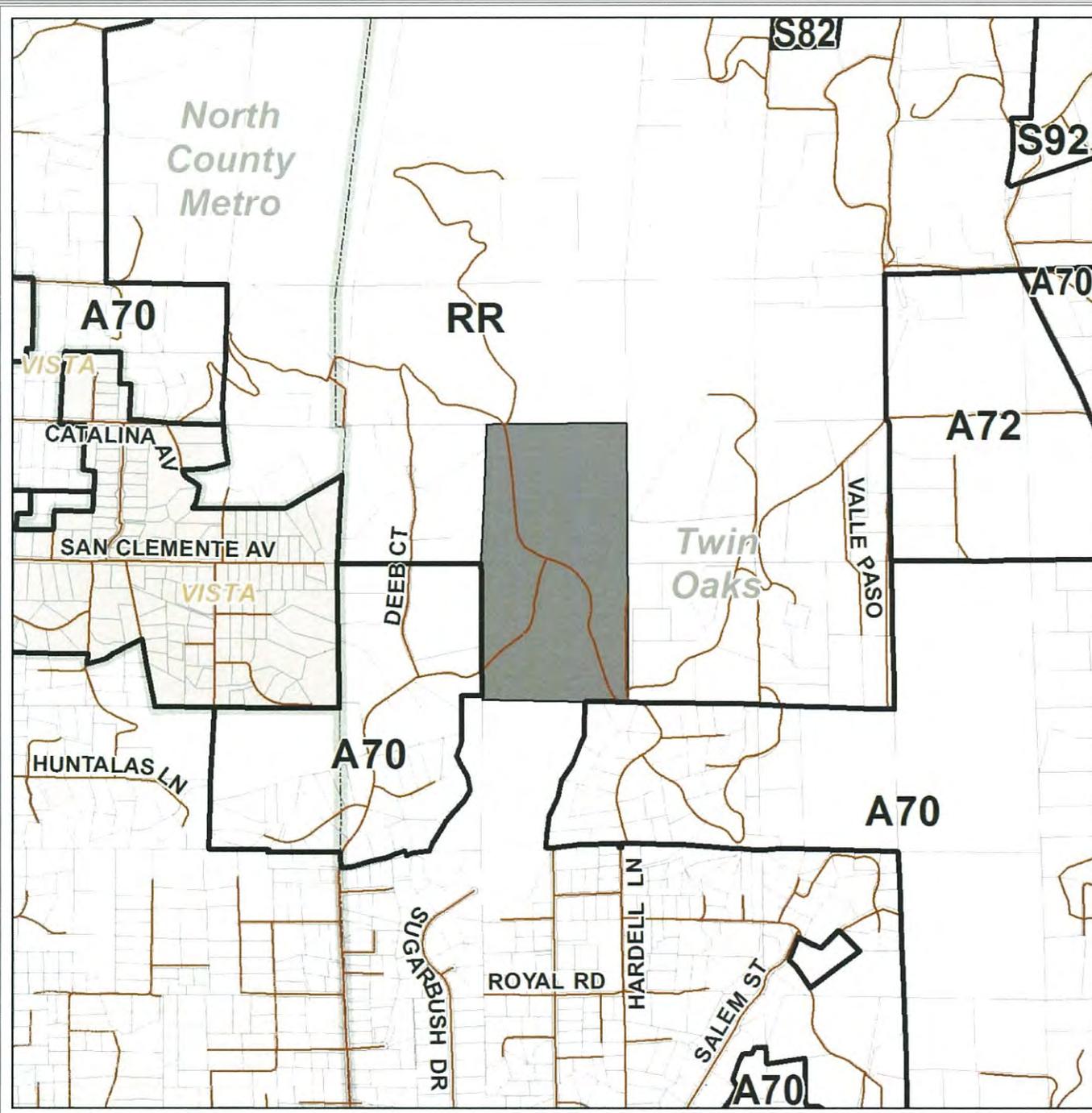
	Roads
	Site
	Parcels
	Planning



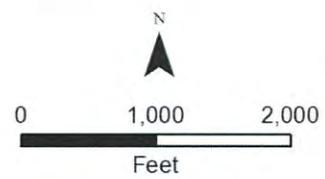
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Country Estates Tentative
 Map Time Extension
 PDS2016-TM-4700TE2
 Zoning Map
 Twin Oaks
 Community Plan Area

- A70 - Limited Agricultural
- A72 - General Agricultural
- RR - Rural Residential
- S92 - General Rural



	Roads
	Site
	Parcels
	Zoning



Date: 7/5/2016
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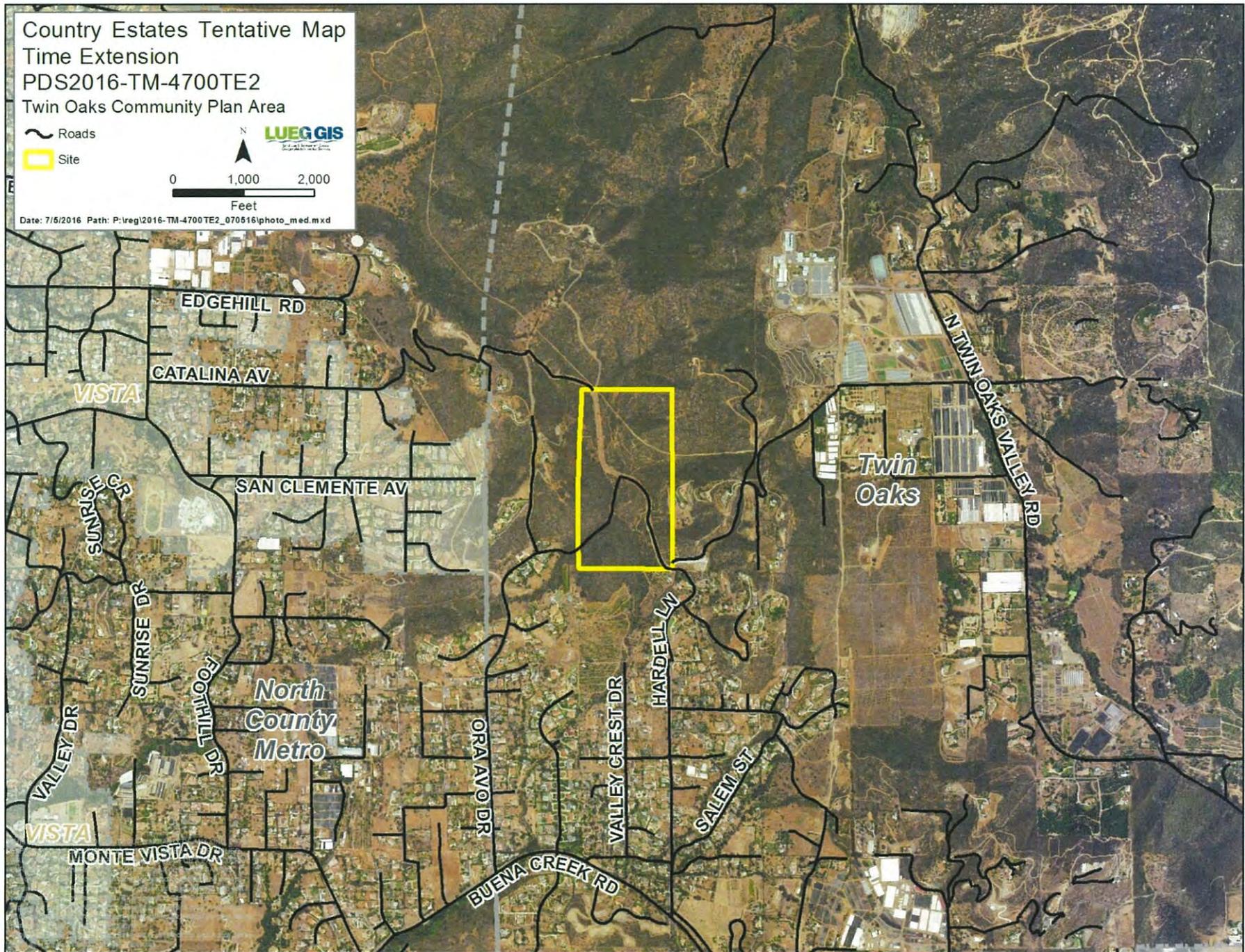
Country Estates Tentative Map
Time Extension
PDS2016-TM-4700TE2
Twin Oaks Community Plan Area

~ Roads
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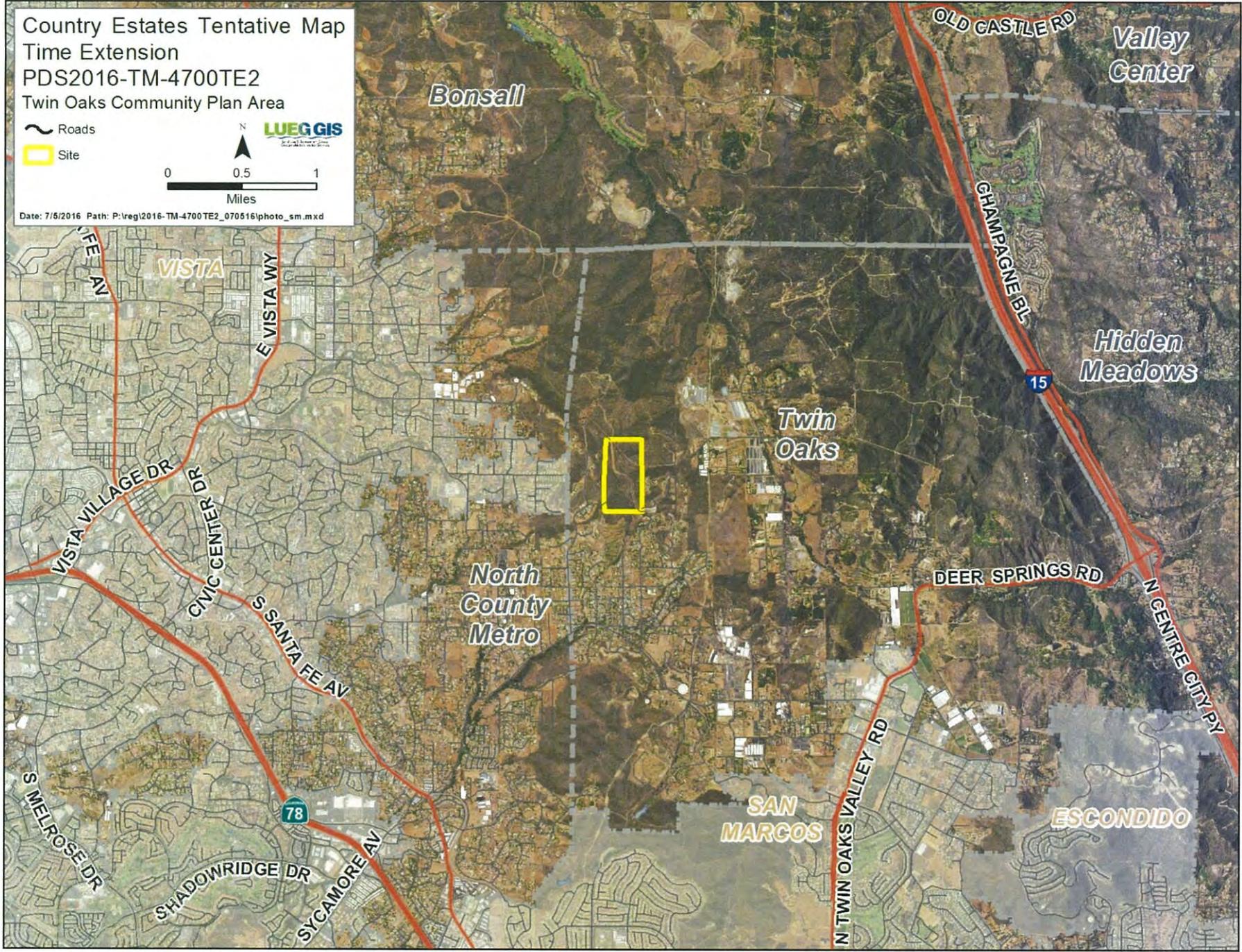
Country Estates Tentative Map
Time Extension
PDS2016-TM-4700TE2
Twin Oaks Community Plan Area

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**Attachment B – Director’s Determination Denying
a Time Extension (June 24, 2016)**



County of San Diego

MARK WARDLAW
DIRECTOR
PHONE (858) 694-2962
FAX (858) 694-2555

PLANNING & DEVELOPMENT SERVICES
5510 OVERLAND AVENUE, SUITE 310, SAN DIEGO, CA 92123
www.sdcounty.ca.gov/pds

DARREN GRETLER
ASSISTANT DIRECTOR
PHONE (858) 694-2962
FAX (858) 694-2555

June 24, 2016

Joseph Jaoudi
2216 Via Subria
Vista, CA 92085

REFERENCE: TENTATIVE MAP SUBDIVISION PDS2016-TM-4700TE2
TIME EXTENSION

PRELIMINARY NOTICE OF DECISION OF THE DIRECTOR OF PLANNING &
DEVELOPMENT SERVICES DENYING A TIME EXTENSION FOR TENTATIVE MAP
4700TE2

On the above date, the County of San Diego (County) Director of Planning & Development Services (PDS) adopted this preliminary decision denying a Time Extension to the above-referenced Tentative Map. A copy of this Preliminary Notice of Decision will be filed with the Planning Commission as an information agenda item at the next available Planning Commission Hearing date. The filing of a request for public hearing will stay the decision of the Director until the public hearing.

The project is a Tentative Map Time Extension. The Tentative Map was originally approved on February 2, 2005 by the Board of Supervisors. The Tentative Map is designed to subdivide 77.9 acres into 55 residential lots, along with three open space lots. The property is located at the easterly terminus of Deeb Drive and northerly terminus of Hardell Lane, in the North County Metropolitan Subregional Plan area.

The Tentative Map was approved by the Board of Supervisors on February 2, 2005. The applicant filed for a Stay of Time Period (Section 81.314 of the Subdivision Ordinance) which extended the expiration date from February 2, 2008 to March 23, 2009. Since 2009, the State of California (State) enacted Automatic Time Extensions, which extended the expiration date four separate times, for a total of seven years. The expiration date was extended to March 23, 2016. The applicant then filed for a Time Extension on March 17, 2016, which allowed a 60 day automatic extension to May 23, 2016. During this 60 day extension, the project applicant would be allowed to rely on the

approved conditions and policies at the time of original Tentative Map approval. Staff did not receive all required information needed to find the Tentative Map recordation submittal as "complete" or "timely filed." Incomplete information was received in an attempt to satisfy all Tentative Map conditions including, but not limited to, those concerning the Stormwater Quality Management Plan, drainage study, and detailed improvement and grading plans with specifications. In addition, multiple environmental conditions were not satisfied within the required timeline. These include, but are not limited to, providing proof of biological mitigation credits and landscaping plans for Tetracoccus. For these reasons, the Final Map did not conform to the State Subdivision Map Act and was not in substantial compliance with the Resolution conditions of the approved Tentative Map, and expired on May 23, 2016.

The request for a Tentative Map Time Extension under Government Code section 66452.6 was evaluated against the updated General Plan designation for the property and other current requirements. These included the updated General Plan designation and policies, current CEQA requirements and updated State Regional Water Quality Board regulations.

Notice is hereby given that Tentative Map No. 4700TE2 Time Extension is denied pursuant to the State Subdivision Map Act (Government Code section 66410 et. seq.), County Subdivision Ordinance (County Code sections 81.401 and 81.501 et. seq.), County General Plan, the California Environmental Quality Act (CEQA; found at Public Resources Code section 21000 et seq.), and the County Watershed Protection Ordinance (WPO; found at County Code section 67.801 et. seq.), for the reasons explained below.

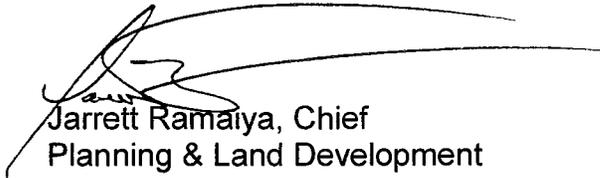
- A. The proposed project does not comply with the current General Plan Land Use Designation. When the project was approved in 2005, the General Plan Land Use Designation was (2) Residential. This General Plan allowed a density of one dwelling unit per acre. On August 3, 2011, the Board of Supervisors adopted the County of San Diego's General Plan Update, which changed the Land Use Designation to Rural Lands 20 (RL-20). This designation reduced the density of this property to one dwelling unit per 20 acres. The proposed Tentative Map design no longer conforms to the current General Plan density as required by Government Code section 66474. Based on the size of the property, the maximum number of residential lots that are allowed under the General Plan Rural Lands 20 would be three (3). The current design is 55 lots.
- B. The current submitted Grading Plans and Improvement Plans indicate the relocation of a water line which was not shown on the approved Tentative Map. The updated water line location is shown through an area which has been conditioned as Biological Open Space, and the potential impacts from the new water line location have not been evaluated under CEQA.
- C. The proposed project does not comply with Section 67.801 of the County Watershed Protection Ordinance (WPO), which was updated by the State on

February 26, 2016. The applicant has not submitted plans to the County which satisfy the current guidelines and requirements.

I, Mark Wardlaw, Director of Planning & Development Services, San Diego County, State of California, hereby certify that this is a copy of the official document authorizing an amendment to the referenced Tentative Map.

PLANNING & DEVELOPMENT SERVICES
MARK WARDLAW, DIRECTOR

By:



Jarrett Ramaiya, Chief
Planning & Land Development

cc: Len Schatzmann, STA Engineering, Inc., PO Box 2636, Vista, CA 92085
Twin Oaks Valley Sponsor Group
FILE

email cc:

Ken Brazell, Team Leader, PDS, Land Development
David Sibbet, Planning Manager, Planning & Development Services
Marisa Smith, Project Manager, Planning & Development Services
Lee Shick, rleland24@gmail.com

**Attachment C – Board of Supervisors Resolution
Approving TM4700 (February 2, 2005)**

**COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS
WEDNESDAY, FEBRUARY 2, 2005**

MINUTE ORDER NO. 3

**SUBJECT: NOTICED PUBLIC HEARING:
COUNTRY ESTATES: RECONSIDERATION OF TENTATIVE MAP
4700RPL³, MAJOR USE PERMIT P87-059, AND ASSOCIATED
ENVIRONMENTAL IMPACT REPORT (EIR) (ER NO. 87-8-81)
PURSUANT TO A PEREMPTORY WRIT OF MANDATE FROM THE
SAN DIEGO COUNTY SUPERIOR COURT REGARDING THE
ADEQUACY OF THE EIR, NORTH COUNTY METROPOLITAN
SUBREGIONAL PLAN AREA (DISTRICT: 5)**

OVERVIEW:

This project is a Planned Residential Development that proposes 55 residential lots to be developed over a total area of 77.91 acres. Over 40 percent of the project is proposed to be subject to permanent open space easements to preserve steep slopes and biological resources. The Board of Supervisors approved this project in 1999, and a suit was filed against the County of San Diego claiming that the Environmental Impact Report (EIR) for the project was inadequate. The Superior Court of San Diego found in favor of the plaintiff and required that, prior to reconsidering the project, a new environmental document be prepared to correct specified deficiencies and omissions:

The County has completed the preparation of the required environmental documents in the form of another Final EIR. The project is now brought back to the Board for rescission of the original decision to approve the project and consideration of a new Resolution of Approval for the Tentative Map and a Major Use Permit Form of Decision that include conditions necessary to implement the revised mitigation measures as set forth in the new Final EIR. The project site is subject to the (2) Residential Land Use Designation (1 dwelling unit per acre) and the zoning includes the RR1 Use Regulations. The project site is located in the unincorporated area north and east of the City of Vista and north of Buena Creek Road and east of the easterly terminus of Deeb Drive.

FISCAL IMPACT:

N/A

RECOMMENDATION:

PLANNING COMMISSION:

Rescinding the original approval and consideration of the corrected documents remains under the jurisdiction of the Board of Supervisors. On November 20, 1998, the Planning Commission voted 4-0 to deny the project.

DEPARTMENT OF PLANNING AND LAND USE:

1. Adopt the Resolution at Attachment B that:
 - a. Rescinds certification of the EIR for TM 4700RPL³ and P87-059.
 - b. Rescinds the action of February 17, 1999 (7), that granted the appeal of the applicant and approved TM 4700RPL³ and P87-059.
2. Adopt the Resolution, dated February 2, 2005, approving TM 4700RPL³, which makes the appropriate findings and includes those requirements and conditions necessary to ensure that

the project is implemented in a manner consistent with the Subdivision Ordinance and State law. (Attachment C)

- 3. Grant Major Use Permit P87-059 (Form of Decision dated February 2, 2005), which makes the appropriate findings and includes those requirements and conditions necessary to ensure that the project is implemented in a manner consistent with the Zoning Ordinance and State law. (Attachment D)

ACTION:

ON MOTION of Supervisor Horn, seconded by Supervisor Roberts, the Board of Supervisors, closed the Hearing, and took action as recommended, adopting the following Resolutions:

No. 05-09 entitled: RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS RESCINDING APPROVAL OF TENTATIVE MAP NO. 4700RPL³ AND MAJOR USE PERMIT P87-059; and

No. 05-10 entitled: RESOLUTION OF SAN DIEGO COUNTY APPROVING CONDITIONS FOR TENTATIVE MAP NO. 4700RPL³; including revised conditions C.2.a. and C.2.b. as shown in Exhibit 2.

AYES: Cox, Jacob, Slater-Price, Roberts, Horn

State of California)
County of San Diego) §

I hereby certify that the foregoing is a full, true and correct copy of the Original entered in the Minutes of the Board of Supervisors.

THOMAS J. PASTUSZKA
Clerk of the Board of Supervisors

By *Harold R. Randolph*
Harold R. Randolph, Deputy



February 2, 2005

RESOLUTION OF THE SAN DIEGO COUNTY)
BOARD OF SUPERVISORS RESCINDING APPROVAL)
OF TENTATIVE MAP NO. 4700RPL³ AND)
MAJOR USE PERMIT P87-059)

WHEREAS, Tentative Map No. 4700RPL³ and associated Major Use Permit P87-059 proposing the division of property located at the easterly terminus of Deeb Drive in Vista and generally described as:

The southeast quarter of the northwest quarter and the northeast quarter of the southwest quarter of Section 22, T11S, R3W, SBM, in the County of San Diego, State of California

were filed with the County of San Diego pursuant to the Subdivision Map Act and San Diego County Subdivision ordinance on March 7, 1995; and

WHEREAS, on February 17, 1999(7), the Board of Supervisors of the County of San Diego pursuant to Section 81.307 of the San Diego County Subdivision Ordinance granted the appeal by the applicant, Joseph Jaoudi, and approved TM 4700RPL³ and P87-059 and certified the Final Environmental Impact Report (EIR) (ER No. 87-8-81); and

WHEREAS, on April 9, 1999, Citizens for Responsible Development et al. filed a lawsuit in San Diego County Superior Court (Case No. 729769) challenging the adequacy of the EIR for the project, County in approving the project, had not considered or was deficient in its consideration of all the potential impacts from the project; and

WHEREAS, on January 5, 2000, the Superior Court found that information in the EIR was inadequate in a number of areas. The Court granted a writ of mandamus in favor of the plaintiffs and specifically identified the omissions and deficiencies requiring correction as follows: Biological Resources, Noise and Fire Safety, and

WHEREAS, on March 2, 2000, the Superior Court issued a Peremptory Writ of Mandate ordering the County to vacate and set aside the project approvals including the Resolution of Approval of Tentative Map 4700RPL³, the Form of Decision approving Major Use Permit P87-059 and Certification of the Final EIR (ER No. 87-8-81). Before reconsideration of the project, the County is required to address each and every omission and deficiency described in the Court's Order/Statement of Decision issued January 5, 2000, and

TM 4700RPL³

- 2 -

February 2, 2005

WHEREAS, the County has completed a document entitled "Final Revisions to the Environmental Impact Report for Tentative Tract 4700", which corrects all the omissions and deficiencies identified by the Court in the Order dated January 5, 2000, and

WHEREAS, on February 2, 2005, the Board of Supervisors of the County of San Diego held a hearing in consideration of the Writ of Mandate and the Final Revisions to the EIR.

IT IS THEREFORE RESOLVED, DETERMINED AND ORDERED, that the following actions are hereby taken:

1. Rescind certification of the EIR for Tentative Map 4700RPL³ and Major Use Permit P87-059 that was approved on February 17, 1999(7);
2. Rescind the action of February 17, 1999(7) granting the appeal of Joseph Jaoudi, which included the certification of the EIR for Tentative Map 4700RPL³ and Major Use Permit P87-059 as well as the respective Resolution of Approval and Form of Decision approving said map and permit.

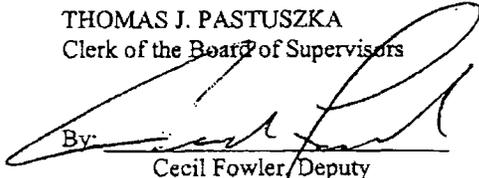
ON MOTION of Supervisor Horn, seconded by Supervisor Roberts, the foregoing Resolution was passed and adopted by the Board of Supervisors, County of San Diego, State of California, on the 2nd day of February, 2005, by the following vote, to wit:

AYES: Cox, Jacob, Slater-Price, Roberts, Horn

STATE OF CALIFORNIA)
County of San Diego) ^{SS}

I hereby certify that the foregoing is a full, true and correct copy of the Original Resolution entered in the Minutes of the Board of Supervisors.

THOMAS J. PASTUSZKA
Clerk of the Board of Supervisors

By: 

Cecil Fowler/Deputy



Resolution No. 05-09
2/2/05 (3)

APPROVED AS TO FORM AND LEGALITY
COUNTY COUNSEL

BY: 
SENIOR DEPUTY

000019

February 2, 2005

RESOLUTION OF SAN DIEGO COUNTY)
APPROVING CONDITIONS FOR)
TENTATIVE MAP NO. 4700RPL³)

WHEREAS, Tentative Map No. 4700RPL³ proposing the division of property located at the easterly terminus of Deeb Drive in Vista and generally described as:

the southeast quarter of the northwest quarter and the northeast quarter of the southwest quarter of Section 22, T11S, R3W, SBM, in the County of San Diego, State of California

was filed with the County of San Diego pursuant to the Subdivision Map Act and San Diego County Subdivision Ordinance on March 7, 1995; and

WHEREAS, on February 2, 2005, the Board of Supervisors of the County of San Diego pursuant to Section 81.307 of the San Diego County Subdivision Ordinance held a duly advertised public hearing on said Tentative Map and received for its consideration, documentation, written and oral testimony, recommendations from all affected public agencies, and heard from all interested parties present at said hearing; and

WHEREAS, the Board of Supervisors of the County of San Diego has determined that the conditions hereinafter enumerated are necessary to ensure that the subdivision and the improvement thereof will comply with the Subdivision Map Act and conform to all ordinances, plans, rules, standards, and improvement and design requirements of San Diego County.

IT IS RESOLVED, THEREFORE, that the Board of Supervisors of the County of San Diego hereby makes the following findings as supported by the minutes, maps, exhibits, and documentation of said Tentative Map all of which are herein incorporated by reference:

1. The Tentative Map is consistent with all elements of the San Diego County General Plan and with the (2) Residential Land Use Designation of the North County Metropolitan Subregional Plan because it proposes a Residential use type at a density of .70 du/ac in the RR1 Use Regulation and complies with the provisions of the State Subdivision Map Act and the Subdivision Ordinance of the San Diego County Code;
2. The design and improvements of the proposed subdivision are consistent with all elements of the San Diego County General Plan and with the North County Metropolitan Subregional Plan, and comply with the provisions of the State Subdivision Act and the Subdivision Ordinance of the San Diego County Code;

TM 4700RPL³

- 2 -

February 2, 2005

3. The site is physically suitable for the Residential type of development because level building sites are available and all sensitive resource areas have been placed in open space easements;
4. The site is physically suitable for the proposed density of development because all public services are available to the site;
5. The design of the subdivision and the type of improvements will not cause public health problems because adequate water supply and sewage disposal services have been found to be available or can be provided concurrent with need;
6. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat based upon the findings of an Environmental Impact Report dated June 1998, and Final Revisions to the Environmental Impact Report for Tentative Tract 4700, dated July 2004 and California Environmental Quality Act Guidelines Section 15091 Findings Regarding Significant Effects of the Project dated July 20, 2004;
7. The design of the subdivision or the type of improvements do not conflict with easements, acquired by the public at large, for access through, or use of property within the proposed subdivision, as defined under Section 66474 of the Government Code, State of California; and

The division and development of the property in the manner set forth on the approved Tentative Map will not unreasonably interfere with the free and complete exercise of the public entity or public utility right-of-way or easement;
8. The discharge of sewage waste from the subdivision into the Buena Sanitation District sewer system will not result in violation of existing requirements prescribed by the California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000) of the Water Code, as specified by Government Code Section 66474.6;
9. Because adequate facilities and services have been assured and adequate environmental review and documentation have been prepared, the regional housing opportunities afforded by the subdivision outweigh the impacts upon the public service needs of County residents and fiscal and environmental resources; and
10. This project is not subject to the Resource Protection Ordinance because the original application was filed prior to the adoption of said ordinance.

TM 4700RPL³

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11. It is hereby certified that the final Environmental Impact Report (EIR) dated November 1998, as modified by the Revisions to the EIR dated July 2004; on file with DPLU as Environmental Review Number 87-08-081 has been completed in compliance with the California Environmental Quality Act (CEQA), reflects the Board's independent judgment and analysis, and was presented to the Board of Supervisors and the Board has reviewed and considered the information contained in the final EIR, including the Revisions to the EIR prior to approving the project;
12. The "California Environmental Quality Act Guidelines Section 15091 Findings Regarding Significant Effects of the Project" dated July 20, 2004 on file with DPLU as Environmental Review Number 87-08-081; are hereby adopted;
13. It is hereby found that the project proposed by the application has prepared plans and documentation demonstrating compliance with the provisions of the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance.

IT IS FURTHER RESOLVED, DETERMINED, AND ORDERED, that based on these findings, said Tentative Map is hereby approved subject to the following conditions:

- A. The approval of this Tentative Map expires on February 2, 2008, at 4:00 p.m., unless prior to that date a request for a Time Extension has been filed and subsequently approved as provided by Section 81.308 of the County Subdivision Ordinance. This Tentative Map may record in units. If the Director of the Department of Public Works can determine that Tentative Map 4700RPL³ meets the requirements of Section 66452.6(A) of the State Map Act, the expiration date shall be extended pursuant to that section.
- B. The "Standard Conditions for Tentative Subdivision Maps" approved by the Board of Supervisors on April 10, 1991, and filed with the Clerk as Document No. 740858(a), shall be made conditions of this Tentative Map approval. Only those exceptions to the Standard Conditions set forth in this Resolution or shown on the Tentative Map will be authorized.
- C. The following conditions shall be complied with before a Final Map is approved by the Board of Supervisors and filed with the County Recorder of San Diego County (and, where specifically, indicated, shall also be complied with prior to issuance of grading or other permits as specified):

PLANS AND SPECIFICATIONS

(Street Improvements/Access)

1. Standard Conditions 1 through 10, 11, and 12.
2. Specific Conditions:
 - a. Prior to recordation of the Final Map for Unit #1, improve or agree to improve and provide security for the easement roads on-site Deeb Drive, Jaoudi Trail, and Hardell Lane. Such easement roads shall be graded twenty-eight feet (28') wide and improved twenty-four feet (24') wide with asphaltic concrete pavement over approved base with asphaltic concrete dike at twelve feet (12') from centerline to the satisfaction of the Director of Public Works. The improvement and design standards of Section 3.1(C) of the County Standards for Private Streets for one hundred (100) to seven hundred fifty (750) trips shall apply.
 - b. Prior to recordation of the Final Map for Unit #2, improve or agree to improve and provide security for the easement roads on-site, Deeb Drive Country Dell Court, Hearthstone Circle, and Heartleaf Court. Such easement roads shall be graded twenty-eight feet (28') wide and improved twenty-four feet (24') wide with asphaltic concrete pavement over approved base with asphaltic concrete dike at twelve feet (12') from centerline to the satisfaction of the Director of Public Works. The improvement and design standards of Section 3.1(C) of the County Standards for Private Streets for one hundred (100) or less trips shall apply.
 - c. Prior to recordation of the Final Map for Unit #1, improve or agree to improve and provide security for the easement roads on-site to Lots 2 and 3 and to Lots 8 and 9. Such easement roads shall be graded thirty-two feet (32') wide and improved twenty-four feet (24') wide with asphaltic concrete pavement over approved base with asphaltic concrete dike at twelve feet (12') from centerline. The improvement and design standards of Section 3.1(C) of the County Standards for Private Streets for one hundred (100) or less trips shall apply. Provide emergency vehicle hammerhead turnarounds at Lots 2, 3, 8, and 9 as approved by the Fire Marshal.
 - d. All the cul-de-sac roads on-site shall terminate with a cul-de-sac graded to a radius of forty feet (40') and surfaced to a radius of thirty-six feet (36') with asphaltic concrete pavement over approved base with asphaltic concrete dike at thirty-six feet (36') from the radius point.
 - e. Intersectional sight distance along Buena Creek Road from Ora Avo Drive off-site shall be five hundred fifty feet (550') to the satisfaction of the Director of Public Works.

- f. If height of fill bank for a 2:1 slope is greater than twelve feet (12'); or if height of fill bank for a 1.5:1 slope is greater than ten feet (10'), guardrail shall be installed per CalTrans standards to the satisfaction of the Director of Public Works.
- g. Provide a left-turn pocket and an acceleration lane eastbound on the centerline of Buena Creek Road off-site at Ora Avo Drive to the satisfaction of the Director of Public Works.
- h. Provide acceleration and deceleration lanes on Buena Creek Road off-site for right turns to and from Ora Avo Drive to the satisfaction of the Director of Public Works.
- i. Install a double yellow centerline with raised pavement markers on Ora Avo and Deeb Drive off-site from Buena Creek Road to the project.
- j. Prior to the recordation of the Final Map for Unit 1, improve or agree to improve and provide security for the widening of Ora Avo Drive from Buena Creek to Deeb Drive to an improved width of twenty-eight feet (28') with asphaltic concrete pavement over approved base. The improved width shall be according to the improvement and design standards for an interim road as defined in the County of San Diego Public Road Standards Table 2, Note 10. The graded width shall be to the satisfaction of the Director of Public Works. Since the existing pavement for Ora Avo Drive is not centered within the existing right-of-way, the centerline of the "widened" Ora Avo Drive may vary within the right-of-way to the satisfaction of the Director of Public Works.
- k. Provide a twenty-four foot (24') wide locked gate on Hardell Lane near the southwest corner of Lot 1 and at the north end of Deeb Drive at Lot 30, as approved by the Fire Marshall.
- l. Improve Hardell Lane from the gate at Lot 1 to the existing road at the tract boundary to a graded width of thirty feet (30') and improved twenty-four feet (24') wide with asphaltic concrete pavement over approved base.
- m. Intersectional sight distance along Deeb Drive from Palm Hill Drive shall be two hundred feet (200') to the satisfaction of the Director of Public Works. The existing cut slopes at the northwest and southwest corners of this intersection shall be excavated to provide the necessary sight distance. Prior to the issuance of improvement plans and the commencement of excavation at the Deeb Drive/Palm Hill Drive intersection, a geologic report shall be provided to verify the stability of the

slopes and to outline the methods and procedures for the proposed excavation.

(Flood Control/Drainage)

3. Standard Conditions 13 through 18.
4. Specific Conditions:
 - a. The 100-year flood line of the natural channels crossing all lots with drainage watersheds in excess of twenty-five (25) acres shall be clearly delineated on the non-title information sheet of the Final Map.
5. Standard Condition 19(a-f).
6. Specific Conditions:
 - a. Grading indicated on the final grading plans or improvement plans shall be in substantial conformance with that shown on the approved Tentative Map, dated March 7, 1995. Any deviation for the Tentative Map grading plans in excess of five percent of the total grading quantities and/or total grading quantities in excess of 94,500 cubic yards of earthwork may require additional environmental review. Any deviation in maximum slope heights from the approved Tentative Map in excess of three feet may also require additional environmental review. The need for further environmental review will be determined during the grading/improvement plan check process. The following measures will be implemented with the grading plans:
 - (1) Contour grading;
 - (2) Variable slopes;
 - (3) Terracing of manufactured slopes at 20 foot intervals;
 - (4) All transportation, handling, storage and use of explosives will be conducted with every precaution prescribed by the Construction Safety Orders of the Division of Industrial Safety of the State of California;
 - (5) Grading will be staggered along cross-streets and each pad's grading will be distinctly separated; and

- (6) Housepad finished elevations will not exceed 1,060 feet north of Jaoudi Trail, and will not exceed 975 feet south of Jaoudi Trail.
- b. Grading and/or improvement plans shall include the requirement that any open space easements shown on the Tentative Map, which preclude grading, or brushing, or clearing, shall have temporary fences placed along the open space easement boundaries adjacent to areas to be graded and staging areas. Said fencing shall be installed prior to commencing grading or brushing and clearing, shall remain until grading and/or clearing and brushing are completed, and must be removed upon completion of such activities.

FAIR HOUSING

- 7. Standard Condition 20.

SANITATION

- 8. Standard Condition 21.

FIRE PROTECTION AND WATER SUPPLY

- 9. Standard Condition 23.1, 23.2.

PLANNING AND ZONING ADMINISTRATION

- 10. Specific Conditions:
 - a. Obtain a Planned Development Permit from the Planning and Environmental Review Board, Planning Commission, or the Board of Supervisors. [DPLU - Current Planning Division]
 - b. Prior to obtaining a Grading Permit, submit to and receive approval from the Director of Planning and Land Use a complete and detailed Landscape Plan. Landscape Plans shall be prepared by a California licensed landscape architect and shall fulfill the requirements of the Landscape Water Conservation Ordinance and Design Manual. The Landscape Plans and review fee shall be submitted to the Current Planning Division, Zoning Counter. Plans shall include:
 - (1) Indication of the proposed width of any adjacent public right-of-way, and the locations of any required improvements and any proposed plant materials to be installed or planted therein. The applicant shall also obtain a permit from the Department of Public Works

approving the variety, location, and spacing of all trees proposed to be planted within said right(s)-of-way. A copy of this permit and a letter stating that all landscaping within the said right(s)-of-way shall be maintained by the landowner(s) shall be submitted to the Department of Planning and Land Use.

- (2) A complete planting plan including the names, sizes, and locations of all plant materials, including trees, shrubs, and groundcover. Wherever appropriate, native or naturalizing plant materials shall be used which can thrive on natural moisture. These plants shall be irrigated only to establish the plantings.
- (3) A complete watering system including the location, size, and type of all backflow prevention devices, pressure, and non-pressure water lines, valves, and sprinkler heads in those areas requiring permanent irrigation system. For areas of native or naturalizing plant material, the Landscape Plan shall show a method of irrigation adequate to assure establishment and growth of plants through two growing seasons.
- (4) Spot elevations of the hardscape, building and proposed fine grading of the installed landscape.
- (5) The location and detail of all walls, fences, and walkways shall be shown on the plans. A lighting plan and light standard details shall be included in the plans.
- (6) Additionally, the following items shall be addressed as part of the Landscape Plans:
 - (a) The landscape plans shall conform with the conceptual plan included as Sheet 3 of 3 of the Major Use Permit plot plan.
 - (b) Ameliorating the visual impacts of grading in steep slopes by revegetating in native species adjacent to natural open space areas and replanting primarily with drought-tolerant, low-growing, perennial groundcovers in the remaining disturbed areas. The manufactured slopes created for the construction of Deeb Drive, along the boundary of Lot 58 and the boundary of Lot 59 shall be planted with Tetracoccus dioicus and Comarostaphylis diversifolia.

- (c) Visual screening of residential areas along common boundaries to the south and east along Deeb Drive where it enters the site in the southwest and bordering street areas.
- (d) The plan shall include a variety of plant species, including fast and slow growing species to insure an attractive short-term and long-term landscape character.
- (e) All manufactured slopes greater than three feet in height shall be hydroseeded with an erosion control seed mix, including drought-tolerant, low-growing, perennial groundcovers and some shrubs.
- (f) All manufactured slopes shall be hydromulched.
- (g) Boulders shall be incorporated into the landscaping of slopes to retain the natural character of the site.
- (h) Trees shall be planted near the toe and middle of slopes to de-emphasize the scale of the slopes.
- (i) Shrubs shall be massed at the toe of slopes to soften the transition from graded slopes to flatland.
- (j) Permanent, automated irrigation systems, adequate for the establishment and maintenance of all plant material shall be installed.
- (k) Security shall be provided to the County to insure successful implementation, maintenance and long-term viability of the landscape plan.
- (l) All hydroseeded slopes shall receive a sterilized straw application after seeding and prior to container stock planting for additional erosion control.
- (m) All slopes adjacent to natural areas shall be planted with compatible native plant species. No exotic species, particularly invasive species such as iceplant shall be used.

DEVELOPMENT IMPACT FEES

11. Specific Conditions:

- a. Deposit with the County Department of Public Works sufficient funds to the satisfaction of the Director of Public Works to cover the cost of inspection of the private road improvements.
- b. Deposit with the County Department of Public Works \$200.00. Said deposit shall be used to cover the cost of site inspection by a County geologist to determine whether any geologic hazard exists and, if such is found, to review the geologic report prepared by the developer's engineering geologist. The developer shall reimburse the County Department of Public Works for any cost in excess of the deposit prior to recording the Final Map. Any unused portion of the deposit will be refunded.
- c. Participate in the cost of a traffic signal installation at the intersection of Buena Creek Road at Monte Vista Drive. The amount of the developer's portion of the entire cost of the signal shall be \$2,300.00. The Board of Supervisors hereby determines that:
 - (1) The fee is to assist in financing the construction of a traffic signal to mitigate the impact of this project on traffic safety;
 - (2) The fee will be used to contribute toward the installation of a traffic signal at the intersection of Buena Creek Road at Monte Vista Drive;
 - (3) The traffic signal will help mitigate the additional traffic impact on this intersection caused by the residential subdivision;
 - (4) This residential subdivision will contribute additional traffic to the intersection of Buena Creek Road at Monte Vista Drive; and
 - (5) The fee of \$2,300.00 is based on an estimate of the percentage of traffic this project will contribute to this intersection.

FINAL MAP RECORDATION

Final Map requirements shall be shown on the Final Map or otherwise accomplished to the satisfaction of the Director of Public Works prior to submittal for approval by the Board of Supervisors:

(Streets and Dedication)

12. Specific Conditions:

- a. Provide private road easements to the on-site roads to a width of forty feet (40'). The cul-de-sac roads shall terminate with a radius of forty feet (40').
- b. Because private roads are approved as a condition of this subdivision, the following shall apply:
 - (1) Maintenance shall be provided through a private road maintenance agreement satisfactory to the Director of Public Works.
 - (2) The Director of Public Works shall be notified as to the final disposition of title (ownership) to the private roads, and place a note on the Final Map as to the final title status of said streets.
 - (3) Access to each lot shall be provided by private road easement not less than forty feet (40') wide.
- c. If the private streets are separate lots, they shall have lot numbers consecutive with the other lot numbers within each unit. A street lot will have a different lot number in each unit.
- d. Prior to approval of improvement and/or grading plans, issuance of excavation permits, and issuance of any further grant of approval, the owners of this project will be required to sign a statement that they are aware of the County of San Diego, Department of Public Works, Pavement Cut Policy and that they have contacted all adjacent property owners and solicited their participation in the extension of utilities.
- e. The Basis of Bearings for the Subdivision Map shall be in terms of the California Coordinate System Zone 6 NORTH AMERICAN DATUM OF 1983 by use of existing Horizontal Control stations (min. 3rd order accuracy) or by Astronomic Observations to the satisfaction of the Director of Public Works (Ref. San Diego County Subdivision Ordinance Section 81.506(b)).
- f. The Subdivision Map shall be prepared to show two measured ties from the boundary of the subject property to existing Horizontal Control station(s) having California coordinate values of Third order accuracy or better, as published in the County of San Diego's Horizontal Control book. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e. Grid bearings and Grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of Ground-to-Grid distances shall be shown on the map, all to the satisfaction of the Director of Public Works (Ref. San Diego County Subdivision Ordinance Section 81.506(j)).

- g. Provide deeds showing access rights granted to the owner of this property, from the owners of all parcels through which Deeb Drive passes unless it is shown that such access was acquired prior to the transfer of the lots and remains in effect.

(Miscellaneous)

13. Standard Conditions 25, 26, 27.1, and 28.
14. Standard Condition 29.
15. Specific Conditions:
 - a. Prior to approval of grading and/or improvement plans, the applicant shall dedicate biological open space easements over all of Lots 58 and 59 and over portions of Lots 20, 21, 28, 33, 34, 46, 47, 48, 53, 54, 55, 56 and 60 as shown on TM 4700RPL³ dated March 7, 1995 except for those areas that will be subject to the "Zone B Fuel Treatment" easement described below in Condition 15.b. This easement is for the protection and preservation of steep slope land and sensitive biological resources and prohibits all of the following on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space. The sole exceptions to this prohibition are activities required to be conducted pursuant to a revegetation, habitat management or landscaping plan approved by the Director of Planning and Land Use and selective clearing of vegetation by hand to the extent required by written order of the fire authorities for the express purpose of reducing an identified fire hazard.
 - b. Prior to approval of grading and/or improvement plans, the applicant shall dedicate an easement over the Zone B Fuel Treatment Area depicted in Figure 8 of the *Revisions to the EIR*, as shown within Lots 19-21, 28, 32-34, 46-48, 53-56 and within portions of Open Space Lot 60 of TM 4700RPL³. The purpose of the easement and the language in the legend describing "Zone B Fuel Treatment Area" shall read as follows: "This area is intended to provide unbuildable open space for visual mitigation and to provide buffers to prevent fire clearing from occurring in the biological open space easements. The construction, erection or placement of any building or accessory structure is not permitted within this area."

- c. Prior to approval of a grading permit, to mitigate the loss of habitat and individuals of both the Coast Horned Lizard and the Orange-throated Whiptail, the applicant shall purchase 2.5-acres (or credits) of Coastal Sage Scrub habitat that specifically supports large populations of both of the lizard species. This 2.5-acre purchase shall be a contiguous part of a large block of conserved habitat and the 2.5-acres shall be transferred with an appropriate non-wasting endowment (for long-term maintenance of the habitat) to an appropriate [Internal Revenue Code] 501(c)(3) or similar (non-profit)] organization for conservation in perpetuity.
- d. Prior to approval of a grading permit the applicant shall obtain approval from the Director of Planning and Land Use of a planting, management and monitoring plan for the Parry's tetracoccus. This plan shall specify the location, and techniques to be used for the planting of the tetracoccus as well as the source of seed (and/or cuttings). The plan shall also specify how tetracoccus retained in the fuel modification zone and tetracoccus planted in the fuel modification zone and on selected cut and fill slopes are to be maintained and managed. Monitoring shall be provided for in the plan for a period of no less than three years. This plan shall assure the retention of an aggregate total of approximately 6,400 tetracoccus plants.
- e. Vegetation removal within the project (including the off-site extension of Deeb Drive) shall be conducted during the non-breeding season of resident bird species — generally from 1 August to 1 March. Earlier or later clearing and grubbing dates will be allowed if based on a negative breeding bird survey prepared by a qualified biologist. This is a standard condition for projects that grade natural vegetation.
- f. Construction of the off-site sewer to serve the project shall be in the alignment addressed in the *Revisions to the EIR*. The alignment shall be located primarily in existing orchards with an approximately 240-foot "fly-over" section designed to minimize any adverse effects to the drainage swale.
- g. A Biological Monitor shall be retained during the construction of the off-site sewer in order to assure that said construction has the least significant effect on extant biological resources.
- h. Temporary fencing (for example, plastic mesh) is required between the construction zone and the Biological Open Space and/or between the construction and the fuel modification zone areas as required by the planting, management and monitoring plan for the Parry's tetracoccus.

- i. Prior to construction of the off-site sewer and the off-site extension of Deeb Drive, sound tests shall be conducted of the dozer and backhoe equipment to ensure the dozer generates an A-weighted noise level of 85 dB or less at 50-feet and that the backhoe generates a noise level of 80 dB or less at 50-feet (page 19).

Noise monitoring shall be conducted during the initial construction operation of the off-site improvements to ensure that the noise level complies with the County's noise ordinance limits. If the noise monitoring indicates that the County's noise criteria may be exceeded, subsequent monitoring will be conducted after implementation of remedial noise abatement measures. Remedial measures may include but are not limited to the use of quieter equipment, the use of equipment for shorter periods during the day, the use of additional noise muffling fixtures on the equipment or the construction of temporary noise barriers. A noise report shall be filed with the County DPLU (Department of Planning and Land Use) summarizing the results of the noise monitoring and method of compliance.

WAIVER AND EXCEPTIONS

Said subdivision is hereby approved pursuant to the provisions of the State Subdivision Map Act, the County Subdivision Ordinance, the County Public and Private Road Standards, and all other required Ordinances of San Diego County except for a waiver or modification of the:

- a. Standard Condition(s) for Tentative Maps:
 - (1) Standard Condition 27: Said condition states that the Final Map shall include the entire area shown on the Tentative Map and shall not be filed as units or groups of units. The Final Map for this Tentative Map may be filed in units.
 - (2) Standard Condition 22: Said condition pertains to projects that propose to utilize subsurface sewage disposal systems. The project proposed to be served by public sewer.
 - (3) Standard Condition 23.3: Said condition requires a letter for the California Department of Forestry and Fire Protection stating that all its conditions have been met. Said department has not required any conditions on this Tentative Map.
 - (4) Standard Condition 24: Said condition pertains to annexation to a fire district. This project is currently within the Vista Fire Protection District.

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MITIGATION MONITORING PROGRAM

The following shall be the Mitigation Monitoring or Reporting Program for TM 4700RPL³, Log No. 87-8-81, Country Estates.

Public Resources Code Section 21081.6 requires the County to adopt a mitigation reporting or monitoring program for any project that is approved on the basis of a mitigated Negative Declaration or an Environmental Impact Report for which findings are required under Section 21081(a)(1). The program must be adopted for the changes to a project which the County has adopted, or made a condition of project approval, in order to mitigate or avoid significant effects on the environment. The program must be designed to ensure compliance during project implementation.

The mitigation monitoring program is comprised of all the environmental mitigation measures adopted for the project. The full requirements of the program (such as what is being monitored, method and frequency, who is responsible, and required time frames) are found within the individual project conditions. These conditions are referenced below by category under the mechanism which will be used to ensure compliance during project implementation.

A. Subsequent Project Permits

Compliance with the following conditions is assured because specified subsequent permits or approvals required for this project will not be approved until the conditions have been satisfied: C.6.a., C.15.a., b., c., d., e., f., g., h. and i.

THE ISSUANCE OF THIS PERMIT BY THE COUNTY OF SAN DIEGO DOES NOT AUTHORIZE THE APPLICANT FOR SAID PERMIT TO VIOLATE ANY FEDERAL, STATE, OR COUNTY LAWS, ORDINANCES, REGULATIONS, OR POLICIES INCLUDING, BUT NOT LIMITED TO, THE FEDERAL ENDANGERED SPECIES ACT AND ANY AMENDMENTS THERETO.

NOTICE - The 90 day period in which the applicant may file a protest of the fees, dedications or exactions begins on February 2, 2005.

NOTICE: Fish and Game Fees have been paid in the amount of \$875 for the review of the EIR, Receipt number 77762, date paid March 11, 1999.

DEFENSE OF LAWSUITS AND INDEMNITY: The applicant shall: (1) defend, indemnify, and hold harmless the County, its agents, officers, and employees, from any claim, action, or proceeding against the County, its agents, officers, or employees to attack, set aside, void, or annul this approval or any of the proceedings, acts of determination taken, done or made prior to this approval, if the action is brought within

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the time period specified in Government Code Section 66499.37; and (2) reimburse the County, its agents, officers, and employees for any court costs and attorney's fees which the County, its agents or officers or employees may be required to pay as a result of this approval. At its sole discretion, the County may participate at its own expense in the defense of any such action, but such participation shall not relieve the applicant of any obligation imposed by this condition. The County shall notify the applicant promptly of any claim or action and cooperate fully in the defense.

ON MOTION of Supervisor Horn, seconded by Supervisor Roberts, the foregoing Resolution was passed and adopted by the Board of Supervisors, County of San Diego, State of California, on the 2nd day of February, 2005, by the following vote, to wit:

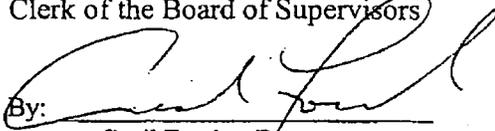
AYES: Cox, Jacob, Slater-Price, Roberts, Horn

STATE OF CALIFORNIA)
County of San Diego)^{SS}

I hereby certify that the foregoing is a full, true and correct copy of the Original Resolution entered in the Minutes of the Board of Supervisors.

THOMAS J. PASTUSZKA
Clerk of the Board of Supervisors



By: 
Cecil Fowler, Deputy

Resolution No. 05- 10
2/2/05 (3)

APPROVED AS TO FORM AND LEGALITY
COUNTY COUNSEL

BY 
SENIOR DEPUTY

P87-059

FILE COPY

**COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS
WEDNESDAY, FEBRUARY 17, 1999**

5/10

MINUTE ORDER NO. 7

SUBJECT: Noticed Public Hearing:
Joseph Jaoudi: An Appeal by the Applicant of a Planning Commission Decision to Deny the Country Estates Planned Residential Development – Tentative Map 4700RPL³, Major Use Permit P87-059, North County Metropolitan Subregional Plan Area (Supv. Dist. 5)

OVERVIEW:

This is an appeal by the applicant of a Planning Commission decision to deny a request for a Planned Residential Development. The project proposes to create 55 residential lots on 77.91 acres. Large areas of open space are proposed to preserve sensitive steep slopes and biological resources.

BUSINESS IMPACT STATEMENT:

The project will not have a significant impact upon the business community.

RECOMMENDATION:

PLANNING COMMISSION:

1. Adopt the Resolution denying TM 4700RPL³ for the reasons included in the staff report and in the Resolution at submitted Attachment D.
2. Deny Major Use Permit P87-059 for the reasons included in the staff report and in the Form of Decision at submitted Attachment D.

RECOMMENDATION:

DEPARTMENT OF PLANNING AND LAND USE:

1. Certify that an Environmental Impact Report, dated June 1998, has been completed in compliance with the California Environmental Quality Act, review and consider information contained therein, find that the Environmental Impact Report reflects the independent judgment and analysis of the Board of Supervisors.
2. Adopt the findings concerning mitigation of significant environmental effects pursuant to Section 15091 of the California Environmental Quality Act Guidelines at submitted Attachment E.
3. Grant Major Use Permit P87-059 which makes the appropriate findings and includes those requirements and conditions necessary to ensure that the project is implemented in a manner consistent with The Zoning Ordinance and State law (submitted Attachment E).

- 4. Adopt the Resolution approving TM 4700RPL³ which makes the appropriate findings and includes those requirements and conditions necessary to ensure that the project is implemented in a manner consistent with the Subdivision Ordinance and State law. (submitted Attachment E).

ACTION:

ON MOTION of Supervisor Horn, seconded by Supervisor Roberts, the Board of Supervisors closed the Hearing and took action as recommended by the Department of Planning and Land Use, adopting Resolution No. 99-40, entitled: RESOLUTION OF SAN DIEGO COUNTY APPROVING CONDITIONS FOR TENTATIVE MAP NO. 4700RPL3.

AYES: Cox, Jacob, Slater, Roberts, Horn

State of California)
County of San Diego)^{SS}

I hereby certify that the foregoing is a full, true and correct copy of the Original entered in the Minutes of the Board of Supervisors.

THOMAS J. PASTUSZKA
Clerk of the Board of Supervisors

By Frank Galang
FRANK GALANG, Deputy



**Attachment D – Stay of Time Period to File a Final
Map for TM4700 (October 10, 2007)**



County of San Diego

ERIC GIBSON
INTERIM DIRECTOR

DEPARTMENT OF PLANNING AND LAND USE

5201 RUFFIN ROAD, SUITE B, SAN DIEGO, CALIFORNIA 92123-1666
INFORMATION (858) 694-2960
TOLL FREE (800) 411-0017

October 10, 2007

REFERENCE: TENTATIVE MAP SUBDIVISION TM 4700RPL³TE*

STAY OF TIME PERIOD TO FILE A FINAL MAP

NOTICE OF ACTION OF
THE DIRECTOR OF PLANNING AND LAND USE APPROVING
A STAY OF THE TIME PERIOD TO FILE A FINAL MAP FOR
TENTATIVE MAP 4700RPL³

On the above date, the Director of Planning and Land Use adopted this decision approving a Stay of the Time Period to File a Final Map for the above referenced Tentative Map.

PLEASE NOTE: THIS LETTER EXTENDS THAT DATE UPON WHICH THE TENTATIVE MAP WILL EXPIRE AND MAKES CERTAIN OTHER CHANGES AS LISTED BELOW. ALL OTHER RESOLUTION LANGUAGE AND CONDITIONS REMAIN AS ORIGINALLY ADOPTED. [Strikeout indicates deletion, underline indicates addition.]

1. It is hereby found that the Director of Planning and Land Use has reviewed and considered the information contained in the final EIR dated 1998 and the "Final Revisions to the EIR" dated July 2004 on file with DPLU as Environmental Review Number 87-08-081 prior to making its decision on the project;
2. The "Environmental Review Update Checklist Form for Projects with a Previously Approved Environmental Document" dated October 1, 2007, on file with DPLU as Environmental Review Number 87-08-081A including California

* Stay of time period to file a Final Map due to litigation.

Environmental Quality Act Guidelines Sections 15162, 15163, and 15164 Findings for Determining the Appropriate Environmental Documentation to be completed when there is a previously certified Environmental Impact Report (EIR); is hereby adopted.

3. It is hereby found that there are no changes in the project, no changes in the circumstances under which the project is undertaken, or no new information which results in a new significant environmental effect or a substantial increase in the severity of a previously identified significant environmental effect since the certification of previous Environmental Impact Report for the project dated June 1998 and Final Revisions to the EIR dated July 2004 on file with DPLU as Environmental Review Number 87-08-081.
4. The "California Environmental Quality Act Guidelines Sections 15162, 15163, and 15164 Findings for Determining the Appropriate Environmental Documentation for Use on a Subsequent Project with a Previously Adopted EIR" dated June 1998 and Final Revisions to the EIR dated July 2004 on file with DPLU as Environmental Review Number 87-08-081; is hereby adopted.
5. The "California Environmental Quality Act Guidelines Section 15091 Findings Regarding Significant Effects of the Project" dated July 2004 on file with DPLU as Environmental Review Number 87-08-081; is hereby adopted;
6. The current environmental review is adequate for the purposes of granting the request for a Stay of the Expiration Date to file a Final Map;
7. The lawsuit filed on the project has been resolved in such a way as to allow the applicant to proceed with the Final Map process;
8. The Director has considered comments from the subdivider and notes that no comments were received from the recipients of the notice required by Section 81.308.7(b) of the County Subdivision Ordinance;
9. The Director has considered changes in laws, ordinances, regulations or policies applicable to the subdivision since the project was approved by the Board of Supervisors on February 2, 2005, and conditions of approval are set forth below to account for said changes;
10. It is hereby found this approved "Stay of the Time Period to file a Final Map" is based on the number of days from the date the Board of Supervisors approved the project in compliance with a court order on February 2, 2005, to March 23, 2006, which is the date the court dismissed the lawsuit; and

11. It is hereby found that the project proposed by the application has prepared plans and documentation demonstrating compliance with the provisions of the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance.

A. The approval of this Tentative Map expires on March 23, 2009, at 4:00 p.m. , unless prior to that date a request for a Time Extension has been filed and subsequently approved as provided by Section 81.308 of the County Subdivision Ordinance.

PLEASE NOTE: Condition compliance, preparation of grading and improvement plans and final mapping may take a year or more to complete. Applicants are advised to begin this process at least one year prior to expiration of this Tentative Map.

The following are conditions of approval of this Stay of the Expiration Date of the Time Period to file a Final Map:

- 1. Prior to approval of a grading permit, the applicant shall update the Stormwater Management Plan and the Drainage Study.
- 2. The applicant is hereby notified that Payment of the Traffic Impact Fee will be required prior to the issuance of building permits for this project.

NOTICE - The 90 day period in which the applicant may file a protest of the fees, dedications or exactions begins on October 8, 2007.

NOTICE: – The project relies on CEQA 15162 Findings and the previous Fish and Game Fees paid in the amount of \$875 for the review of an EIR Receipt number 77762 dated March 11, 1999.

The issuance of this permit by the County of San Diego does not authorize the applicant for said permit to violate any Federal, State, or County laws, ordinances, regulations, or policies including, but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. Section 1531 et seq.).

I, Eric Gibson, Interim Director of Planning and Land Use, San Diego County, State of California, hereby certify that this is a copy of the official document authorizing an amendment to the referenced Tentative Map.

Country Estates, TM 4700RPL³

- 4 -

October 10, 2007

DEPARTMENT OF PLANNING AND LAND USE
ERIC GIBSON, INTERIM DIRECTOR

By: 
JASON GIFFEN, Interim Chief
Regulatory Planning

[NOTE: Within fifteen days after adoption of this Resolution, these findings and conditions may be appealed in accordance with Section 81.308.7 of the Subdivision Ordinance to the Board of Supervisors. No Final Map shall be approved, no grading permit issues, and no building permits for model homes or other temporary uses as permitted by Section 6116 of The Zoning Ordinance shall be issued pursuant to said Tentative Map until after the expiration of the 15th day following adoption of this Resolution, or if an appeal is taken, until the appeal board has sustained the determination of the Director.]

WS:ws

cc: Joseph Jaoudi, 2216 Via Subria, Vista, CA 92084.
Ron Wootton, P.O. Box 520, Vista, CA 92085.
Twin Oaks Sponsor Group
Eric Brennecke, Project Manager, Land Development, Department of Public Works, M.S. O336
Final Maps, Department of Public Works, M.S. O336
Richard Grunow, Planning Manager, Department of Planning and Land Use, M.S. O650
William Stocks, Project Manager, DPLU, MS O650.
Carl Hebert, Case Tracking System, Department of Planning and Land Use, M.S. O650

**Attachment E – Letters from Karen ZoBell
(June 22, 2016 and July 1, 2016)**

**Solomon
Ward**
Attorneys at Law

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Smith LLP

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(t) 619.238.4802
(f) 619.615.7902

July 1, 2016

Via email and Federal Express

Mr. Mark Wardlaw
Director
Planning and Development Services
5510 Overland Avenue, Suite 110
San Diego, CA 92123

Mr. Jarrett Ramaiya
Chief, Departmental Operations
Land Development
Planning and Development Services
5510 Overland Avenue, Suite 110
San Diego, CA 92123

Re: Tentative Map Subdivision PDS2016-TM-47007EZ Time Extension

Dear Messrs. Wardlaw and Ramaiya:

We represent Mr. Joseph Jaoudi and Country Estates in connection with Tentative Map 4700TEZ.

We are in receipt of your "Preliminary Notice of Decision of the Director of Planning Development Services Denying a Time Extension for Tentative Map 4700TEZ" dated June 24, 2016 ("Preliminary Notice").

We understand that the Preliminary Notice will be filed with the Planning Commission as an information item on the July 15, 2016, agenda.

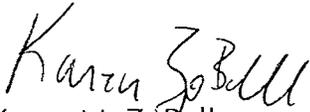
We contest the findings in the Preliminary Notice for, among others, the reasons set forth in our letter and attachments dated June 22, 2016.

We request a public hearing with the Planning Commission at the next available date. Please include our June 22, 2016, letter and all attachments and all other correspondence related to Tentative Map 4700TEZ, including, without limitation, emails, written correspondence, and telephone logs, in the administrative record for Tentative Map 4700TEZ.

Mr. Mark Wardlaw
Mr. Jarrett Ramaiya
July 1, 2016
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Please contact me immediately if our understanding is incorrect. We plan to attend the July 15, 2016, Planning Commission Hearing to address this issue.

Very truly yours,



Karen M. ZoBell
Solomon Ward Seidenwurm & Smith, LLP

KMZ/rmf

cc: Planning Commission
Mr. Joseph Jaoudi
Mr. Lee Shick
Mr. Len Schatzman
Mr. Ken Brazell
Mr. David Sibbet
Ms. Marisa Smith
Paul Mehnert, Esq.

**Solomon
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June 22, 2016

VIA EMAIL & HAND DELIVERY

Paul Mehnert, Esq.
Office of the County Counsel
1600 Pacific Highway, Room 355
San Diego, California 92101
paul.mehnert@sdcounty.ca.gov

Mr. Darren Gretler
Assistant Director Planning & Development Services
5510 Overland Avenue
San Diego, California 92123
darren.gretler@sdcounty.ca.gov

Dear Mr. Mehnert and Mr. Gretler:

We represent the developers of Country Estates ("Country Estates"), with respect to the processing of TM 4700 RPL3, PDS2015-LDMAP-00080, PDS2015-, LDGRMJ-30051, PDS 2004-2140-4700-1 and PDS2016-LDPIIP-60024.

Requested Action

For the reasons that we discuss in this correspondence, we request that the County of San Diego (the "County") take all actions necessary to record the final map (the "Final Map") for tentative map TM No. 4700 RPL3 (the "Tentative Map") (a copy of the resolution of approval for TM No. 4700 RPL3 is attached as Attachment No. 1)).

Discussion

1. **Approval of the Final Map is a Ministerial Act on the Part of the County to Perform because Country Estates Fulfilled all Prerequisites for Approval of the Final Map.**

After fulfilling all prerequisites for approval of the Final Map (including satisfying, or agreeing to satisfy by lien contract, the Tentative Map conditions), Country Estates timely filed the Final Map on May 23, 2016 (which was prior to expiration of the Tentative Map) by submitting it to the County Surveyor and, therefore, the County's approval should have been a mere ministerial act. Under the Subdivision Map Act and applicable case law, approval of a final map is a ministerial act on the part of a county or city where there is substantial compliance with all the tentative map conditions. See Bodega Bay Citizens et al. v. County of Sonoma (2005) 125 Cal.App.4th 1061 (indicating approval of a final map by the County "is essentially a ministerial act."). A copy of Bodega Bay is attached as Attachment No. 2. Prior to

Paul Mehnert, Esq.
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submitting the Final Map to the County Surveyor, Country Estates had substantially complied with the conditions of its Tentative Map. As such, the County should have scheduled the Final Map for approval without issue as a ministerial act, but failed do so causing significant financial and timing impacts.

More important, if the County found that the Final Map did not satisfy the requirements of the Subdivision Map Act and County ordinances related thereto when it was filed with the County Surveyor, the County is obliged to disapprove the Final Map and accompany such disapproval with a finding identifying the deficiencies. See Cal. Gov. Code §66473. The County failed to satisfy such Subdivision Map Act requirements, which left Country Estates with no direction as to the approval or disapproval of its Final Map.

We have, however, been informed that the County may take the position that Country Estates has failed to fulfill all obligations (but has not done so formally) with respect to the Tentative Map conditions. Even assuming that all of the Tentative Map conditions had not been satisfied the Final Map was properly and timely filed when it was delivered to the County Surveyor. The Subdivision Map Act does not require that all conditions of a tentative map be complete, but that there be a bond or other security in place, such as a lien contract, to ensure the conditions placed on the subdivider to complete improvements are completed as required by the County. (See Cal. Gov. Code §66462). Country Estates provided such security by providing the County with the name of an acceptable Holding Company, payment of the fee to prepare and process the lien contract/holding agreements and engineer's estimates to secure such conditions to be completed post-recording of the Final Map. For these reasons, the County erred in failing to timely approve the Final Map so that it could be presented to the Clerk of the Board of Supervisors, for action by the Board, and thereafter recorded with the County Recorder.

2. Country Estates Submitted a Timely Application for Extension on March 16, 2016 and the County has Never Acted on the Application.

Attached as Attachment 3 is a copy of the Country Estates submittal package for the request for the time extension, which the County acknowledged receiving and submitted to the Twin Oaks Community Group for review. Pursuant to Cal. Gov. Code §66452.6(e), "[p]rior to the expiration of an approved or conditionally approved tentative map, upon an application by the subdivider to extend that map, the map shall automatically be extended for 60 days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first." Here, the County never officially issued an approval, conditional approval, or denial of Country Estates' application for time extension, but has taken the unofficial position that the Tentative Map expired 60 days after the filing of the extension application under Cal. Gov. Code §66452.6(e). The fact that that the County did not officially approve or deny the extension application does not preclude it from acting on an

Paul Mehnert, Esq.
Mr. Darren Gretler
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Page 3

"expired" tentative map. The California Court of Appeals in *Bodega Bay* (cited above) quoted Cal. Gov. Code §66452.6(d) ("[o]nce a timely filing is made, subsequent actions of the local agency, including, but not limited to, processing, approving, and recording, may lawfully occur after the date of expiration of the tentative map.") in support of its holding that a local agency may act on a timely filed application for extension even though the tentative map is deemed to have expired. Simply because the automatic 60 day extension of the Tentative Map passed without action by the County, does not mean that the County does not have the authority to act on the timely filed extension application and approve the Final Map for filing. Country Estates requests that the County act on its extension application and continue review and processing of the documents associated with the Final Map as required by the Subdivision Map Act and County ordinances.

3. The County's Failure to Process the Final Map Constitutes a Moratorium Under Cal. Gov. §66452.6(f)(1).

The extension the Tentative Map should not have deemed to have expired on its expiration date, but should have been extended pursuant to Cal. Gov. Code §66452.6(f)(1). Under this code provision, where a "condition was one that, by its nature, necessitated action by the....county, and the....county did not take the necessary action or by its own action or inaction was prevented or delayed in taking the necessary action prior to expiration of the tentative map" is deemed a development moratorium. If a development moratorium exists, the date that a tentative map is to expire (whether during its initial term or an extension term) shall be extended for the period of the moratorium. Our client submitted and the County received submittals for approval of conditions to the Tentative Map that by their nature necessitated action by the County, but the County failed to act on such submittals in a timely manner. Proof of the submittals are attached as Attachment 4. After delivery of the pre-submittal to the County, representatives of Country Estates were informed that the County would take approximately two months to process subsequent submittals because of current workloads and staffing issues. Staff discussed with Country Estates representatives that expedited plan reviews were available, if authorized by the owner, financially responsible person, and that could cut the review time substantially, closer to two to three weeks. Country Estates provided written authorization for expedited review at the time of first submittal, both with the submittal package and via email and thereafter the County did delay in timely processing the first submittal as the plan check took in excess of two months (December 16, 2015 to March 1, 2016). Subsequent plan checks were submitted and not assigned for review, sometimes for several weeks, until Country Estates informed the County that the plans had in fact already been submitted. It seemed like the County did not provide adequate oversight or direction to staff that this project was on a very critical time path. Representatives of Country Estates were told that certain plans and items were not submitted when in fact they had been, further adding to confusion and delays. Additional misinformation regarding the validity of

Paul Mehnert, Esq.
Mr. Darren Gretler
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environmental documents was also made by County staff further adding to confusion and time required of Country Estates to research, prepare documents in an attempt to clarify these issues. In this matter, the County delayed in processing submittals for approximately 52 working days resulting in a development moratorium that would grant Country Estates at a minimum an additional 52 working days to satisfy the County that it has met all necessary conditions to the Tentative Map. Based on the foregoing, we request that the County extend the life of the Tentative Map for at least an additional 52 day period.

4. The County Did Not Comply With the County's Land Development Guidelines as Set Forth in the Improvement and Grading Manual.

Attached as Attachment 5 are excerpts from the County Improvement and Grading Manual and the DPW-Land Development Guidelines, which are on the County's website. Country Estates has received no other guidance regarding the processing of its submittals. Importantly, the County is required to conduct a post-first review mandatory meeting, but never conducted such meeting. The County has seemingly failed to meet its obligations with respect to processing our client's submittals. Their failure to provide guidance (even upon our client's request) has been to the severe detriment of Country Estates.

5. Country Estates Submitted a Request for Expedited Processing on December 18, 2015.

In a letter dated December 2, 2015 and submitted to the County on December 18, 2015, Country Estates submitted a request for expedited processing of its submittals to the County with respect to the Tentative Map. The County accepted the request for expedited processing and cashed the applicant's checks, but failed to expedite processing the submittals made by Country Estates. The first submittal took 69 calendar days (46 working days) to complete. Again, the County failed to act in accordance with its obligations to expedite review when subsequent plan checks were not assigned to be reviewed for several weeks. At the last moment, our client was informed that the County was not going to have sufficient time to review its submittals prior to expiration of the Tentative Map (even though there has been no formal action on Country Estate's application for an extension as discussed above). Country Estates proceeded in good faith and spent significant sums of money and time in reliance that the County would expedite processing its submittals to no avail. When it became apparent that the County may not be able to perform plan checks in an expedited manner, due to vacant staff positions, Country Estates offered to pay for outside consultants to allow for expedited plan reviews to satisfy its obligations regarding the Tentative Map conditions.

Conclusion.

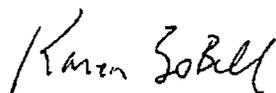
Based on the foregoing described action and inaction by the County, we request that the County find that the Final Map was timely filed and schedule the Final Map for approval

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with the Board of Supervisors and recordation with the County Recorder, or grant an extension for a reasonable period to address any outstanding concerns that the County may have regarding Country Estates satisfying its obligations under the Subdivision Map Act and County ordinances.

We look forward to discussing this matter with you.

Very truly yours,



Karen M. ZoBell
Solomon Ward Seidenwurm & Smith, LLP

KMZ/rmf

cc: Mr. Bill Horn, County Supervisor
Ms. Marisa Smith, Land Use and Environmental Planner
Mr. Joseph A. Jaoudi
Mr. Jarrett Ramaiya, MA
Mr. Ken Brazell
Mr. Richard Lee Schick
Mr. Len Schatzman

**Attachment F – Checklist Timeline
and Comments**

Applicant Submittal with Land Development for Final Map

Grading Plan (PDS2015-LDGRMJ-30051)

- Prescreen Review – Submitted 11/2/2015 Completed 11/3/2015
- 1st Review – Submitted 1/4/2016 Completed 3/1/2016
- 2nd Review – Submitted 4/19/2016 Completed 5/9/2016
- 3rd Review – Submitted 5/21/2015 Completed 5/23/2016

Improvement Plan (PDS2004-2140-4700-1)

- Prescreen Review – Submitted 11/2/2015 Completed 11/3/2015
- 1st Review – Submitted 1/4/2016 Completed 3/1/2016
- 2nd Review – Submitted 4/19/2016 Completed 5/13/2016
- 3rd Review – Submitted 5/21/2015 Completed 5/23/2016

Off-site Improvement Plan (PDS2016-LDPIIP-60024)

- Prescreen Review – Waived
- 1st Review – Submitted 5/2/2016 Completed 3/20/2016

PROJECT NAME: COUNTRY ESTATES OFF-SITE IMP (TM 5456) PROJECT NUMBER: PDS2016-LDPIIP-60024

PDS LAND DEVELOPMENT MASTER REVIEW CHECKLIST

NAME OF RECEPIENT: LEN SCHATZMANN, STA ENGINEERING (760) 758-8057 E-MAIL: len_staeng@cox.net

CHECKLIST INSTRUCTIONS: This checklist has been provided to you electronically for your use in responding to plan check comments. Include 5 copies of the revised checklist as part of your resubmittal package. Please use the "Summary" column to document your responses and include the date you addressed the comment under the "Date Resolved" column.

NOTE: The County anticipates a maximum of three (3) plan iterations prior to approval. It is the responsibility of the private consultant to provide complete and accurate submittals that address all staff comments to minimize the plan check iterations. If there are significant outstanding comments or unresolved matters at the completion of the 3rd plan check, the project will be scheduled for a mandatory Project Issue Resolution (PIR) meeting with PDS/DPW upper management, PDS/DPW review staff, the financially responsible party, and the private consultant. The purpose of this meeting will be to resolve any outstanding matters preventing final approval.

Item No.	Subject Area	Plan or Sheet Section No.	Issue, Revision or Information Required	Date Identified	Resolved By	Summary	Date Resolved
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Next Submittal Please Submit the Following Items:

1	ALL Previously Redlined Check Prints						
2	FIVE Copies of Revised Checklist with Responses						
3	FIVE Copies of Up-Dated Check Prints						
4	<i>At Resubmittal, Confirm Account Balance with LD Plan Reviewer.</i>						

Reviewer, Functional Unit: DIANA PEREZ, PDS LAND DEVELOPMENT PHONE NUMBER: (858) 495-5281

1 - 1	IMP Plan	General	Satisfy ALL Required Conditions for Final Map Recordation.	5/20/2016			
1 - 2	IMP Plan	1	Use new TCBMP table (attached to plan). Complete table to be consistent with project SWQMP. TCBMP facilities need to be clearly shown on the improvement plan to show compliance with the MS4 Permit requirements. If they are within the public ROW, they need to be classified as Category 4 and accepted by Field Ops.	5/20/2016			
1 - 3	IMP Plan	3	Refer to General Note Number 2 for street structural section.	5/20/2016			
1 - 4	IMP Plan	4 and 5	Complete permission to grade off-site note and provide copy of letter(s).	5/20/2016			
1 - 5	IMP Plan	General	Address all redlined comments on check print.	5/20/2016			

Reviewer, Functional Unit: DORIAN KUNCH, DPW FIELD OPERATIONS PHONE NUMBER: (858) 694-3882

1 - 1	Stormwater Table	1	Change Title of Table per redline. Water quality facilities designed based on Green Street Guidelines are LID's, and , are not placed in the Street BMP Table .	5/20/2016			
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Reviewer, Functional Unit: KAMILA JAMES, DPW FIELD OPERATIONS PHONE NUMBER: (858) 232-6837

3 - 1	IMP Plan	General	SEE PDCI REDLINED PLANS FOR COMMENTS.	5/20/2016			
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1-77

Item No.	Subject Area	Plan or Sheet Section No.	Issue, Revision or Information Required	Date Identified	Resolved By	Summary	Date Resolved
Reviewer, Functional Unit: CHELSEA OAKES, PDS ENVIRONMENTAL						PHONE NUMBER: (619) 643-7938	
4 - 1	IMP Plan	General	The proposed off-site improvements are within the limits of existing right-of-way.	5/20/2016			
Reviewer, Functional Unit: DAVID GASAWAY, DPW MATERIALS LABORATORY						PHONE NUMBER: (858) 560-2125	
5 - 1	IMP Plan	General	What is the current conditions of existing pavement for the roadways? Is slurry most appropriate treatment?	5/11/2016			
5 - 2	IMP Plan	General	Have the plans been reviewed for ADA Compliance?	5/11/2016			
5 - 3	Vicinity Map	1	Broader location of site and off-site improvements within the County are not shown. The test is, "would someone unfamiliar with the site location (and maybe SD County) be able to figure out where this is (San Marcos or Jacumba?)"	5/11/2016			
5 - 4	Vicinity Map	1	Limits of Off-Site Improvements are not shown.	5/11/2016			
5 - 5	General Notes	1	NOTE 19 should utilize current number for Traffic Control permits.	5/11/2016			
5 - 6	LEGEND	1	Legend for Item SI-1 and SI-2 appears identical. This is confusing, and creates confusion on other plan sheets regarding delineation between requirements for driveway AC and roadway AC.	5/11/2016			
5 - 7	LEGEND	1	Description for Item SI-1 should refer to General Note 2 on Sheet 1. Also, Buena Creek Rd is a Major Road Series Circulation Element - so MINIMUM per Public Road Standards is 4" AC/10" AB.	5/11/2016			
5 - 8	LEGEND	1	Item SI-3 makes reference to detail on incorrect Sheet number.	5/11/2016			
5 - 9	LEGEND	1	Item SI-3 should conform with appropriate SDRSD from G-14 series.	5/11/2016			
5 - 10	LEGEND	1	What is the basis of design for Item SI-4? Design details needed for concrete paver system in portion of Public ROW.	5/11/2016			
5 - 11	LEGEND	1	Item SI-10 makes reference to detail on incorrect Sheet number.	5/11/2016			
5 - 12	Ora Avo Drive Sections	3	Callouts for AC and AB thickness for new pavement should refer to General Note 2 on Sheet 1.	5/11/2016			
5 - 13	AC Driveway Detail	3	Revise detail to conform with SDCDS DS-07.	5/11/2016			

Item No.	Subject Area	Plan or Sheet Section No.	Issue, Revision or Information Required	Date Identified	Resolved By	Summary	Date Resolved
5 - 14	Concrete Driveway Detail	3	Revise detail to conform with appropriate SDRSD from G-14 series.	5/11/2016			
5 - 15	Buena Creek Rd	3	Sections A-A and B-B: Callouts for AC and AB thickness for new pavement should refer to General Note 2 on Sheet 1.	5/11/2016			
5 - 16	General	4	Total width of the road (existing and new pavement) should be slurried between longitudinal limits in plans. 30 days cure time required for new pavement before slurry.	5/11/2016			
5 - 17	Surface Improvs Legend	4 Through 10	Description for Item SI-1 should refer to General Note 2 on Sheet 1. Also, Buena Creek Rd is a Major Road Series Circulation Element - so MINIMUM per Public Road Standards is 4" AC/10" AB.	5/11/2016			
5 - 18	Plan view	4	Callout for letter of permission to grade is incomplete.	5/11/2016			
5 - 19	Plan view	5	Callout for letter of permission to grade is incomplete.	5/11/2016			
5 - 20	General	5	Total width of the road (existing and new pavement) should be slurried between longitudinal limits in plans. 30 days cure time required for new pavement before slurry.	5/11/2016			
5 - 21	General	General	Approval of pavement Structural Section may be deferred until after permit is issued. Materials Laboratory shall be provided with a copy of the approved plans, Conditions of Approval, Structural Section recommendations from private Geotech, and relevant laboratory test results.	5/11/2016			
Reviewer, Functional Unit: NASSRIN SAMII, DPW TRAFFIC ENGINEERING						PHONE NUMBER: (858) 694-3870	
6 - 1	IMP Plan	1	Please provide Separate sheets for signing and striping plans.	5/11/2016			
6 - 2	IMP Plan	1	Add attached striping notes to signing and striping plans.	5/11/2016			
6 - 3	IMP Plan	1	Note Caltrans Standard Plans, Sheet number and detail number for each striping line, symbol and legend.	5/11/2016			
6 - 4	IMP Plan	1	Add AC driveway per DS-7 under the legends	5/11/2016			
6 - 5	IMP Plan	1	Add PCC driveway per G-14a under the legends	5/11/2016			
6 - 6	IMP Plan	3	Please add structural section under AC dike on the typical sections.	5/11/2016			
6 - 7	IMP Plan	4	Please show all signs along Buena Creek Road in the signing and striping plan.	5/11/2016			

Item No.	Subject Area	Plan or Sheet Section No.	Issue, Revision or Information Required	Date Identified	Resolved By	Summary	Date Resolved
6 - 8	IMP Plan	5	The existing two driveways in the vicinity of curb returns (along Ora Avo Dr) shall be removed per RSD, G-15. Please check with owners to see if they have a permit for access to the driveways.	5/11/2016			
6 - 9	IMP Plan	5	Place curb ramps at three legs of the intersection.	5/11/2016			
6 - 10	IMP Plan	5	Place W1-7 for the T intersection as shown on the plan.	5/11/2016			
6 - 11	IMP Plan	5	<ul style="list-style-type: none"> • Left or right turn pocket length shall be designed at 25' increments. • There should be min 25' gap between the beginning of the 8" solid white (detail 38) and end of bay taper. • Bay taper shall be 120' long for posted speeds of 56 mph and higher and 90' for 31mph to 55 mph. 	5/11/2016			
6 - 12	IMP Plan	5	Place R3-7 (Right Turn Must Turn Right) sign along right turn pocket as shown on the plan.	5/11/2016			
6 - 13	IMP Plan	5	Note Caltrans Standard Plans, Sheet number and detail number for each striping line, symbol and legend.	5/11/2016			
6 - 14	IMP Plan	6 Through 10	The law indicates that every time you touch a road you need to bring the road to the most recent standards.	5/11/2016			
6 - 15	IMP Plan	6 Through 10	The existing AC driveways shall be replaced with DS-7 driveway standards.	5/11/2016			
6 - 16	IMP Plan	6 Through 10	The existing P.C.C. driveways shall be replaced with G-14a or any other driveway openings per Regional Standard Drawings standards.	5/11/2016			
6 - 17	IMP Plan	6 Through 10	The proposed walkway shall be clear of any fixed objects per ADA requirements.	5/11/2016			
6 - 18	IMP Plan	6 Through 10	The power poles shall be minimum 18" from face of dike per Clear Recovery Zone Criteria.	5/11/2016			
6 - 19	IMP Plan	6 Through 10	All driveways shall have adequate sight distance. Please see attached sight distance certification form.	5/11/2016			
6 - 20	IMP Plan	6 Through 10	Label all cross roads with Ora Avo Drive.	5/11/2016			
6 - 21	IMP Plan	7	Curb return radii shall be a minimum of 30 feet per County of San Diego Public Road Standards Section 6.1.2.a.	5/11/2016			
6 - 22	IMP Plan	8	No concrete pavers is allowed with the county right of way.	5/11/2016			
6 - 23	IMP Plan	5 Through 10	Please remove and replace the signs along Ora Avo Drive on the attached sheet.	5/11/2016			

INFORMATION FOR COUNTER STAFF ONLY: At project resubmittal please distribute as follows:

Item No.	Subject Area	Plan or Sheet Section No.	Issue, Revision or Information Required	Date Identified	Resolved By	Summary	Date Resolved
DEPARTMENT			ROUTE PLANS:	YES	NO	ADDITIONAL INSTRUCTIONS	
	LAND DEVELOPMENT (TEAMS)			X		(2) REVISED SETS + ALL REDLINES+ (2) CHECKLISTS WITH RESPONSES	
	DPW FIELD OPERATIONS			X		(1) REVISED SET + ALL REDLINES+ (1)CHECKLIST WITH RESPONSES	
	PRIVATE DEVELOPMENT CONSTRUCTION INSPECTION (PDCI)			X		(1) REVISED SET + ALL REDLINES+ (1)CHECKLIST WITH RESPONSES	
	PDS ENVIRONMENTAL				X	NO FURTHER REVIEW REQUIRED	
	DPW MATERIALS LABORATORY				X	LD TO CONFIRM PENDING COMMENTS	
	DPW TRAFFIC ENGINEERING			X		(1) REVISED SET + ALL REDLINES+ (1)CHECKLIST WITH RESPONSES	

PROJECT NAME: **Grading Plans for TM 4700RPL3** Project Number(s): PDS2015-LDGRMJ-30051

PDS LD - (1) Review Checklist_2-29-2016 STA Engineering, Inc.

Reviewed by: Diana Perez, P.E., (858) 495-5281 Leonard Schatzmann (len_staeng@cox.net)

Item No.	Subject Area	Plan or Sheet No.	Issue, Revision or Information Required	Date Identified	Resolved By	Summary	Date Resolved
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NOTE: The County anticipates a maximum of three (3) plan iterations prior to approval. It is the responsibility of the private consultant to provide complete and accurate submittals that address all staff comments to minimize the plan check iterations. If there are significant outstanding comments or unresolved matters at the completion of the 3rd plan check, the project will be scheduled for a mandatory Project Issue Resolution (PIR) meeting with PDS/DPW upper management, PDS/DPW review staff, the financially responsible party, and the private consultant. The purpose of this meeting will be to resolve any outstanding matters preventing final approval.

1- 0 Approval from the following Departments:

A PDS Environmental - Chelsea Oakes (TM 3100-4700, MUP87-059 Resolution dated 2-2-2005). *Evidence that the conditions associated with TM 4700 have been completed is required. Please review the TM 4700 Resolution and submit evidence that the following conditions have been completed (see paraphrased conditions below):*

1	TM-4700 Resolution	Condition 6.a	<p>Substantial Conformance with TM: Ensure all grading notes requested below are shown on the grading plans. Plans must remain in substantial conformance with approved TM 4700.</p> <p><i>The proposed Vallecitos Water District Easement shown adjacent to lots 13 and 32 was not approved by TM4700. This easement is also shown within an approved Biological Open Space Lot, which is not allowed. Please remove this easement from all pages it is shown on.</i></p>	1/13/2016 5/16/2016		PENDING	
2	TM-4700 Resolution	Condition 6.b	<p>Open Space Requirements The following must be shown on the grading plans: -Open Space & Limited Building Zone Easements -Temporary Fencing to protect open space from grading and staging activities</p> <p><i>Temporary Fencing must be shown on the grading plans to protect all areas dedicated as Biological Open Space, both onsite and those along the off-site Deeb Drive improvement areas. Please indicate Temporary Fencing on all grading plan pages that include the open space lots/easements (Lot A, 20, 21, 30, 31, 32, 33, 35) and the offsite Deeb Drive open space easements</i></p>	1/13/2016 5/16/2016		PENDING	
3	TM-4700 Resolution	Condition 10.b	<p>Landscape Plan: Submit and received approval of a Landscape Plan. Provide evidence a LS plan has been submitted and approved. <i>LP15-098 in process</i></p>	1/13/2016 5/16/2016		PENDING	
4	TM-4700 Resolution	Condition 15.a	<p>Bio Open Space Easement : Grant to the COSD a Bio O.S. easements over Lots 58, 59 and portions of Lots, 20, 21, 28,33,34 46, 47, 48, 53, 54, 55, 56 and 60 pursuant to this Condition 15.a.</p>	1/13/2016 5/16/2016		PENDING	
5	TM-4700 Resolution	Condition 15.b	<p>Zone B Fuel Treatment Easement (LBZ): Submit evidence that the Fuel Treatment easement has been dedicated pursuant to this Condition 15.b.</p>	1/13/2016 5/16/2016		PENDING	

PROJECT NAME: Grading Plans for TM 4700RPL3			Project Number(s): PDS2015-LDGRMJ-30051				
PDS LD - (1) Review Checklist_2-29-2016			STA Engineering, Inc.				
Reviewed by: Diana Perez, P.E., (858) 495-5281			Leonard Schatzmann (len_staeng@cox.net)				
Item No.	Subject Area	Plan or Sheet No.	Issue, Revision or Information Required	Date Identified	Resolved By	Summary	Date Resolved
6	TM-4700 Resolution	Condition 15.c	Off-site Mitigation: Provide evidence that 2.5 acres of CSS has been purchased for the Coast Horned Lizard and Orange-throated Whiptail.	1/13/2016 5/16/2016		PENDING	
7	TM-4700 Resolution	Condition 15.d	Planting Management/Monitor Plan Obtain approval of a planting, management and monitoring plan for the Parry's tetracoccus. <i>LP15-098 in process</i>	1/13/2016 5/16/2016		PENDING	
8	TM-4700 Resolution	Condition 15.e	Breeding Season Avoidance Place the following note on the grading plan: "Vegetation removal within the project (including the off-site extension of Deeb Drive) shall be conducted during the non-breeding season of resident bird species - generally from 1 August to 1 March. Earlier or later clearing and grubbing dates will be allowed if based on a negative breeding bird survey prepared by a qualified biologist. This is a standard condition for projects that grade natural vegetation."	1/13/2016	CAO	COMPLETE	5/16/2016
9	TM-4700 Resolution	Condition 15.g	Biological Monitor: 1. Provide a copy of the biological monitor contract. 2. Include a note on the grading plan that states the following: "A Biological Monitor shall be retained during the construction of the offsite sewer in order to assure that said construction has the least significant effect on extant biological resources."	1/13/2016 5/16/2016		PENDING	
10	TM-4700 Resolution	Condition 15.h	Temporary Fencing: Place the following note on the grading plan: "Temporary fencing (for example, plastic mesh) is required between the construction zone and the Biological Open Space and/or between the construction and the fuel modification zone areas as required by the planting, management and monitoring plan for the Parry's tetracoccus."	1/13/2016	CAO	COMPLETE	5/16/2016
11	TM-4700 Resolution	Condition 15.i	Noise Monitoring: 1. Provide a copy of the Noise Monitoring contract. 2. Place the following note on the grading plan: "Prior to construction of the off-site sewer and the off-site extension of Deeb Drive, sound tests shall be conducted of the dozer and backhoe equipment to ensure the dozer generates an A-weighted noise level of 85 dB or less at 50-feet and that the backhoe generates a noise level of 80 dB or less at 50-feet"	1/13/2016 5/16/2016		PENDING	
12	P87-059 Decision	Condition 3	Landscape Plan: Submit and received approval of a Landscape Plan. Provide evidence a LS plan has been submitted and approved. <i>LP15-098 in process</i>	1/13/2016 5/16/2016		PENDING	
13	P87-059 Decision	Condition 4	Zone B Fuel Treatment Easement (LBZ): Submit evidence that the Fuel Treatment easement has been dedicated pursuant to this Condition 4.	1/13/2016 5/16/2016		PENDING	

PROJECT NAME: Grading Plans for TM 4700RPL3				Project Number(s): PDS2015-LDGRMJ-30051			
PDS LD - (1) Review Checklist_2-29-2016				STA Engineering, Inc.			
Reviewed by: Diana Perez, P.E., (858) 495-5281				Leonard Schatzmann (len_staeng@cox.net)			
Item No.	Subject Area	Plan or Sheet No.	Issue, Revision or Information Required	Date Identified	Resolved By	Summary	Date Resolved
14	GRADING PLAN	All Sheets	Ensure that lots are consistently numbered through the entire plan set to match the proposed Phase 1 Final Map (Lots 1-35, Lot A). No reference should be made to "Future" Lots	5/16/2016		NEW COMMENT	
15	GRADING PLAN	All Sheets	Ensure consistency between the titles of all sheets and the Sheet Index located on Sheet 1	5/16/2016		NEW COMMENT	
16	GRADING PLAN	All Sheets	Remove the proposed Vallecitos Water District easement located within Lot A. This easement was not approved by TM4700 and is proposed within the Biological Open Space Easement, which is not allowed	5/16/2016		NEW COMMENT	
17	GRADING PLAN	All Sheet Showing Open Space Easements	Temporary Fencing should be shown to protect the existing/proposed open space easements from disturbance during construction as stipulated in Condition 6.b of the approved Tentative Map Resolution	5/16/2016		NEW COMMENT	
18	GRADING PLAN	Sheet 2	Remove the Duplicate "Breeding Season Avoidance" Note	5/16/2016		NEW COMMENT	
19	GRADING PLAN	General	County records, as well as the database from the South Coastal Information Center have been reviewed and it has been determined that the project site has been surveyed and no cultural resources are present on site. In addition, no cultural resources are identified in the surrounding area. The previously approved EIR was silent with regards to cultural resources and the decision did not include any cultural conditions. Therefore, neither additional further work nor monitoring is required.	5/16/2016			
B 1	PDCI - Somporn Twilligear		Comments transferred to team review prints.	1/13/2016	STA	See Team redlines	1/14/2016
C 1	PDS Landscape & Irrigation		Provide LP No. on title sheet, approval memo from David Kahler, PDS Landscape, when available. See specific condition 10, TM 4700RPL3	1/9/2016	DP	DONE PDS2015-LP-15-098	5/9/2016
2 - 1	Review Comments:		See relines on attached "Grading Plan Check List", redline set of plans dated 1/6/2015, Drainage report and SWMP reports. <i>Address Pending redlined comments.</i>	1/9/2016 5/9/2016		PENDING	
2		General	Obtain street names approval, contact Veronica Tabor at 858-697-3797	1/9/2016	EOW	DONE	5/9/2016
3		General	Provide proof of owner signature authorization	1/9/2016	EOW	DONE	5/9/2016
4		General	Submit "Public Notification Package" per grading ordinance sec. 87.208, (b) 11, & (c).	1/9/2016 5/9/2016		PENDING	

PROJECT NAME: Grading Plans for TM 4700RPL3				Project Number(s): PDS2015-LDGRMJ-30051			
PDS LD - (1) Review Checklist_2-29-2016				STA Engineering, Inc.			
Reviewed by: Diana Perez, P.E., (858) 495-5281				Leonard Schatzmann (len_staeng@cox.net)			
Item No.	Subject Area	Plan or Sheet No.	Issue, Revision or Information Required	Date Identified	Resolved By	Summary	Date Resolved
5		1	Obtain (fire hydrant location) approval signature from fire agency	1/9/2016 5/9/2016		PENDING	
6		6 ~ 19	Show driveway locations (Street station), spot elevation, slope per std. Dwg. DS-7	1/9/2016	EOW	DONE	5/9/2016
7		6 ~ 19	Add note to identify/reference to sheet number, Improvement Plan project number for all road and stormdrain improvement plan and profile location.	1/9/2016	EOW	DONE	5/9/2016
8		6 ~ 19	Show set back design per DS-11 on top of slope.	1/9/2016	EOW	DONE	5/9/2016
9		6 ~ 19	Provide/Show cross-lot flowage easement for drainage ditches and swales with water flow cross lots. Provide map for reference. Show spot elevation, % of slope and Q100, V100 all concentrate points with rip-rap etc. design detail information	1/9/2016	EOW	DONE	5/9/2016
10		6 ~ 19	Indicate on plans sheet number location information for all drainage facilities, wall design.	1/9/2016	EOW	DONE	5/9/2016
11		20 ~ 26	Provide stormdrain design plan and profile detail with HGL. <i>Pending on some profiles.</i>	1/9/2016 5/9/2016		PENDING	
12		27 ~ 29	Wall plans are not shown. Provide legend, design plan, profile and specification information. <i>Wll profiles are incomplete. Complete profiles, add details as necessary and provide geotechnical support for wall design parameters.</i>	1/9/2016 5/9/2016		PENDING	
13		30 ~ 61	Show source control and construction BMP items picked from the SWMP, Sheets show title "Erosion control and Construction BMPs". <i>Should match project SWQMP.</i>	1/9/2016 5/9/2016		PENDING	
14		Add Sheets	Show sizing tables, DMA, IMP exhibits and "Permanent TCBMPs" from SWMP. <i>Should match project SWQMP.</i>	1/9/2016 5/9/2016		PENDING	
TM 3100-4700 Resolution dated 2-2-2005							
15		A	TM Expired 2-2-2008, Provide update	1/9/2016 5/9/2016		IN PROCESS	
16		6.a, b	Verify design on grading quantity and deviation	1/9/2016 5/9/2016		IN PROCESS	
Major Use Permit P87-059 dated 2-2-2005							
17		4	Easement dedication	1/9/2016 5/9/2016		IN PROCESS	
18		10	MUP Expired, provide update information	1/9/2016 5/9/2016		IN PROCESS	

PROJECT NAME: **Grading Plans for TM 4700RPL3** Project Number(s): PDS2015-LDGRMJ-30051

PDS LD - (1) Review Checklist_2-29-2016 STA Engineering, Inc.

Reviewed by: Diana Perez, P.E., (858) 495-5281 Leonard Schatzmann (len_staeng@cox.net)

Item No.	Subject Area	Plan or Sheet No.	Issue, Revision or Information Required	Date Identified	Resolved By	Summary	Date Resolved
3	Drainage Study:		See redline comments on drainage study.	1/9/2016 5/9/2016		PENDING	
1	Hydrology		Prepare drainage report per attached Fig. 1-8 format (San Diego County Hydrology Manual, June 2003).	1/9/2016	EOW	DONE	5/9/2016
2	For reference		The CivilCAD/CIVILDesign program may possibly correctly perform hydrology calculations in accordance with the County Hydrology Manual, the software itself is not "approved for use by the County" per DPW Flood Division for public facilities. A full review of the CivilCAD/CIVILDesign program input, output and calculations in comparison to County methodology (to ensure conformance) should be performed by the Land Development Plan Checker (including consideration of initial time of concentration calculations).	1/9/2016			
3			Include hydrology maps showing all drainage basins (on-site/ off-site tributary areas) for existing and proposed (show final plan layout) conditions at the same node points for comparison.	1/9/2016	EOW	DONE	5/9/2016
4			Include a summary table for pre-development versus post-development drainage showing all points of concentration (on-site and off-site) and data. Include Q100 peak runoff rates (cfs) and velocities (fps) for pre-development and post development. The comparisons should be at the same discharge points or drainage pattern affecting the site and adjacent properties or road.	1/9/2016	EOW	DONE	5/9/2016
5			Include a narrative on the adequacy of all drainage facilities impacted directly by proposed development. Demonstrate any adverse impact due to increase peak flow rate and velocity at these post development points of concentrated flow compare with sheet flow before development along south boundary. Address impact on diversion of runoff along southerly boundary for pre- and post development flow.	1/9/2016	EOW	DONE	5/9/2016
6			Show 100-year flood lines of inundation on map with study for channels with drainage basins greater than 25 acres. Address all flow paths (on-site and off-site) on hydrology map. Include appropriate flood plain/ floodway maps from County of San Diego and identify all flood hazards.	1/9/2016 5/9/2016		PENDING	
7	Hydraulic		Provide final hydraulic calculation for all on-site drainage facilities with HGL to match HGL to be shown on plans. <i>Some profiles are missing.</i>	1/9/2016 5/9/2016		PENDING	
8			Add curb inlet near front of property line between lot 8 and 9 to keep post development drainage basin the same like pre-development. "Diversion of drainage basin is an open invitation to civil litigation".	1/9/2016 5/9/2016		PENDING	
9			Provide inlet hydraulic calculation per 2.2.2 Hydraulic Design Manual (9/2014). Show calculation for all drainage facilities, including sump (2.2.2.2) and by-pass conditions.	1/9/2016 5/9/2016		PENDING	

PROJECT NAME: Grading Plans for TM 4700RPL3			Project Number(s): PDS2015-LDGRMJ-30051				
PDS LD - (1) Review Checklist_2-29-2016			STA Engineering, Inc.				
Reviewed by: Diana Perez, P.E., (858) 495-5281			Leonard Schatzmann (len_staeng@cox.net)				
Item No.	Subject Area	Plan or Sheet No.	Issue, Revision or Information Required	Date Identified	Resolved By	Summary	Date Resolved
10			Provide in Drainage Report summary tables to match post development exhibits showing location of all calculation, and proposed Q100 and V100: a.) at downstream end of proposed drainage facilities including energy dissipation structures. b.), for all permissible average velocity. (Check with Table 5-1, Hydraulic Design Manual 9/14 for erosion control measure requirements.) All calculations should correspond to the designated nodes on exhibits.	1/14/2016	EOW	DONE	5/9/2016
11			Show adequacy of all on-site proposed drainage facilities such as culverts, inlets, channels, pipe and other drainage structures not mentioned above. <i>Some segments not analyzed.</i>	1/9/2016 5/9/2016		PENDING	
12			Provide properly scaled exhibits.	1/9/2016	EOW	DONE	5/9/2016
4	1	SWMP:	No SWQMP review submitted for 1st review. See below for updated SWQMP submittal requirements.	2/26/2016	EOW	DONE	5/9/2016
2			Please submit updated SWQMP per requirements start 2/26/2016: 1. See Memorandum, dated 2/10/2016. http://www.sandiegocounty.gov/content/dam/sdc/dpw/WATERSHED_PROTECTION_PROGRAM/watershedpdf/Regional%20Stormwater%20Memo.pdf 2. See "Attachment 1: Updated Requirements for Complying with the Land Development Provisions of the 2013 MS4 Permit". http://www.sandiegocounty.gov/content/dam/sdc/dpw/WATERSHED_PROTECTION_PROGRAM/watershedpdf/Att%201%20Updated%20MS4%20Permit%20Reqs%2002-12-16.pdf 3. See "County BMP Design Manual – February, 2016". "Appendix A" for standard forms, "Appendix B" for workbook, "Appendix K" for Guidance and other BMP Design Manual Appendices, and LID Handbook, Grading Ordinance, Hydromodification Management Documents for reference. http://www.sandiegocounty.gov/content/dam/sdc/dpw/WATERSHED_PROTECTION_PROGRAM/watershedpdf/County_BMP_DM_Draft.pdf	2/26/2016		Reference	
3			Submit "REQUEST AND INSTRUCTIONS FOR PREPARATION OF STORMWATER FACILITIES MAINTENANCE AGREEMENT" for Category 2 facilities. Add executed Category 2 agreement to Attachment F	2/26/2016		Reference	

PROJECT NAME: Grading Plans for TM 4700RPL3				Project Number(s): PDS2015-LDGRMJ-30051				
PDS LD - (1) Review Checklist_2-29-2016				STA Engineering, Inc.				
Reviewed by: Diana Perez, P.E., (858) 495-5281				Leonard Schatzmann (len_staeng@cox.net)				
Item No.	Subject Area	Plan or Sheet No.	Issue, Revision or Information Required	Date Identified	Resolved By	Summary	Date Resolved	
4	HMP:		See above 4.2. Submit updated HMP	2/26/2016	EOW	DONE	5/9/2016	
5	SWQMP AND HMP		SWQMP andD HMP Studies have been sent to outside consultant for review. Once comments are received, a revised comment checklist will be provided.	5/9/2016		NEW COMMENT		
5 -	Next Submittal:							
1	TWO sets of revised plans (ONE Team and ONE PDS Environmental)							
2	TWO Copies of Comment Checklist with Responses to Pending Comments.							
3	ALL Previously Redlined Check Prints.							
4	TWO Copies of Revised Drainage Study and Redliend Copy.							
5	TWO Copies of SWQMP, Including HMP. (Pending Review of Consultant)							

PDS LD Project Manager:
Kenneth J. Brazell, (858) 694-2728

PROJECT NAME: Improvement Plans for TM 4700RPL3 **Project Number(s):** PDS2004-2140-4700-1

PDS LD - (2) Review Checklist 5/13/2016 **STA Engineering, Inc.**

Reviewed by: Diana Perez, P.E., (858) 495-5281 **Leonard Schatzmann (len_staeng@cox.net)**

Item No.	Subject Area	Plan or Sheet No.	Issue, Revision or Information Required	Date Identified	Resolved By	Summary	Date Resolved
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NOTE: The County anticipates a maximum of three (3) plan iterations prior to approval. It is the responsibility of the private consultant to provide complete and accurate submittals that address all staff comments to minimize the plan check iterations. If there are significant outstanding comments or unresolved matters at the completion of the 3rd plan check, the project will be scheduled for a mandatory Project Issue Resolution (PIR) meeting with PDS/DPW upper management, PDS/DPW review staff, the financially responsible party, and the private consultant. The purpose of this meeting will be to resolve any outstanding matters preventing final approval.

1- 0 Approval from the following Departments:

A PDS Environmental: See Grading Plan PDS2015-LDGRMJ-30051 Comments

B DPW Traffic Engineering - Nassrin Samii

1			All roads shown on the plans are private. Please show offsite public road improvements per Conditions of approval.	1/8/2016 4/20/2016	EOW	FOR OFFSITE IMP SEE PDS2016-LDPIIP-60024	5/23/2016
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2			Please comply with TM 4700RPL3 Conditions 2g through j. Attached to Check Print.	4/20/2016	EOW	DONE	5/23/2016
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C DPW Field Ops - Iliana Peeva

1			Field Ops has reviewed the improvement plans for the subject project. All roads improvements and drainages are shown as Private. Field Ops do not constitute approval or responsibility of any kind for the design or construction of these private improvements. If any of the roads improvements for this project will be considered as public facility, please include the improvements in plan check No. 2.	1/21/2016 5/3/2016		PUBLIC IMPROVEMENTS STILL NOT SHOWN	
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2	TC-BMP		Table for Stormwater TC & LID BMPs is not complete. Provide info for Maintenance category.	5/3/2016		NEW COMMENT	
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3	Maintenance		Provide a note for TC-BMP maintenance responsibility such as primary maintenance of bio retention basins, bio-swales, infiltration basins including storm drain piping, landscape and any other structural Control BMPs should be the responsibility of the developer and landowner either through a Storm water Maintenance Assessment District/Private Special District or Home Owners' Association (HOA).	5/3/2016		NEW COMMENT	
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4	Storm drain system	ALL	Label all storm drain systems located in the private road easement "PRIVATE". Label culverts crossing the 40' private road easement and public utility easement as "PRIVATE".	5/3/2016		NEW COMMENT	
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5	Private roads	ALL	Private roads should be labeled "PRIVATE".	5/3/2016		NEW COMMENT	
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6	Storm drain system	1	Private storm drain systems are proposed into a Public Utility Easement. Provide a note for the maintenance responsibility of the storm drain systems and culverts shown in the Public Utility Easement.	5/3/2016		NEW COMMENT	
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PROJECT NAME: Improvement Plans for TM 4700RPL3 **Project Number(s):** PDS2004-2140-4700-1

PDS LD - (2) Review Checklist 5/13/2016 **STA Engineering, Inc.**

Reviewed by: Diana Perez, P.E., (858) 495-5281 **Leonard Schatzmann (len_staeng@cox.net)**

Item No.	Subject Area	Plan or Sheet No.	Issue, Revision or Information Required	Date Identified	Resolved By	Summary	Date Resolved
7	Pavement	1 and 21	Add trench resurfacing detail to be per County Design Standards, DS-22.	5/3/2016		NEW COMMENT	
8	Pavement	1 and 21	Connection to Sugar Bush Drive (public) should be labeled per DS-7 or RSD G-17.	5/3/2016		NEW COMMENT	
D	DPW Materials Lab, Larry Horsman, 858-560-2125						
1	General		Plan preparation should follow San Diego County standards including text orientation and minimum font size. Profiles in particular have a variety of fonts, styles, and size. Plans do not appear to be complete. All text placeholders (xxx and similar) should be completed.	1/11/2016	DP	See Teams	5/1/2016
2	General		No geotechnical report received.	1/11/2016	STA	Reference	12/18/2015
3	General		No "Conditions of Approval" received.	1/11/2016	STA	Reference	12/18/2015
4	General		There do not appear to be any storm water provisions for construction BMP's. No permanent BMP's are shown. Plans do reference Grading Plans - no copy of approved Grading Plans received. New stormwater permit requirements go into effect on February 16, 2016 and may impact project.	1/11/2016	STA	Reference	12/18/2015
5	General		Engineer's stamp does not meet requirements of state for minimum size.	1/11/2016	STA	Reference	12/18/2015
6	General		Have plans been reviewed for compliance with Americans with Disabilities Act requirements?	1/11/2016 5/1/2016		PENDING - NO RESPONSE PROVIDED	
7	General	1	GENERAL NOTES - Notes 7 & 8 - provide phone no's	1/11/2016	DP	See Teams	5/1/2016
8	General	1	LEGEND - 0" HEIGHT CURB & 3" WIDE VALLEY GUTTER both refer to DET X, SHT 2 - no Detail X on Sht 2. Where standard drawings are modified provide complete details (MODIFIED P.C.C. SPILLWAY - standard drawing referenced is for a AC SPILLWAY?). AC OVERLAY - minimum thickness for overlays is 1.5-inches.	1/11/2016	EOW	DONE	5/1/2016
9	General	1 and 2	PVC and HDPE are shown for storm drain. D-60 is referenced for these installations. Use of HDPE should follow San Diego County installation requirements or conform to applicable ASTM and manufacturer's installation specifications. Requirements for PVC storm drain installations is similar.	1/11/2016	DP	See Teams	5/1/2016
10	General	2	GENERAL NOTES - Notes 14 - provide correct phone no.. VALLECITOS WATER DISTRICT GENERAL NOTES - Note 3 - provide missing phone numbers. Separate notes 7 & 8.	1/11/2016	DP	See Teams	5/1/2016

PROJECT NAME: Improvement Plans for TM 4700RPL3 **Project Number(s):** PDS2004-2140-4700-1

PDS LD - (2) Review Checklist 5/13/2016 **STA Engineering, Inc.**

Reviewed by: Diana Perez, P.E., (858) 495-5281 **Leonard Schatzmann (len_staeng@cox.net)**

Item No.	Subject Area	Plan or Sheet No.	Issue, Revision or Information Required	Date Identified	Resolved By	Summary	Date Resolved
11	General	3	Are roads public or private? Narrow to no shoulder adjacent to descending slopes may lead to some lateral movement associated with long-term slope relaxation. BIO SWALE PER DETAIL "A" - where is this detail?	1/11/2016	EOW	DONE	5/1/2016
12	General	3	Detail with OVERFLOW STRUCTURE PER PLAN - where does this detail apply? Provide specifications and details for liners and filter fabrics. Is the IMPERMEABLE LINER the only separator required. Detail what happens at discontinuities. Is any type of filter fabric, geotextile, etc. required between different rock/gravel/sand layers? What is going on the right hand side of this detail to the grade?	1/11/2016	EOW	DETAIL REMOVED	5/1/2016
13	General	3	SEWER ACCESS ROAD - Clarify dimensions on section drawing.	1/11/2016	EOW	DONE	5/1/2016
14	General	9	Correct overprint at Sta 5+00.00 on profile.	1/11/2016	EOW	DONE	5/1/2016
15	General	12	There appears to be a cross-gutter shown at Sta 5+16.13 on profile - is this a standard X-GUTTER or modified? If modified provide details - provide jointing details.	1/11/2016	DP	See Teams	5/1/2016
16	General	13	Near Sta 12+83 on south side of road there appears to be a PCC walkway of some sort. Provide details of construction and dimensions.	1/11/2016	DP	See Teams	5/1/2016
17	General	16	Correct typo in note at profile (far right profile).	1/11/2016	DP	See Teams	5/1/2016
18	General	17 to 21	Complete plans. Complete sewer MH# callouts and required elevation data on plans and profiles.	1/11/2016	STA	Reference	12/18/2015
19	General		Structural Section approval for pavements may be deferred until after permit is issued.	1/11/2016	STA	Reference	12/18/2015
2 - 1	Review Comments:		See relines attached "Improvement Plan Check List", redline set of plans dated 1/4/2016. Address redline comments on check prints and checklist. Address Redlined Comments.	1/9/2016 5/12/2016		PENDING	
2		General	See sheet 3, 4, 5... typical redlines applying to all improvement plans sheets.	1/9/2016	EOW	SEE 2-1	5/12/2016
3		General	Update sheets with insufficient storm drain design information. Show all stormdrain profiles and wall profiles sheet location.	1/9/2016	EOW	STORM DRAIN ON GRADING PLANS	5/12/2016
4		Stormdrain Sump	Show design to address stormdrain inlet sump condition per Section 2.2.2.2 - SD Hydraulic Design Manual (HDM) 9/2014.	1/9/2016	EOW	STORM DRAIN ON GRADING PLANS	5/12/2016
5		Stormdrain	Provide stormdrain plan and profile for all stormdrain pipe per Sectuib 3.2.11 HDM, show location of plan/profile on plans.	1/9/2016	EOW	STORM DRAIN ON GRADING PLANS	5/12/2016

PROJECT NAME: Improvement Plans for TM 4700RPL3 **Project Number(s):** PDS2004-2140-4700-1

PDS LD - (2) Review Checklist 5/13/2016 **STA Engineering, Inc.**

Reviewed by: Diana Perez, P.E., (858) 495-5281 **Leonard Schatzmann (len_staeng@cox.net)**

Item No.	Subject Area	Plan or Sheet No.	Issue, Revision or Information Required	Date Identified	Resolved By	Summary	Date Resolved
6		General	Contact Veronica Tabor at 858-694-3797 for street name processing. Provide approval letter when available.	1/16/2016	EOW	DONE	5/12/2016
7		General	Provide Erosion control and Construction BMPs sheets or refer to grading plans.	1/16/2016	EOW	SEE 2-1	5/12/2016
8		General	Provide permanent TCBMP on separate sheet on refer to grading plans.	1/16/2016	EOW	SEE 2-1	5/12/2016
9		4 ~ 14	Show driveway location with street sta., slope, spot elevation etc. design information within road easements per DS-7 or refer to grading plan with sheet numbers shown.	1/16/2016	EOW	DONE - PER STANDARD DRAWING G-14B	5/12/2016
10		4 ~ 14	Provide 2-line centerline profile. Provide profiles of curb returns, knuckles, and turn arounds. Show storm crossings on profiles.	1/16/2016	EOW	DONE - STATION EQUATION	5/12/2016
11	Conditions Standard	4	Submit sight distance letter for entering public road.	1/9/2016 5/12/2016		PENDING	
12		8	Provide utility companies agreement documents	1/9/2016 5/12/2016		PENDING	
13	Conditions TM 4700RPL3 (2/2/2005)	2.e	Provide "Sight Distance Letter" for Buena Creek Road	1/9/2016 5/12/2016		PENDING	
14		2.f	Show Guardrail for slope over 10'	1/9/2016	EOW	DONE FOR PHASE 1	5/12/2016
15		2.g and h	Provide specified Ora Avo Road, Buena Creek Road improvement	1/9/2016 5/12/2016		PENDING	
16		2.i	Provide Striping and marker plan on Ora Avo and Deeb Drive	1/9/2016 5/12/2016		PENDING	
17		2.j	Provide Ora Avo Drive improvement plans	1/9/2016 5/12/2016		PENDING	
18	Conditions TM 4700RPL3 (2/2/2005)	2.k	Provide locked gate on Hardell Lane	1/9/2016	EOW	DONE FOR PHASE 1	5/12/2016
19		2.m	Provide "Sight Distance Letter" for Deeb Drive, provide geologic report for slope stability	1/9/2016 5/12/2016		PENDING	
20		20 and 21	Provide required letters	1/9/2016 5/12/2016		PENDING	
21		23.1 and 23.2	Obtain required documents	1/9/2016 5/12/2016		PENDING	

PROJECT NAME: Improvement Plans for TM 4700RPL3			Project Number(s): PDS2004-2140-4700-1				
PDS LD - (2) Review Checklist 5/13/2016			STA Engineering, Inc.				
Reviewed by: Diana Perez, P.E., (858) 495-5281			Leonard Schatzmann (len_staeng@cox.net)				
Item No.	Subject Area	Plan or Sheet No.	Issue, Revision or Information Required	Date Identified	Resolved By	Summary	Date Resolved
3 - 1	Drainage Study:		See Grading Plan (PDS2015-LDGRMJ-30051) Checklist for Comments. Drainage report and data generated from drainage report should match plans for stormdrain improvement.				
4 - 1	SWQMP:		Street Improvement SWQMP report can be merged with grading permit. See PDS2015-LDGRMJ-30051 Checklist for SWQMP comments.				
5 -	Next Submittal:						
1	THREE Sets of Revised Check Prints (Teams, Field Ops and Environmental)						
2	THREE Copies of Comment Checklists with Responses to Pending Comments (Teams, Field Ops, Environmental and Traffic Engineering)						

PROJECT NAME:

Country Estates TM4700-1

Project Number(s):

PDS2015-LDGRMJ-30051

PDS2004-2140-4700-1

LD PM: Diana Perez

Internal Staff Notes 5/23/16: Staff has reviewed the proposed grading & improvement plans for the Country Estates. All environmental conditions within the approved TM resolution and MUP permit were reviewed by staff and determined that conditions remain unsatisfied. Staff will prepare final environmental documents at the time the following environmental conditions have been satisfied:

Internal Staff Notes 5/16/16: Staff has reviewed the proposed grading plans for the Country Estates. All environmental conditions within the approved TM resolution and MUP permit were reviewed by staff and determined that conditions remain unsatisfied. Staff will prepare final environmental documents at the time the following environmental conditions have been satisfied:

Internal Staff Notes 1/13/16:

Staff has reviewed grading plans for the previous Country Estates TM-4700. This is associated with MUP 87-059. Note that staff was unable to find any previous conditions of approval for specific conditions for both the TM Resolution and MUP permit decision. All environmental conditions within this TM resolution and MUP permit were reviewed by staff and determined that conditions remain unsatisfied. Staff will prepare final environmental documents at the time the following environmental conditions have been satisfied. Please see comments and notes below:

Item	No.	Subject Area	Condition/ Sheet No.	Issue, Revision or Information Required	Date Identified	Resolved By	Summary	Date Resolved
A		PDS Environmental: Chelsea Oakes						
1- 0		TM-4700 Resolution		Evidence that the conditions associated with TM 4700 have been completed is required. Please review the TM 4700 Resolution and submit evidence that the following conditions have been completed (see paraphrased conditions below):	--	--	--	--
1- 1		TM-4700 Resolution	Condition 6.a	<p>Substantial Conformance with TM: Ensure all grading notes requested below are shown on the grading plans. Plans must remain in substantial conformance with approved TM 4700.</p> <p>The proposed Vallecitos Water District Easement shown adjacent to lots 13 and 32 was not approved by TM4700. This easement is also shown within an approved Biological Open Space Lot, which is not allowed. Please remove this easement from all pages it is shown on.</p>	1/13/16 5/16/16 5/23/16			

1- 2	TM-4700 Resolution	Condition 6.b	Open Space Requirements The following must be shown on the grading plans: -Open Space & Limited Building Zone Easements -Temporary Fencing to protect open space from grading and staging activities Temporary Fencing must be shown on the grading plans to protect all areas dedicated as Biological Open Space, both onsite and those along the off-site Deeb Drive improvement areas. Please indicate Temporary Fencing on all grading plan pages that include the open space lots/easements (Lot A, 20, 21, 30, 31, 32, 33, 35) and the offsite Deeb Drive open space easements	1/13/16 5/16/16 5/23/16			
1- 3	TM-4700 Resolution	Condition 10.b	Landscape Plan: Submit and received approval of a Landscape Plan. Provide evidence a LS plan has been submitted and approved. LP15-098 Approved	1/13/16 5/16/16	CAO	Complete	5/23/16
1- 4	TM-4700 Resolution	Condition 15.a	Biological Open Space Easement : Grant to the COSD Biological Open Space easements over TM 4700 Lots 58-59 and portions of Lots 20-21, 28, 33-34, 46-48, 53-56 and 60 pursuant to this Condition 15.a.	1/13/16 5/16/16	MJ	Complete	5/23/16
1- 5	TM-4700 Resolution	Condition 15.b	Zone B Fuel Treatment Easement (LBZ): Submit evidence that the Fuel Treatment easement has been dedicated pursuant to this Condition 15.b.	1/13/16 5/16/16	MJ	Complete	5/23/16
1- 6	TM-4700 Resolution	Condition 15.c	Off-site Mitigation: Provide evidence that 2.5 acres of CSS has been purchased for the Coast Horned Lizard and Orange-throated Whiptail.	1/13/16 5/16/16 5/23/16			
1- 7	TM-4700 Resolution	Condition 15.d	Planting Management/Monitor Plan Obtain approval of a planting, management and monitoring plan for the Parry's tetracoccus.	1/13/16 5/16/16 5/23/16			

1- 8	TM-4700 Resolution	Condition 15.e	<p>Breeding Season Avoidance Place the following note on the grading plan:</p> <p>"Vegetation removal within the project (including the off-site extension of Deeb Drive) shall be conducted during the non-breeding season of resident bird species - generally from 1 August to 1 March. Earlier or later clearing and grubbing dates will be allowed if based on a negative breeding bird survey prepared by a qualified biologist. This is a standard condition for projects that grade natural vegetation."</p> <p>Must be shown on PDS2004-2140-4700-1</p>	1/13/16 5/23/16			
1- 9	TM-4700 Resolution	Condition 15.g	<p>Biological Monitor:</p> <ol style="list-style-type: none"> 1. Provide a copy of the biological monitoring contract. 2. Include a note on the grading plan that states the following: <p>"A Biological Monitor shall be retained during the construction of the offsite sewer in order to assure that said construction has the least significant effect on extant biological resources."</p> <p>Note must be shown on PDS2004-2140-4700-1; no contract submitted</p>	1/13/16 5/16/16 5/23/16			
1- 10	TM-4700 Resolution	Condition 15.h	<p>Temporary Fencing: Place the following note on the grading plan:</p> <p>"Temporary fencing (for example, plastic mesh) is required between the construction zone and the Biological Open Space and/or between the construction and the fuel modification zone areas as required by the planting, management and monitoring plan for the Parry's tetracoccus."</p> <p>Note must be shown on PDS2004-2140-4700-1; fencing must be shown on both plan sets</p>	1/13/16 5/23/16			

1- 11	TM-4700 Resolution	Condition 15.i	<p>Noise Monitoring:</p> <p>1. <u>Provide a copy of the Noise Monitoring contract.</u></p> <p>2. Place the following note on the grading plan:</p> <p>"Prior to construction of the off-site sewer and the off-site extension of Deeb Drive, sound tests shall be conducted of the dozer and backhoe equipment to ensure the dozer generates an A-weighted noise level of 85 dB or less at 50-feet and that the backhoe generates a noise level of 80 dB or less at 50-feet"</p> <p>Note must be shown on PDS2004-2140-4700-1; no contract submitted</p>	1/13/2016 5/16/16			
2- 0	P87-059 Decision		Evidence that the conditions associated with MUP87-059 have been completed is required. Please review the MUP87-059 Decision and submit evidence that the following conditions have been completed (see paraphrased conditions below):	--	--	--	--
2- 1	P87-059 Decision	Condition 3	<p>Landscape Plan: Submit and received approval of a Landscape Plan. Provide evidence a LP has been submitted and approved. LP15-098 Approved</p>	1/13/16 5/16/16	CAO	Complete	5/23/16
2- 2	P87-059 Decision	Condition 4	<p>Zone B Fuel Treatment Easement (LBZ): Submit evidence that the Fuel Treatment easement has been dedicated pursuant to this Condition 4.</p>	1/13/16 5/16/16	MJ	Complete	5/23/16
3- 1	Major Grading Plan	All Sheets	Ensure that lots are consistently numbered through the entire plan set to match the proposed Phase 1 Final Map (Lots 1-35, Lot A). No reference should be made to "Future" Lots	5/16/16	CAO	Complete	5/23/16
3- 2	Major Grading Plan	All Sheets	Ensure consistency between the titles of all sheets and the Sheet Index located on Sheet 1 Title Sheet has not been updated	5/16/2016 5/23/16			
3- 3	Major Grading & Improvement Plan	All Sheets	Remove the proposed Vallecitos Water District easement located within Lot A. This easement was not approved by TM4700 and is proposed within the Biological Open Space Easement, which is not allowed	5/16/16 5/23/16			

3- 4	Major Grading & Improvement Plan	All Sheets Showing Open Space Easements	Temporary Fencing should be shown to protect the existing/proposed open space easements from disturbance during construction as stipulated in Condition 6.b of the approved Tentative Map Resolution	5/16/16 5/23/16			
3- 5	Major Grading Plan	Sheet 2	Remove the Duplicate "Breeding Season Avoidance" Note	5/16/16	CAO	Complete	5/23/16
4- 1	Cultural Resources	Project Specific Info	County records, as well as the database from the South Coastal Information Center have been reviewed and it has been determined that the project site has been surveyed and no cultural resources are present on site. In addition, no cultural resources are identified in the surrounding area. The previously approved EIR was silent with regards to cultural resources and the decision did not include any cultural conditions. Therefore, neither additional further work nor monitoring is required.	5/16/16	--	--	--



Satisfaction of Conditions Punchlist
TM 4700-1

Date: 5-23-16

TM Expiration Date 3-23-2016

Map Reviewer: Bruce Marquis/Brian Siebens

Phone: 858-694-2516

E-mail bruce.marquis@sdcountry.ca.gov

DPW Project Manager: Ken Brazell

Team Area: North

STANDARD CONDITIONS REMAINING FOR PROJECT:

This map may be subject to a SWMA and this map is asking for a Lien Contract
See Adopted Standard Conditions for Specific Details and Requirements

Standard Condition

Brief Explanation

1-10, 12	Submit improvement plans for review to Planning & Development Services (PDS), Land Development together with appropriate deposits, fees, calculations, certifications, etc.
16	100 year storm-plan checker
13-18	Drainage/Flood Control
19a-e	Grading permit
26	On site private drainage easement(s) Etc.
28.f	Project account status

SPECIFIC CONDITIONS REMAINING FOR PROJECT:

See Approved TM Resolution for Specific Details and Requirements

Specific Condition

Brief Explanation

C.1.	Standard conditions 1-7,10 and 12
C.2.a.	Improve or agree to improve and provide security for the easement roads on-site Deeb Drive, Jaoudi Trail and Hardell Lane
C.2.c.	Improve or agree to improve and provide security for the easement roads on-site Lots 2,3 and to Lots 8 and 9
C.2.e.	Intersectional sight distance along Buena Creek Road from Ora Drive off-site shall be 550'

- C.2.f. Slope guardrail installation?
- C.2.g. Provide left turn pocket and an acceleration lane eastbound on the centerline of Buena Creek Road off-site at Ora Avo Drive
- C.2.h. Provide acceleration and deceleration lanes on Buena Creek Road off-site for turns to and from Ora Drive
- C.2.i. Install a double yellow centerline with raised pavement markers on Ora Avo and Deeb Drive off-site from Buena Creek Road to the project.
- C.2.j. Improve or agree to improve and provide security for the widening of Ora Avo Drive from Buena Creek to Deeb Drive
- C.2.k. Provide 24' locked gate on Hardell Lane near the sw corner of Lot 1 and at the north end of Deeb Drive at Lot 30 as approved by the Fire Marshall
- C.2.l. Improve Hardell Lane from the gate at Lot 1 to the existing tract boundary
- C.2.m. Intersectional sight distance along Deeb Drive from Palm Hill Drive
- C.3. Standard conditions 13-18
- C.4. 100 yr. flood shown on non-title information sheet of the map to the satisfaction of the plan checker
- C.5. Standard condition 19(a-f) – Grading Plans approved
- C.6.a&b. Grading-see reso.
- C.10.a. Obtain a Planned Development Permit from the Environmental Review Board
- C.10.b. Landscaping Plan-see reso.
- C.11.a. Deposit funds to cover the cost of private road improvements
- C.12.d. Pavement cut policy
- C.13. Standard condition 26
- C.15.a.b. Open Space dedicated. New water easement needs approval to within open space.
- C.15.d. Plan for the Parry's tetracoccus
- C.15.e. Veg removal
- C.15.f. Construct off-site sewer to serve the project
- C.15.g. Bio monitor
- C.15.h. Temporary fencing
- C.15.i. Sound tests/noise monitoring

See Resolution for clarification- this punch-list is just a guide and does not supersede the Specific/Standard conditions and Tentative Map

[Punchlist items to be completed by Map Checker after each map review. A Separate punchlist to be completed for each map review and placed in file.]

The following must be completed prior to docket for a Board Hearing date:

- Up-dated title report – dated within 6 months of map submittal
- Improvement agreement and security package preparation will begin with submittal of cost estimate for improvements when plans are near completion. (See Note 2)
- Fees &/or Deposits will be itemized in Estimate Letter: Inspection, Lab, Lot Monumentation Checking, Future Traffic Signal Installation, “C” Permit, etc
- Map originals must be submitted when all conditions are completed (See Note 1)
- Recorded Tax Certificate (conformed copy needed) (See Note 3)
- Receipt – for Tax Bond, or cash. Go to Tax collector and provide receipt to us along with the Tax collector needs bond copy of clean map check, the acres/square feet must be the same as the mylars. Owner and/or Surveyor is responsible for this. Note: Get signature of tax collector before the map mylars are sent to us
- Submit Digital file of Boundary with Parcels/lots upon approval of Boundary to Frank Jessie at frank.jessie@sdcounty.ca.gov Phone No. 858-874-7010
- Improvement plans must be approved by County prior to approval of the map
- Print Package w/ small plans (small plans will be attached to security agreement)
- Submit Digital file of Boundary with Lots upon approval of Boundary

NOTES:

Note: The County anticipates a maximum of 3 plan/map iterations prior to approval. It is the responsibility of the private consultant to provide complete and accurate submittals that address all staff comments to minimize the plan/map check iterations. If there are significant outstanding comments or unresolved matters at the completion of the 3rd plan/map check, the project will be scheduled for a mandatory Project Issue Resolution (PIR) meeting with DPW upper management, DPW review staff, the financially responsible party, and the private consultant. The purpose of this meeting will be to reach resolution of any outstanding matters preventing final review and approval. Staff will be available to meet or discuss plan/map comments and provide guidance as needed throughout the review process to enable this goal to be met.

1. Before map original are submitted to DPW, the Engineer-of-Work/Land Surveyor will submit the originals for signature by the Treasurer/ Tax Collector, Dan McAllister. The Treasurer/ Tax Collector is located in Room 152 at 1600 Pacific Highway, San Diego, CA 92101.
2. Bonding company must appear on the Department of Treasury Listing of Approved Sureties (<http://www.fms.treas.gov/c570/c570.html>). The Surety must have an underwriting limit of adequate amount to cover the entire project improvement cost estimate. The selected company must be able to insure for the full amount in the project Improvement Agreement.

Notice: Applicants entertaining a desire to use co-surety or reinsurance arrangements for bonding will require several additional weeks processing time, due to the necessity of routing the package through County Counsel before a decision can be rendered. Typically, such arrangements are not acceptable to the County and it is advisable to shop for a company that can insure for the full amount.

Notice: Please allow time for their review and approval for agreements needing to be signed by other agencies.

3. Owner/Agent will submit a copy of the final map to the Tax Collector at 1600 Pacific Highway, San Diego, Room 162, and complete a "PROPERTY OWNERSHIP QUESTIONNAIRE FOR SUBDIVISION AND PARCEL MAPS." Taxes will be calculated and must be paid or secured. A copy of the Recorded Tax Certificate and Receipt must be delivered to the Department of Public Works, Land Development Division, 5201 Ruffin Road, Suite D, San Diego, CA 92123.

All resolution conditions and the map are to be complete before a Board Docket will be scheduled.

Allow a **minimum of 60 days** from completion to the docket date. Board Hearing dates for 2016 are: Jan. 6, 27, Feb. 3, March 2, 23, April 13, 27, May 4, 11, June 22, 29, July 20, Aug. 3, Sept. 14, 28, Oct. 5, 19, Nov. 16, Dec. 14.

Map submittals and payment of fees/deposits must be made at the County of San Diego, Department of Planning and Land Use (PDS), Land Development Counter 5510 Overland Ave., San Diego, CA 92123. Payment of fees/deposits require an invoice PDS prior to payment at the Department of Planning and Land Use Cashier.

If improvements are to be completed before map records, we need:

- Acceptance of improvements by DPW Inspectors
- Acceptance of lot monumentation by DPW Survey personnel
- Letter from surveyor that payment has been made for setting monuments.

Visit our Map Processing Manual: <http://www.sandiegocounty.gov/pds/LandDevelopment.html>

Instructions

Satisfaction of Conditions for Final Map

Standard Conditions Satisfaction Instructions



- 1-12 Submit improvement plans for review to Planning & Development Services (PDS), Land Development together with appropriate deposits, fees, calculations, certifications, etc.
- 5 The 'C' permit deposit amount is determined during the plan review stage. Once the fee has been calculated by the County plan checker, the fee must be paid at the Planning & Development Services (PDS), Land Development Counter.
- 7. Street names will be approved by the Street Name Section of DPLU (Veronica Taber, 858-694-3797). A copy of the TM plan sheet along with a key map identifying the proposed street names will need to be submitted. Provide a copy of the street name approval and submit during the map review process. Street name signs will be shown on the road improvement plans.
- 8 Two utility letters will need to be provided. a) An underground arrangements letter. This letter can be obtained from the DPW Land Development Counter. It must be completed by applicant and submitted with map review. b) A letter from the areas local Cable provider indicating service is available to the subdivision. If no current provider is available, obtain letter from the Cable Television & Telecommunications Review Commission at 1600 Pacific Highway, Room 208 San Diego, CA 92101-2481; phone 619-595-4650 indicating that no service is available to the subdivision.
- 10.b. The energizing fee will be determined during the plan review stage. Once the fee has been determined, it will be listed in an itemized Estimate Letter near the completion of the plan review process. The fee will be paid at the Land Development counter.
- 11.d The inspection fee will be determined during the plan review stage. Once the fee has been determined, it will be listed in an itemized Estimate Letter near the completion of the plan review process. The fee will be paid at the Land Development counter.
- 12. Show trail alignment and improvements on the improvement and grading plans. Locations of trails must be approved by the County of San Diego, Department of Parks and Recreation (Maryanne Vancio, 858-966-1372).
- 13-18 Drainage and Flood Control items will be reviewed during the Improvement and Grading plan reviews. The County plan reviewer will determine that these items have been addressed on the plans and reports. Once the plans have been signed by the County, these items will be considered satisfied.
- 19 Submit grading plans for review to Planning & Development Services (PDS), Land Development with appropriate deposits. Contact grading counter at Department of Public Works (Travis Bataller 858-495-5717) to submit grading plans, calculate permit/security fees and deposits.
- 19.d. Sewer Commitment will be required from San Diego County Sanitation District. Fees for sewer service will need to be paid at end of map/plan approval process. Fees are

non-refundable. Contact Department of Public Works Wastewater section (Louis Conde, 858-694-2660) to start process.

- 20 Fair Housing Letter: To obtain letter, contact the North County Lifeline at (760) 842-6226 c/o Kelly Mathews. This letter will need to be submitted at time of map review.
- 21 Sewer Commitment from Independent district requires a DPLU Form 400S to be completed. This form can be obtained from the DPLU Zoning Counter. The commitment must be obtained within 3 months prior to recording of map. It is recommended to provide commitment in the map review submittal package when all other conditions have been satisfied.
- 22 Submit copies of final map, grading and improvement plans to Department of Environmental Health (DEH) for signoff. Once DEH letter of satisfaction is obtained, provide to PDS, Land Development with map or plan review submittal. Contact Department of Environmental Health section (Ken Spence 858-495-5483).
- 23.1 Water Commitment - DPLU Form 400W is available at the DPLU Zoning counter. The commitment must be obtained within 3 months prior to recording of map. It is recommended to provide commitment in the map review submittal package when all other conditions have been satisfied.
- 23.2 Two utility letters will need to be provided. 1) Letter from local fire agency stating its satisfaction with the type and location of the fire hydrants. The letter must contain the agency's minimum gallons per minute and PSI required for the fire hydrants. 2) Local water agency letter that states they can meet the minimum GPM and PSI as required by the fire district letter. Provide these letters during a map review submittal.
- 25 Add a Solar Access note on the non-title sheet of the Map as per Subdivision Ord. 81.401 (m). Sample note can be found in the County's Map Processing manual (see below for online manual address).
- 26 Show all private and public drainage easements on the improvement plans and the final map. Submit a copy of the improvement/grading plans that show the locations of the drainage easements to the map checker during the map review submittal. Plans submitted to map reviewer should be after County plan checker has approved the drainage facility locations and easement size.
- 28.a. Submit Fire Availability (DPLU Form 399F) signed by the Fire District. Form 399F is available at the DPLU Zoning counter. This form should be submitted to map reviewer during map review submittal.
- 28.b. Subdivision Map Act 66436 (A) (3) (a) (i) requires utility districts to be notified of a proposed map when the district has an easement on the proposed map. The district will need to issue a letter stating the map can be recorded without the district's signature.

[SDG&E contact is Connie Peacock Land Management, (858) 650-4117]. These signature omission letters should be submitted along with the map review submittal.

- 28.c. Onsite and offsite water easements are typically required to serve the subdivision. A letter from the local water agency indicating their satisfaction with the on-site and off-site easement locations must be submitted during the map review submittal. Also, a copy of the improvement plans must be submitted to insure the map and plans agree with easement locations. If not additional easements are required, the agency must state so.
- 28.d Plot all easements on the map. A Subordination of easement(s) from the utility agency is required when public roads are dedicated and **accepted** on the map and a utility easement exists in the area accepted by the County. The subordination statement can be placed on the map (see map processing manual for standard language).
- 28.f. If account reaches a deficit, a deposit must be made (amount determined by DPW) prior to any further work on the project. Please contact the DPW, Land Development section to determine account status (Lorie Llorin, 858-694-2405).

Specific Conditions Satisfaction Instructions

[Instructions to be completed by Map Checker after each map review]



**Satisfaction of Conditions Punchlist
TM 4700-1**

Date: 5-19-16

TM Expiration Date 3-23-2016

Map Reviewer: Bruce Marquis/Brian Siebens

Phone: 858-694-2516

E-mail bruce.marquis@sdcountry.ca.gov

DPW Project Manager: Ken Brazell

Team Area: North

STANDARD CONDITIONS REMAINING FOR PROJECT:

This map may be subject to a SWMA and this map is asking for a Lien Contract
See Adopted Standard Conditions for Specific Details and Requirements

**Standard
Condition**

Brief Explanation

1-10, 12	Submit improvement plans for review to Planning & Development Services (PDS), Land Development together with appropriate deposits, fees, calculations, certifications, etc.
16	100 year storm-plan checker
13-18	Drainage/Flood Control
19a-e	Grading permit
26	On site private drainage easement(s) Etc.
28.f	Project account status

SPECIFIC CONDITIONS REMAINING FOR PROJECT:

See Approved TM Resolution for Specific Details and Requirements

**Specific
Condition**

Brief Explanation

C.1.	Standard conditions 1-7,10 and 12
C.2.a.	Improve or agree to improve and provide security for the easement roads on-site Deeb Drive, Jaoudi Trail and Hardell Lane
C.2.c.	Improve or agree to improve and provide security for the easement roads on-site Lots 2,3 and to Lots 8 and 9
C.2.e.	Intersectional sight distance along Buena Creek Road from Ora Drive off-site shall be 550'

- C.2.f. Slope guardrail installation?
- C.2.g. Provide left turn pocket and an acceleration lane eastbound on the centerline of Buena Creek Road off-site at Ora Avo Drive
- C.2.h. Provide acceleration and deceleration lanes on Buena Creek Road off-site for turns to and from Ora Drive
- C.2.i. Install a double yellow centerline with raised pavement markers on Ora Avo and Deeb Drive off-site from Buena Creek Road to the project.
- C.2.j. Improve or agree to improve and provide security for the widening of Ora Avo Drive from Buena Creek to Deeb Drive
- C.2.k. Provide 24' locked gate on Hardell Lane near the sw corner of Lot 1 and at the north end of Deeb Drive at Lot 30 as approved by the Fire Marshall
- C.2.l. Improve Hardell Lane from the gate at Lot 1 to the existing tract boundary
- C.2.m. Intersectional sight distance along Deeb Drive from Palm Hill Drive
- C.3. Standard conditions 13-18
- C.4. 100 yr. flood show on non-title information sheet of the map to the satisfaction of the plan checker
- C.5. Standard condition 19(a-f) – Grading Plans approved
- C.6.a&b. Grading-see reso.
- C.10.a. Obtain a Planned Development Permit from the Environmental Review Board
- C.10.b. Landscaping Plan-see reso.
- C.11.a. Deposit funds to cover the cost of private road improvements
- C.12.b. Private road maintenance agreement (Attached)
- C.12.d. Pavement cut policy
- C.13. Standard condition 26
- C.15.a. Dedicate bio easements-see reso. and call Todd Hubbard of real property
- C.15.b. Dedicate an easement Zone b fuel Treatment area-see reso. and call Todd Hubbard of real property
- C.15.d. Plan for the Parry's tetracoccus
- C.15.e. Veg removal
- C.15.f. Construct off-site sewer to serve the project
- C.15.g. Bio monitor
- C.15.h. Temporary fencing
- C.15.i. Sound tests/noise monitoring

See Resolution for clarification- this punch-list is just a guide and does not supersede the Specific/Standard conditions and Tentative Map

[Punchlist items to be completed by Map Checker after each map review. A Separate punchlist to be completed for each map review and placed in file.]

The following must be completed prior to docket for a Board Hearing date:

- Up-dated title report – dated within 6 months of map submittal
 - Improvement agreement and security package preparation will begin with submittal of cost estimate for improvements when plans are near completion. (See Note 2)
 - Fees &/or Deposits will be itemized in Estimate Letter: Inspection, Lab, Lot Monumentation Checking, Future Traffic Signal Installation, “C” Permit, etc
 - Map originals must be submitted when all conditions are completed (See Note 1)
 - Recorded Tax Certificate (conformed copy needed) (See Note 3)
 - Receipt – for Tax Bond, or cash. Go to Tax collector and provide receipt to us along with the Tax collector needs bond copy of clean map check, the acres/square feet must be the same as the mylars. Owner and/or Surveyor is responsible for this. Note: Get signature of tax collector before the map mylars are sent to us
 - Submit Digital file of Boundary with Parcels/lots upon approval of Boundary to Frank Jessie at frank.jessie@sdcounty.ca.gov Phone No. 858-874-7010
 - Improvement plans must be approved by County prior to approval of the map
 - Print Package w/ small plans (small plans will be attached to security agreement)
 - Submit Digital file of Boundary with Lots upon approval of Boundary
-

NOTES:

Note: The County anticipates a maximum of 3 plan/map iterations prior to approval. It is the responsibility of the private consultant to provide complete and accurate submittals that address all staff comments to minimize the plan/map check iterations. If there are significant outstanding comments or unresolved matters at the completion of the 3rd plan/map check, the project will be scheduled for a mandatory Project Issue Resolution (PIR) meeting with DPW upper management, DPW review staff, the financially responsible party, and the private consultant. The purpose of this meeting will be to reach resolution of any outstanding matters preventing final review and approval. Staff will be available to meet or discuss plan/map comments and provide guidance as needed throughout the review process to enable this goal to be met.

1. Before map original are submitted to DPW, the Engineer-of-Work/Land Surveyor will submit the originals for signature by the Treasurer/ Tax Collector, Dan McAllister. The Treasurer/ Tax Collector is located in Room 152 at 1600 Pacific Highway, San Diego, CA 92101.
2. Bonding company must appear on the Department of Treasury Listing of Approved Sureties (<http://www.fms.treas.gov/c570/c570.html>). The Surety must have an underwriting limit of adequate amount to cover the entire project improvement cost

estimate. The selected company must be able to insure for the full amount in the project Improvement Agreement.

Notice: Applicants entertaining a desire to use co-surety or reinsurance arrangements for bonding will require several additional weeks processing time, due to the necessity of routing the package through County Counsel before a decision can be rendered. Typically, such arrangements are not acceptable to the County and it is advisable to shop for a company that can insure for the full amount.

Notice: Please allow time for their review and approval for agreements needing to be signed by other agencies.

3. Owner/Agent will submit a copy of the final map to the Tax Collector at 1600 Pacific Highway, San Diego, Room 162, and complete a "PROPERTY OWNERSHIP QUESTIONNAIRE FOR SUBDIVISION AND PARCEL MAPS." Taxes will be calculated and must be paid or secured. A copy of the Recorded Tax Certificate and Receipt must be delivered to the Department of Public Works, Land Development Division, 5201 Ruffin Road, Suite D, San Diego, CA 92123.

All resolution conditions and the map are to be complete before a Board Docket will be scheduled.

Allow a **minimum of 60 days** from completion to the docket date. Board Hearing dates for 2016 are: Jan. 6, 27, Feb. 3, March 2, 23, April 13, 27, May 4, 11, June 22, 29, July 20, Aug. 3, Sept. 14, 28, Oct. 5, 19, Nov. 16, Dec. 14.

Map submittals and payment of fees/deposits must be made at the County of San Diego, Department of Planning and Land Use (PDS), Land Development Counter 5510 Overland Ave., San Diego, CA 92123. Payment of fees/deposits require an invoice PDS prior to payment at the Department of Planning and Land Use Cashier.

If improvements are to be completed before map records, we need:

- Acceptance of improvements by DPW Inspectors
 - Acceptance of lot monumentation by DPW Survey personnel
 - Letter from surveyor that payment has been made for setting monuments.
-

Visit our Map Processing Manual: <http://www.sandiegocounty.gov/pds/LandDevelopment.html>

Instructions

Satisfaction of Conditions for Final Map

Standard Conditions Satisfaction Instructions

- 1-12 Submit improvement plans for review to Planning & Development Services (PDS), Land Development together with appropriate deposits, fees, calculations, certifications, etc.
- 5 The 'C' permit deposit amount is determined during the plan review stage. Once the fee has been calculated by the County plan checker, the fee must be paid at the Planning & Development Services (PDS), Land Development Counter.
- 7. Street names will be approved by the Street Name Section of DPLU (Veronica Taber, 858-694-3797). A copy of the TM plan sheet along with a key map identifying the proposed street names will need to be submitted. Provide a copy of the street name approval and submit during the map review process. Street name signs will be shown on the road improvement plans.
- 8 Two utility letters will need to be provided. a) An underground arrangements letter. This letter can be obtained from the DPW Land Development Counter. It must be completed by applicant and submitted with map review. b) A letter from the areas local Cable provider indicating service is available to the subdivision. If no current provider is available, obtain letter from the Cable Television & Telecommunications Review Commission at 1600 Pacific Highway, Room 208 San Diego, CA 92101-2481; phone 619-595-4650 indicating that no service is available to the subdivision.
- 10.b. The energizing fee will be determined during the plan review stage. Once the fee has been determined, it will be listed in an itemized Estimate Letter near the completion of the plan review process. The fee will be paid at the Land Development counter.
- 11.d The inspection fee will be determined during the plan review stage. Once the fee has been determined, it will be listed in an itemized Estimate Letter near the completion of the plan review process. The fee will be paid at the Land Development counter.
- 12. Show trail alignment and improvements on the improvement and grading plans. Locations of trails must be approved by the County of San Diego, Department of Parks and Recreation (Maryanne Vancio, 858-966-1372).
- 13-18 Drainage and Flood Control items will be reviewed during the Improvement and Grading plan reviews. The County plan reviewer will determine that these items have been addressed on the plans and reports. Once the plans have been signed by the County, these items will be considered satisfied.
- 19 Submit grading plans for review to Planning & Development Services (PDS), Land Development with appropriate deposits. Contact grading counter at Department of Public Works (Travis Bataller 858-495-5717) to submit grading plans, calculate permit/security fees and deposits.

- 19.d. Sewer Commitment will be required from San Diego County Sanitation District. Fees for sewer service will need to be paid at end of map/plan approval process. Fees are non-refundable. Contact Department of Public Works Wastewater section (Louis Conde, 858-694-2660) to start process.
- 20 Fair Housing Letter: To obtain letter, contact the North County Lifeline at (760) 842-6226 c/o Kelly Mathews. This letter will need to be submitted at time of map review.
- 21 Sewer Commitment from Independent district requires a DPLU Form 400S to be completed. This form can be obtained from the DPLU Zoning Counter. The commitment must be obtained within 3 months prior to recording of map. It is recommended to provide commitment in the map review submittal package when all other conditions have been satisfied.
- 22 Submit copies of final map, grading and improvement plans to Department of Environmental Health (DEH) for signoff. Once DEH letter of satisfaction is obtained, provide to PDS, Land Development with map or plan review submittal. Contact Department of Environmental Health section (Ken Spence 858-495-5483).
- 23.1 Water Commitment - DPLU Form 400W is available at the DPLU Zoning counter. The commitment must be obtained within 3 months prior to recording of map. It is recommended to provide commitment in the map review submittal package when all other conditions have been satisfied.
- 23.2 Two utility letters will need to be provided. 1) Letter from local fire agency stating its satisfaction with the type and location of the fire hydrants. The letter must contain the agency's minimum gallons per minute and PSI required for the fire hydrants. 2) Local water agency letter that states they can meet the minimum GPM and PSI as required by the fire district letter. Provide these letters during a map review submittal.
- 25 Add a Solar Access note on the non-title sheet of the Map as per Subdivision Ord. 81.401 (m). Sample note can be found in the County's Map Processing manual (see below for online manual address).
- 26 Show all private and public drainage easements on the improvement plans and the final map. Submit a copy of the improvement/grading plans that show the locations of the drainage easements to the map checker during the map review submittal. Plans submitted to map reviewer should be after County plan checker has approved the drainage facility locations and easement size.
- 28.a. Submit Fire Availability (DPLU Form 399F) signed by the Fire District. Form 399F is available at the DPLU Zoning counter. This form should be submitted to map reviewer during map review submittal.

- 28.b. Subdivision Map Act 66436 (A) (3) (a) (i) requires utility districts to be notified of a proposed map when the district has an easement on the proposed map. The district will need to issue a letter stating the map can be recorded without the district's signature. [SDG&E contact is Connie Peacock Land Management, (858) 650-4117]. These signature omission letters should be submitted along with the map review submittal.
- 28.c. Onsite and offsite water easements are typically required to serve the subdivision. A letter from the local water agency indicating their satisfaction with the on-site and off-site easement locations must be submitted during the map review submittal. Also, a copy of the improvement plans must be submitted to insure the map and plans agree with easement locations. If not additional easements are required, the agency must state so.
- 28.d Plot all easements on the map. A Subordination of easement(s) from the utility agency is required when public roads are dedicated and **accepted** on the map and a utility easement exists in the area accepted by the County. The subordination statement can be placed on the map (see map processing manual for standard language).
- 28.f. If account reaches a deficit, a deposit must be made (amount determined by DPW) prior to any further work on the project. Please contact the DPW, Land Development section to determine account status (Lorie Llorin, 858-694-2405).

Specific Conditions Satisfaction Instructions

[Instructions to be completed by Map Checker after each map review]

**Satisfaction of Conditions Punchlist
TM 4700-1**

Date: 5-16-16

TM Expiration Date 3-23-2016

Map Reviewer: Bruce Marquis

Phone: 858-694-2516

E-mail bruce.marquis@sdcounty.ca.gov

DPW Project Manager: Ken Brazell Team Area: North

STANDARD CONDITIONS REMAINING FOR PROJECT:**This map may be subject to a SWMA and this map is asking for a Lien Contract
See Adopted Standard Conditions for Specific Details and Requirements****Standard
Condition****Brief Explanation**

1-10, 12	Submit improvement plans for review to Planning & Development Services (PDS), Land Development together with appropriate deposits, fees, calculations, certifications, etc.
10 a	Low pressure sodium lights
10.b	Energizing fee – Contact PDS 1 st floor counter..\$465 ?
16	100 year storm-plan checker
13-18	Drainage/Flood Control
19a-e	Grading permit
23.1	Water Commitment
26	On site private drainage easement(s) Etc.
28.f	Project account status

SPECIFIC CONDITIONS REMAINING FOR PROJECT:

See Approved TM Resolution for Specific Details and Requirements

**Specific
Condition****Brief Explanation**

C.1.	Standard conditions 1-7,10 and 12
C.2.a.	Improve or agree to improve and provide security for the easement roads on-site Deeb Drive, Jaoudi Trail and Hardell Lane

- C.2.c. Improve or agree to improve and provide security for the easement roads on-site Lots 2,3 and to Lots 8 and 9
- C.2.e. Intersectional sight distance along Buena Cree Road from Ora Drive off-site shall be 550'
- C.2.f. Slope guardrail installation?
- C.2.g. Provide left turn pocket and an acceration lane eastbound on the centerlie of Bueana Creek Road off-site at Ora Avo Drive
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- C.9. Standard condition 23.1
- C.10.a. Obtain a Planned Development Permit from the Environmental Review Board
- C.10.b. Landscaping Plan-se reso.
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- C.12.d. Pavement cut policy
- C.13. Standard condition 26 and 28
- C.15.a. Dedicate bio easements-see reso. and call Todd Hubbard of real property
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- 13-18 Drainage and Flood Control items will be reviewed during the Improvement and Grading plan reviews. The County plan reviewer will determine that these items have been addressed on the plans and reports. Once the plans have been signed by the County, these items will be considered satisfied.

- 19 Submit grading plans for review to Planning & Development Services (PDS), Land Development with appropriate deposits. Contact grading counter at Department of Public Works (Travis Bataller 858-495-5717) to submit grading plans, calculate permit/security fees and deposits.
- 19.d. Sewer Commitment will be required from San Diego County Sanitation District. Fees for sewer service will need to be paid at end of map/plan approval process. Fees are non-refundable. Contact Department of Public Works Wastewater section (Louis Conde, 858-694-2660) to start process.
- 20 Fair Housing Letter: To obtain letter, contact the North County Lifeline at (760) 842-6226 c/o Kelly Mathews. This letter will need to be submitted at time of map review.
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- 23.1 Water Commitment - DPLU Form 400W is available at the DPLU Zoning counter. The commitment must be obtained within 3 months prior to recording of map. It is recommended to provide commitment in the map review submittal package when all other conditions have been satisfied.
- 23.2 Two utility letters will need to be provided. 1) Letter from local fire agency stating its satisfaction with the type and location of the fire hydrants. The letter must contain the agency's minimum gallons per minute and PSI required for the fire hydrants. 2) Local water agency letter that states they can meet the minimum GPM and PSI as required by the fire district letter. Provide these letters during a map review submittal.
- 25 Add a Solar Access note on the non-title sheet of the Map as per Subdivision Ord. 81.401 (m). Sample note can be found in the County's Map Processing manual (see below for online manual address).
- 26 Show all private and public drainage easements on the improvement plans and the final map. Submit a copy of the improvement/grading plans that show the locations of the drainage easements to the map checker during the map review submittal. Plans submitted to map reviewer should be after County plan checker has approved the drainage facility locations and easement size.

- 28.a. Submit Fire Availability (DPLU Form 399F) signed by the Fire District. Form 399F is available at the DPLU Zoning counter. This form should be submitted to map reviewer during map review submittal.
- 28.b. Subdivision Map Act 66436 (A) (3) (a) (i) requires utility districts to be notified of a proposed map when the district has an easement on the proposed map. The district will need to issue a letter stating the map can be recorded without the district's signature. [SDG&E contact is Connie Peacock Land Management, (858) 650-4117]. These signature omission letters should be submitted along with the map review submittal.
- 28.c. Onsite and offsite water easements are typically required to serve the subdivision. A letter from the local water agency indicating their satisfaction with the on-site and off-site easement locations must be submitted during the map review submittal. Also, a copy of the improvement plans must be submitted to insure the map and plans agree with easement locations. If not additional easements are required, the agency must state so.
- 28.d. Plot all easements on the map. A Subordination of easement(s) from the utility agency is required when public roads are dedicated and **accepted** on the map and a utility easement exists in the area accepted by the County. The subordination statement can be placed on the map (see map processing manual for standard language).
- 28.f. If account reaches a deficit, a deposit must be made (amount determined by DPW) prior to any further work on the project. Please contact the DPW, Land Development section to determine account status (Lorie Llorin, 858-694-2405).

Specific Conditions Satisfaction Instructions

[Instructions to be completed by Map Checker after each map review]

**Satisfaction of Conditions Punchlist
TM 4700-1**

Date: 4-25-16

TM Expiration Date 3-23-2016

Map Reviewer: Bruce Marquis

Phone: 858-694-2516

E-mail bruce.marquis@sdcounty.ca.gov

DPW Project Manager: Ken Brazell

Team Area: North

STANDARD CONDITIONS REMAINING FOR PROJECT:

See Adopted Standard Conditions for Specific Details and Requirements

**Standard
Condition****Brief Explanation**

1-10, 12	Submit improvement plans for review to Planning & Development Services (PDS), Land Development together with appropriate deposits, fees, calculations, certifications, etc.
8	Utility letters – Underground Arrangement Utility Letter & Cable TV Letter
10 a	Low pressure sodium lights
10.b	Energizing fee – Contact PDS 1 st floor counter
16	100 year storm
13-18	Drainage/Flood Control
19a-e	Grading permit
21	Sewer commitment
23.1	Water Commitment
23.2	Fire Protection – 1) Fire Agency Letter stating they are satisfied with the type and location of fire hydrants & express minimum PSI and gallons per minute required. 2) Water agency letter stating minimum PSI and GPM can be met.
26	On site private drainage easement(s) Etc.
28.a	Commitment to serve
28.b	Signature omission
28.c	Water agency letter satisfaction with onsite and offsite easements
28.f	Project account status

SPECIFIC CONDITIONS REMAINING FOR PROJECT:

See Approved TM Resolution for Specific Details and Requirements

<u>Specific Condition</u>	<u>Brief Explanation</u>
C.1.	Standard conditions 1-10 and
C.2.a.	Improve or agree to improve and provide security for the easement roads on-site Deeb Drive, Jaoudi Trail and Hardell Lane
C.2.c.	Improve or agree to improve and provide security for the easement roads on-site Lots 2,3 and to Lots 8 and 9
C.2.e.	Intersectional sight distance along Buena Cree Road from Ora Drive off-site shall be 550'
C.2.f.	Slope guardrail installation?
C.2.g.	Provide left turn pocket and an acceration lane eastbound on the centerlie of Bueana Creek Road off-site at Ora Avo Drive
C.2.h.	Provide acceleration and deceleration lanes on Buena Creek Road off-site for turns to and from Ora Drive
C.2.i.	Install a double yellow centerline with raised pavement markers on Ora Avo and Deeb Drive off-site from Buena Creek Road to the project.
C.2.j.	Improve or agree to improve and provide security for the widening of Ora Avo Drive from Buena Creek to Deeb Drive
C.2.k.	Prove 24' locked gate on Hardell Lane near the sw corner of Lot 1 and at the north end of Deeb Drive at Lot 30 as approved by the Fire Marshall
C.2.l	Improve Hardell Lane from the gate at Lot 1 to the existing tract boundary
C.2.m.	Intersectional sight distance along Deeb Drive from Palm Hill Drive
C.3.	Standard conditions 13-18
C.4.	100 yr. flood show on non-title information sheet of the map to the satisfaction of the plan checker
C.5.	Standard condition 19(a-f)
C.6.a&b	Grading-see reso.
C.7.	Standard condition 20
C.8.	Standard condition 21
C.9.	Standard condition 23.1, 23.2
C.10.a.	Obtain a Planned Development Permit from the Environmental Review Board
C.10.b	Landscaping Plan-se reso.
C.11.a.	Deposit funds to cover the cost of private road improvements
C.12.a.	Provide private road easements to the on-site roads

C.12.b.	Private road maintenance agreement (Attached)
C.12.d.	Pavement cut policy
C.12.g.	Provide deeds showing access rights granted to the owner of this property, from the owners of all parcels through which Deeb Drive passes unless it is shown that access was acquired prior to the transfer of the lots and remains in effect
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C.15.d.	Plan for the Parry's tetracoccus
C.15.e.	Veg removal
C.15.f.	Construct off-site sewer to serve the project
C.15.g.	Bio monitor
C.15.h.	Temporary fencing
C.15.i.	Sound tests/noise monitoring

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- Map originals must be submitted when all conditions are completed (See Note 1)
- Recorded Tax Certificate (conformed copy needed) (See Note 3)
- Receipt – for Tax Bond, or cash. Go to Tax collector and provide receipt to us along with the Tax collector needs bond copy of clean map check, the acres/square feet must

be the same as the mylars. Owner and/or Surveyor is responsible for this. Note: Get signature of tax collector before the map mylars are sent to us

- Submit Digital file of Boundary with Parcels/lots upon approval of Boundary to Frank Jessie at frank.jessie@sdcountry.ca.gov Phone No. 858-874-7010
- Improvement plans must be approved by County prior to approval of the map
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All resolution conditions and the map are to be complete before a Board Docket will be scheduled.

Allow a **minimum of 60 days** from completion to the docket date. Board Hearing dates for 2016 are: Jan. 6, 27, Feb. 3, March 2, 23, April 13, 27, May 4, 11, June 22, 29, July 20, Aug. 3, Sept. 14, 28, Oct. 5, 19, Nov. 16, Dec. 14.

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If improvements are to be completed before map records, we need:

- Acceptance of improvements by DPW Inspectors
- Acceptance of lot monumentation by DPW Survey personnel
- Letter from surveyor that payment has been made for setting monuments.

Visit our Map Processing Manual: <http://www.sandiegocounty.gov/pds/LandDevelopment.html>

Instructions

Satisfaction of Conditions for Final Map

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12. Show trail alignment and improvements on the improvement and grading plans. Locations of trails must be approved by the County of San Diego, Department of Parks and Recreation (Maryanne Vancio, 858-966-1372).
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- 19.d. Sewer Commitment will be required from San Diego County Sanitation District. Fees for sewer service will need to be paid at end of map/plan approval process. Fees are non-refundable. Contact Department of Public Works Wastewater section (Louis Conde, 858-694-2660) to start process.
- 20 Fair Housing Letter: To obtain letter, contact the North County Lifeline at (760) 842-6226 c/o Kelly Mathews. This letter will need to be submitted at time of map review.
- 21 Sewer Commitment from Independent district requires a DPLU Form 400S to be completed. This form can be obtained from the DPLU Zoning Counter. The commitment must be obtained within 3 months prior to recording of map. It is recommended to provide commitment in the map review submittal package when all other conditions have been satisfied.

- 22 Submit copies of final map, grading and improvement plans to Department of Environmental Health (DEH) for signoff. Once DEH letter of satisfaction is obtained, provide to PDS, Land Development with map or plan review submittal. Contact Department of Environmental Health section (Ken Spence 858-495-5483).
- 23.1 Water Commitment - DPLU Form 400W is available at the DPLU Zoning counter. The commitment must be obtained within 3 months prior to recording of map. It is recommended to provide commitment in the map review submittal package when all other conditions have been satisfied.
- 23.2 Two utility letters will need to be provided. 1) Letter from local fire agency stating its satisfaction with the type and location of the fire hydrants. The letter must contain the agency's minimum gallons per minute and PSI required for the fire hydrants. 2) Local water agency letter that states they can meet the minimum GPM and PSI as required by the fire district letter. Provide these letters during a map review submittal.
- 25 Add a Solar Access note on the non-title sheet of the Map as per Subdivision Ord. 81.401 (m). Sample note can be found in the County's Map Processing manual (see below for online manual address).
- 26 Show all private and public drainage easements on the improvement plans and the final map. Submit a copy of the improvement/grading plans that show the locations of the drainage easements to the map checker during the map review submittal. Plans submitted to map reviewer should be after County plan checker has approved the drainage facility locations and easement size.
- 28.a. Submit Fire Availability (DPLU Form 399F) signed by the Fire District. Form 399F is available at the DPLU Zoning counter. This form should be submitted to map reviewer during map review submittal.
- 28.b. Subdivision Map Act 66436 (A) (3) (a) (i) requires utility districts to be notified of a proposed map when the district has an easement on the proposed map. The district will need to issue a letter stating the map can be recorded without the district's signature. [SDG&E contact is Connie Peacock Land Management, (858) 650-4117]. These signature omission letters should be submitted along with the map review submittal.
- 28.c. Onsite and offsite water easements are typically required to serve the subdivision. A letter from the local water agency indicating their satisfaction with the on-site and off-site easement locations must be submitted during the map review submittal. Also, a copy of the improvement plans must be submitted to insure the map and plans agree with easement locations. If not additional easements are required, the agency must state so.
- 28.d Plot all easements on the map. A Subordination of easement(s) from the utility agency is required when public roads are dedicated and **accepted** on the map and a utility

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Services - Land Development*

easement exists in the area accepted by the County. The subordination statement can be placed on the map (see map processing manual for standard language).

- 28.f. If account reaches a deficit, a deposit must be made (amount determined by DPW) prior to any further work on the project. Please contact the DPW, Land Development section to determine account status (Lorie Llorin, 858-694-2405).

Specific Conditions Satisfaction Instructions

[Instructions to be completed by Map Checker after each map review]

**Satisfaction of Conditions Punchlist
TM 4700-1**

Date: 11-25-2015

TM Expiration Date 3-23-2016

Map Reviewer: Bruce Marquis

Phone: 858-694-2516

E-mail bruce.marquis@sdcounty.ca.gov

DPW Project Manager: Ken Brazell Team Area: North

STANDARD CONDITIONS REMAINING FOR PROJECT:

See Adopted Standard Conditions for Specific Details and Requirements

**Standard
Condition****Brief Explanation**

1-10, 12	Submit improvement plans for review to Planning & Development Services (PDS), Land Development together with appropriate deposits, fees, calculations, certifications, etc.
8	Utility letters – Underground Arrangement Utility Letter & Cable TV Letter
10 a	Low pressure sodium lights
10.b	Energizing fee – Contact PDS 1 st floor counter
16	100 year storm
13-18	Drainage/Flood Control
19a-e	Grading permit
20	Fair Housing Letter –Kelly Mathews 760 842-6226
21	Sewer commitment
23.1	Water Commitment
23.2	Fire Protection – 1) Fire Agency Letter stating they are satisfied with the type and location of fire hydrants & express minimum PSI and gallons per minute required. 2) Water agency letter stating minimum PSI and GPM can be met.
26	On site private drainage easement(s) Etc.
28.a	Commitment to serve
28.b	Signature omission
28.c	Water agency letter satisfaction with onsite and offsite easements
28.f	Project account status

SPECIFIC CONDITIONS REMAINING FOR PROJECT:

See Approved TM Resolution for Specific Details and Requirements

<u>Specific Condition</u>	<u>Brief Explanation</u>
C.1.	Standard conditions 1-10 and
C.2.a.	Improve or agree to improve and provide security for the easement roads on-site Deed Drive, Jaoudi Trail and Hardell Lane
C.2.c.	Improve or agree to improve and provide security for the easement roads on-site Lots 2,3 and to Lots 8 and 9
C.2.e.	Intersectional sight distance along Buena Cree Road from Ora Drive off-site shall be 550'
C.2.f.	Slope guardrail installation?
C.2.g.	Provide left turn pocket and an acceration lane eastbound on the centerlie of Bueana Creek Road off-site at Ora Avo Drive
C.2.h.	Provide acceleration and deceleration lanes on Buena Creek Road off-site for turns to and from Ora Drive
C.2.i.	Install a double yellow centerline with raised pavement markers on Ora Avo and Deeb Drive off-site from Buena Creek Road to the project.
C.2.j.	Improve or agree to improve and provide security for the widening of Ora Avo Drive from Buena Creek to Deeb Drive
C.2.k.	Prove 24' locked gate on Hardell Lane near the sw corner of Lot 1 and at the north end of Deeb Drive at Lot 30 as approved by the Fire Marshall
C.2.l	Improve Hardell Lane from the gate at Lot 1 to the existing tract boundary
C.2.m.	Intersectional sight distance along Deeb Drive fromPalm Hill Drive
C.3.	Standard conditions 13-18
C.4.	100 yr. flood show on non-title information sheet of the map to the satisfaction of the plan checker
C.5.	Standard condition 19(a-f)
C.6.a&b	Grading-see reso.
C.7.	Standard condition 20
C.8.	Standard condition 21
C.9.	Standard condition 23.1, 23.2
C.10.a.	Obtain a Planned Development Permit from the Environmental Review Board
C.10.b	Landscaping Plan-se reso.
C.11.a.	Deposit funds to cover the cost of private road improvements
C.12.a.	Provide private road easements to the on-site roads

C.12.b.	Private road maintenance agreement (we prepare)
C.12.d.	Pavement cut policy
C.12.g.	Provide deeds showing access rights granted to the owner of this property, from the owners of all parcels through which Deed Drive passes unless it is shown that access was acquired prior to the transfer of the lots and remains in effect
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Planning and Development Services - Land Development

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Specific Conditions Satisfaction Instructions

[Instructions to be completed by Map Checker after each map review]

Smith, Marisa

From: Johnson, Michael D.
Sent: Tuesday, May 03, 2016 8:44 AM
To: Len Schatzmann; 'richard shick'; Tanguilig, Paul M
Cc: Duong, Mandy; Ramaiya, Jarrett; JOSJOURI@aol.com
Subject: RE: TM 4700 Easements -Second Submittal

Hi Len,

Thank you for the information. The water availability form states that relocation of the main into the proposed alignment of Jowdi Trail will be required as a condition of providing service to the site when available. I also looked at the approved TM and noticed that the TM does show the line being located within Jowdi Trail. However, it is not relocated by going through the open space. Instead, it is taken though Country Dell Ct. and Deeb Dr.

Since the grading plans are currently being reviewed, I will coordinate with the reviewers to determine how to move forward with the waterline and will follow up with you once our review is complete.

Thank you,

Michael Johnson, Planner
County of San Diego, Planning and Development Services Office (858) 694-3429

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

From: Len Schatzmann [mailto:len_staeng@cox.net]
Sent: Monday, May 02, 2016 8:08 AM
To: Johnson, Michael D.; 'richard shick'; Tanguilig, Paul M
Cc: Duong, Mandy; Ramaiya, Jarrett; JOSJOURI@aol.com
Subject: RE: TM 4700 Easements -Second Submittal

Mike,

Here is some additional info regarding the relocation of the VWD transmission main through Lot 60. This requirement has been a part of this project since at least 1990. There are references to Water Availability Letters and language in the comment sections of various versions of the EIR.

From this information it would appear that the County was aware of this requirement from at least 1990 and knew it was a requirement of VWD to relocate the water main.

I have also included two other plats that will allow VWD to quitclaim a the access portion of the existing 1985 easement that impacts two other open space easements. The access portion of the existing easement is anticipated to be quitclaimed prior to map recordation.

Let me know if this clears up this issue.

Len Schatzmann
STA Engineering, Inc.
Office: 760-758-8057
Mobile: 760-207-8057

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

From: Johnson, Michael D. [mailto:Michael.Johnson1@sdcounty.ca.gov]
Sent: Friday, April 29, 2016 2:51 PM
To: Len Schatzmann <len_staeng@cox.net>; 'richard shick'
<rleland24@gmail.com>; Tanguilig, Paul M <Paul.Tanguilig@sdcounty.ca.gov>
Cc: Duong, Mandy <Mandy.Duong@sdcounty.ca.gov>
Subject: RE: TM 4700 Easements -Second Submittal

Hi everyone,

As we stated in our approval e-mail for the proposed easements, we are okay with the existing 20' Vailecitos Water District Easement shown on the approved TM within lot 60. However, there is not an exception within the proposed easements that we based our approval on that would allow for a new water line. In addition, we would need to complete additional research to determine if such an exception would be allowed. If the open space easements that we reviewed are recorded, a vacation or encroachment could be required if the applicant needs to install a new waterline in the future since there is not an exception that allows a new waterline.

Do you have any documentation indicating that this water line was analyzed during processing of TM4700?

Thank you,
Mike Johnson

From: Len Schatzmann [len_staeng@cox.net]
Sent: Friday, April 29, 2016 1:51 PM
To: 'richard shick'; Tanguilig, Paul M
Cc: Duong, Mandy; Johnson, Michael D.
Subject: RE: TM 4700 Easements -Second Submittal

To All,

Vallecitos Water District, VWD, is requiring the development to reroute their transmission line through the streets of the development, TM4700.

Once the connection is completed at the northern boundary, of the project, VWD intends to abandon the existing water main that is cutting across the proposed Open Space. The new easement along eastern boundary is required to make that rerouting happen. The rerouting would eliminate VWD from having to do maintenance and repairs on the existing water main that cuts across the steep slope portion of the project.

Len Schatzmann
STA Engineering, Inc.
Office: 760-758-8057
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Subject: RE: TM 4700 Easements -Second Submittal

Latest development?

Attachment G – Certified EIR (February 2, 2005)

**FINAL
REVISIONS TO THE
ENVIRONMENTAL IMPACT REPORT
FOR THE
COUNTRY ESTATES PROJECT
(TM 4700, RPL³, Major Use Permit P87-059
Log No. 87-8-81)
IN THE COUNTY OF SAN DIEGO, CALIFORNIA**
[State Clearing House Number 96061029]

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This Revisions to the Environmental Impact
Report was certified by the

BOARD OF SUPERVISORS On *02/02/2005*
AGENDA ITEM #3


Gary L. Fry, Director
County of San Diego

Department of Planning and Land Use *

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- A. Peremptory Writ of Mandate — Citizens v. County
- B. Court’s Order — Citizens v. County
- C. Supplemental, Focused Biological Survey and Report for Tentative Tract 4700
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SUMMARY

The Country Estates (TM 4700) project site has been the subject of a protracted planning and environmental analysis effort dating back to the year 1985. Since then, the site has been reclassified and rezoned under a General Plan Amendment, and the Tentative Map has undergone three major revisions. The most recent land use proposal — hereafter called Replacement Map (RPL) Number 3 is shown in Figure 5. Numerous technical reports have also been prepared for the site over the years, for example, there have been three separate biological studies of the site. The reader is directed to the “History of Proposal” section of the Final Environmental Impact Report (EIR) for the Country Estates project (herein incorporated by reference according to CEQA Guidelines § 15150) for a more detailed chronology and project planning history.

The 77.91 (gross) acre Country Estates site is located at the northern terminus of Hardell Lane (and at the northern terminus of Deeb Drive) in an unincorporated area of the County of San Diego (see Figures 1, and 2) near the corporate boundary of the City of Vista. The site is currently undisturbed (with the exception of a paved, north-south trending, central access road and various trails) and is covered with native vegetation of varying heights and densities. The site is bounded by rural estate residential developments along the east, south and west, with undeveloped areas of mature chaparral interspersed.

In 1997 the project’s ultimate design (Replacement Map (RPL) 3) was subjected to environmental analysis. An EIR was prepared, circulated during a period of public review and finalized. On 17 February 1999 the Board of Supervisors of the County of San Diego (the Lead Agency) certified the Final EIR and approved the associated development project. That document, the Country Estates Final EIR (TM 4700 (RPL3), MUP P87-059, Log No. 87-8-81 (State Clearing House Number 96061029)) addressed the potential environmental impacts of constructing: 55 single family residences; a recreational lot; an interior circulatory road system; and the creation of biological open space preserves — all over an approximately 77.91 (gross) acre site in an unincorporated area of the County.

After the approval of the project and the certification of the Final EIR a community organization (“Citizens for Responsible Development, et al.”) filed suit against the County of San Diego claiming that the County had committed a “prejudicial abuse of discretion when it certified a legally deficient project EIR.” The Superior Court of San Diego found the document deficient (see Writ, Appendix A and Order, Appendix B) and required a Supplement (or similar document) to the Country Estates Final EIR to correct specified deficiencies and omissions.

“c. Before reconsidering the Country Estates project, prepare new EIR, subsequent EIR or supplemental EIR . . . as respondent [County of San Diego] in its discretion deems necessary to address each and every omission and deficiency described in the Court’s Order . . . The environmental documentation shall not revisit or reassess those issues on which the Court found the EIR adequate under CEQA.” [Writ, p. 2]

In response, the County of San Diego has prepared these Revisions to the Final EIR to correct the

following three, court-affirmed deficiencies in the previous environmental analysis:

- Biological Resources
- Noise Impacts
- Fire Hazards

All other environmental issues: Project Alternatives; Hillside Development; Visual Quality; (non-biological) Cumulative Impacts; Traffic; Geologic Hazards/Soils; Erosion and Runoff; Public Facilities; Land Use Compatibility; and Growth Inducement, by determination of the Superior Court of San Diego, are sufficiently addressed in the original Final EIR for the Country Estates project. That original Country Estates Final EIR is on file and available for review with the County of San Diego, Department of Planning and Land Use (5201 Ruffin Road, Suite B, San Diego, CA 92123-1666) and is being circulated with these Revisions to the EIR during the public review period for these Revisions. Each of the previously addressed issues has been mitigated through the adoption and implementation of specific measures identified at the time of the Final EIR's certification. These Revisions to the EIR, therefore, are specifically restricted to the analysis of the above three referenced issues.

However, during the preparation of these Revisions to the EIR, it was realized that, although generally addressed in the original Country Estates Final EIR, potential biological resource issues and construction noise issues associated with two required off-site improvements had not been adequately addressed by the original EIR. This document, therefore, addresses the off-site extension of Deeb Drive and the off-site construction of a sanitary sewer line, within the limited concerns of construction noise impacts and biological resource impacts.

With respect to each of the three court mandated issues, these Revisions to the EIR conclude that:

Biological Resources — while the project will preserve in dedicated open space 34.4 acres of old growth, mature, mafic Southern Mixed Chaparral, the loss of small populations of the Coast Horned Lizard, and Orange-throated Whiptail, are considered significant but mitigable through the off-site purchase of habitat occupied by the two species. The potential loss of a small population of the Western Spadefoot Toad is not considered significant due to minimization (mitigation) measures (redesign of the subdivision and the loss of 11 residential lots) previously implemented by the developer (see Figure 7). Similarly, while the project as proposed will result in the preservation of approximately 5,400 individual Parry's Tetracoccus plants (a sensitive species) on natural ground, it will also result in the loss of approximately 2,400 such plants. This loss is determined to be significant but can be mitigated through the planting on-site of a total of 700 individual Tetracoccus at specified locations. This planting effort would bring the "total preserved" through all methods to more than 80 percent of the existing on-site population. The cumulative effect of the project on biological resources is examined and determined to be non-significant (see Appendix C).

The off-site improvements to Deeb Drive will result in a small incremental loss of mafic Southern Mixed Chaparral (approximately 0.14-acres) along with an estimated 22 Tetracoccus plants (0.3-percent of the total population). Although not considered a significant effect this loss will be mitigated by the addition of an equal number of Tetracoccus to the slope plantings. Construction of the off-site sewer will have minimal effects on biological resources: 2,160-lineal feet will be constructed through existing orchards and 240-feet will be constructed primarily as an aerial pipe over the unnamed (“easterly”) drainage to the south. Impacts of the construction of the aerial segment will have insignificant, temporary effects on Southern Mafic Mixed Chaparral; effects that will be rendered insignificant by the use of hand construction techniques where necessary.

Noise Impacts — the proposed Country Estates project will not cause significant short-term (construction) impacts. Initially, it was thought that blasting and drilling on-site might prove necessary, resulting in a potentially significant construction noise effect. However, a recent geological study (see Appendix H) has shown that drilling of the site will probably not be required. Long-term (traffic) noise impacts from the project are not significant and no mitigation measures are proposed for them (see Appendix D).

Construction of the extension of Deeb Drive and, to a lesser extent, the construction of the off-site sewer, will create brief noise effects due to the proximity of construction equipment to existing residences (see Appendix D, Attachment A). While not considered significant due to the temporal brevity (construction at anyone point will only last a few days) the anticipated effects can be further reduced by the selective use of specially muffled (silenced) equipment. Specific mitigation measures to insure that construction noise is held to a non-significant level are recommended despite the lack of significance.

Fire Hazards — Risks from wildland fires exist for the Country Estates project and neighboring landowners through two propagative mechanisms: convective firebrands and radiant heat. Convective firebrands (flying embers) spread over long distances. Radiant heat is effective only over very short distances. Mitigation measures will be required (primarily the establishment of fuel modification zones, special architectural treatments, and the construction of a non-combustible fire wall, respectively) that will reduce impacts to a level of insignificance.

Comments were invited on the analysis of the three above issues only. All other environmental issues were previously addressed in the original Final EIR. In reviewing that EIR the court has determined that these “other” issues have been adequately addressed and orders that they not be revisited or reassessed (see Writ, Appendix A, page 2, lines 21-23). The reader is referred to the original Final EIR (Final Environmental Impact Report for Country Estates, TM 4700, RPL3, Major Use Permit p87-059, Log No. 87-8-81) for a complete analysis of all environmental issues not listed above. That Final EIR is included by reference (CEQA Guidelines § 15150) and will be reviewed (along with these Revisions to the EIR and Technical Appendices) by the Board of Supervisors of the County of San Diego prior to approval of the project.

The Country Estates project, as proposed, includes the construction of: 55 detached single family residences; a roadway system that provides for circulation through the subdivision; the designation of three biological open space (preserve) lots; and the creation of a single recreational lot (see Figure 5). Should this document be certified by the County of San Diego and the project approved in its current design it is undetermined whether lot sales would occur or whether the project would be sold as a single entity to a development interest.

Although outside the Court's requirements for these Revisions to the EIR, it should be pointed out that before any construction occurs, consultation with the U.S. Army Corps of Engineers will be required to address the potential need for a Section 404 Permit (under the requirements of the Clean Water Act) and consultation will be required with the California Department of Fish and Game to determine the need for a Section 1603 Agreement (under the requirements of the state Fish and Game Code). If such "permits" are required, they will be made conditions of the Tract Map and finalization will be necessary prior to recordation. Consultation for these permits shall also address the potential impacts of the off-site extension of Deeb Drive (as it crosses the westerly drainage) and shall consider the construction of the off-site sewer to the south, as it uses an aerial segment to cross the unnamed (or "easterly") drainage to the south.

Chapter 1. PROJECT DESCRIPTION

1.1 PROJECT DESCRIPTION AND LOCATION

The applicant proposes the construction of 55 detached single family residences over an approximately 77.91 (gross) acre parcel of land (which is owned by the applicant). The proposed project site is generally located near the southern end of a topographic range known as the San Marcos Mountains. More specifically, it is located in an unincorporated area of the County of San Diego, approximately 1.5 miles east of the corporate boundary of the City of Vista, and approximately three miles northwest of the corporate boundary of the City of San Marcos. The site features some areas of steep terrain (at the northeastern and eastern property boundaries) and ranges from an elevational low of 876 feet in the floor of the central drainage to a high of approximately 1335 feet at the extreme northwestern corner of the site. The overall topographic shape of the site can be described as a "valley."

The site of the proposed 55 residence Country Estates project is currently undisturbed, with native chaparral vegetation generally covering the whole of the site. The only area of disturbance on-site is a central asphalt-paved road, which runs generally north-south through the property, providing access to lots further to the north. This narrow road is an extension of and is linked to the gated terminus of Hardell Lane at the southern boundary of the site. There are also a few dirt Jeep tracks and foot paths on-site, the latter being used by recreators from the surrounding residences and residential neighborhoods, including both hikers and equestrians. Estate rural residential homes exist (and/or are being built) to the southeast, south and west of the Country Estates site. Areas of undisturbed chaparral-covered habitat are interspersed between these homes.

The site has been owned by the applicant for over a decade and, during that period, has been the subject of numerous technical studies and project design efforts (please refer to the "History of Proposal" section of the original Final EIR for detailed information about this project history).

Primary components of the Country Estates (RPL3) project are listed below (and can be seen in Figures 5, 11 and 12):

- construction of 55 detached single family residences — on lot sizes that will range from 0.5 (gross) acres to 1.6 gross acres. Home design details have not yet been determined.
- preservation of three biological open space (preserve) lots — of: 12.4 acres; 10.3 acres; and 8.6 acres. These open space lots would be dedicated to the County of San Diego for permanent preservation, and they would be buffered from adjacent residential land uses by (fire) fuel management zones.
- provision of a recreational lot — of approximately 1.0 (gross) acres in size to be created in the southwest section of the site. This lot will feature a green area for play

and picnics, and a volleyball court site (or similar use). It will be served by approximately six off-street parking spaces. No buildings will be constructed on the lot.

- provision of an internal roadway system — consisting of a continuation of Deeb Drive northward toward the northern boundary of the property and toward the west and southwest to link with Hardell Lane (the latter for emergency evacuation and emergency vehicle access only). Three small cul-de-sacs are also a part of the proposed subdivision's road system.
- construction of a gated emergency evacuation road and emergency vehicle access point — aligned with Hardell Lane at the southern boundary of the site. This gate will feature Vista Fire Protection District mandated access key switches and emergency vehicle detection devices, but will be gated during all non-emergency condition days to avoid the unwanted direction of project traffic onto the existing alignment of Hardell Lane.
- creation of a Homeowners Association — to be responsible for maintenance of: Zone B Fuel Treatment Areas on individual lots; landscape maintenance efforts on common areas; landscape plan adherence throughout the subdivision; and for other miscellaneous subdivision maintenance efforts.
- The off-site extension of Deeb Drive approximately 300-feet from the present terminus to the western boundary of the Tract.
- The construction of approximately 2,400-linear feet of off-site sewer in an existing easement from the southern Tract boundary to the cul-de-sac end of Sugarbush Drive.

The current Country Estates project design, (Replacement Map (RPL) 3; see Figure 5) incorporates each of the above referenced project elements and serves as the basis for the analysis presented in this document. It is unknown whether the project, once approved by the Lead Agency, would actually be subject to lot sales, or sale in whole to a development interest.

1.2 INTENDED USES OF THESE REVISIONS TO THE EIR

The primary intent of these Revisions to the EIR is to inform the general public, interested neighbors, responsible agencies and decision makers, and others of the possible environmental effects of the implementation of Tract 4700 on three narrow areas of analysis:

- Biological Resources
- Noise Impacts

- Fire Hazards

These three areas of analysis are those determined by the Superior Court of the County of San Diego to be deficient in the original EIR prepared for the project (TM4700 (RPL 3), MUP P87-059, Log No. 87-8-81) in the matter of Citizens for Responsible Development, et al., v. the County of San Diego (see attached A) and Order of the Court (Appendix B). These Revisions to the EIR, in effect, “repair” the deficiencies found in the original EIR prepared for the project.

These Revisions to the EIR, when taken with the originally prepared EIR, provide the necessary documentation under the California Environmental Quality Act (CEQA), for any Responsible or Trustee Agencies that might have jurisdiction over future aspects of the project. For example, construction within the any of the drainages on-site is subject to review and “permitting” under section 1603 of the California Fish and Game Code. It is anticipated that the Department of Fish and Game, in administering Section 1603, will utilize these Revisions the original EIR’s as their own documents in order to meet the CEQA compliance requirements inherent in Section 1603.

Similarly, these Revisions to the EIR and the original EIR will serve to meet any future CEQA compliance requirements of the County of San Diego, should any discretionary actions remain within the jurisdiction of the County.

1.3 ENVIRONMENTAL SETTING

The Environmental Setting of the proposed Tentative Tract 4700 has been previously described in detail in the original EIR. The Environmental Setting is summarized in the preceding “Summary” section (page iv and following) of these Revisions to the EIR.

1.3.1 Consistency of Project with Applicable General and Regional Plans

This section has also been addressed in the original EIR for the subject property. The reader’s attention is directed to that document for further information. The consistency of the project with the County of San Diego’s NCCP planning effort for the north county area is discussed under the “Cumulative Impacts to Biological Resources” section of these Revisions and the attached Supplemental, Focused Biological Survey and Report (see Appendix C).

Chapter 2. SIGNIFICANT ENVIRONMENTAL EFFECTS

2.1 BIOLOGICAL RESOURCES

Subsequent to the approval of Tentative Tract 4700 by the Board of Supervisors, the Environmental Impact Report (EIR) for the project was challenged in court. The legal challenge was sustained in part and the court directed that action be taken to bring the EIR into conformance with the appropriate regulations. As a part of its order (see Appendices A and B), the Superior Court directed that five biological issues be readdressed as a part of the focus of any new environmental document. The five issues are:

- The on-site population of the Coast Horned Lizard,
- The on-site population of the Orange-throated Whiptail,
- The on-site population of the Western Spadefoot Toad,
- The on-site population of Parry's Tetracoccus, and,
- The potential for cumulative biological effects.

This sub-chapter 2.1 of the EIR Revisions addresses the five biological issues found deficient by the court. The following Biological Resource analysis is specifically focused to correct the above mentioned deficiencies and omissions in the original Final EIR. The Final EIR for Tentative Tract 4700 along with the Biological Technical Appendix of that EIR are herein incorporated by reference (CEQA Guidelines § 15150). This sub-chapter is also intended to address the effects on biological resources of the construction of off-site improvements to Deeb Drive and of the off-site construction of 2,400-lineal feet of sewer.

This document is based on additional field work conducted on the site of Tract 4700 in March 2000 and March 2001 and on the field work previously conducted on-site by the undersigned in 1997 and 1991. Field work for the off-site improvements was conducted during April 2002. The field work has been supplemented with research conducted at the San Diego State University Sciences library and at the Department of Planning and Land Use of the County of San Diego.

2.1.1 EXISTING CONDITIONS

The **Coast Horned Lizard** (*Phrynosoma coronatum*), is a species found extensively throughout the foothills and mountains of San Diego County. Its range also extends into adjacent parts of southern and Baja California (see Appendix C, Figure 3). The Horned Lizard is myrmecophagous, a dietary specialist that feeds primarily on ants; primarily on harvester ants of the genus *Pogonomyrmex*. Ants of this genus are large and distinctive, and their nests are largely placed in the open where they are easily found by both biologists and

Horned Lizards, during a normal pedestrian survey or a foraging expedition, respectively.

No nests of the Harvester Ant have been found within the bounds of Tract 4700 during any of the survey efforts in the last ten-years. Similarly, no harvester ant colonies were found within the alignments of either the off-site sewer or the off-site extension of Deeb Drive. Despite the lack of its' primary prey species, small numbers of the Horned Lizard have been observed on-site in 1991, 1997, 1999 (reported by neighbors) and in 2000. At no time have more than two individuals of this species been seen at one time. In all cases specifically known to the senior author, the observed Horned Lizards have been found in the southeastern quadrant of the Tentative Tract — an area of more open chaparral, quite different from the closed canopy chaparral found in the other parts of the site. This observation is consistent with the fact that the Horned Lizard (and its prey) are both thermally dependent in their daily and seasonal behavior. As such, neither is found in a closed canopy of chaparral. Rather, both prey and predator are found on open ground or in large openings in shrub systems where they have direct access to sunlight for basking.

Given the lack of the primary food prey species within the bounds of the Tract (none have been observed) and given the limited observations of the Horned Lizard itself, it is felt that the on-site population is small. This conclusion is supported by empirical data obtained on-site in both 1991 and in 2000. Stratified random sampling was conducted in both the 1991 and 2000 surveys for the lizard's distinctive pellets. The sampling resulted in the identification of few such scat in 1991 and none in 2000.

The **Orange-throated Whiptail** (*Cnemidophorus hyperythrus*) is also a species found in open shrub systems throughout the lower foothills of San Diego County; in both Coastal Sage Scrub and Chaparral systems. This lizard is found throughout Orange, western Riverside, and western San Diego Counties (see Figure 4, Appendix C). This lizard does not occur in closed canopy shrub systems (shrub stands where the branches of individual plants overlap forming a continuous cover). Such closed canopy systems preclude the species, possibly by reducing or eliminating the amount of sunlight reaching the lizard (which requires high body temperatures to function). All observations of the Orange-throated Whiptail on-site (in 1991 and 2000) were made in the southwestern quadrant of the property, in an area of regrowth chaparral that has a relatively open canopy.

At no time have more than two individuals of this species been observed in a day. As such, and given the limited location of all the observations, it is felt that only a small population of this species is found on-site. All of the old growth chaparral on-site and much of the regrowth chaparral that occupies the valley floor has developed a closed or near closed canopy. The Orange-throated Whiptail is precluded from these latter, closed-canopy, areas. Similarly, those portions of the Deeb Drive extension and of the sewer alignment that are naturally vegetated are also characterized by a closed canopy.

The **Western Spadefoot Toad** (*Scaphiopus hammondi*) is an extremely cryptic species — one that is very difficult to find, even when common and in its normal habitat. It frequently

occurs on properties subject to CEQA-motivated surveys but is not detected due to the very limited period that adults are active above ground. Spadefoot Toads occupy xeric habitats and the adults spend most of the year underground in a state of estivation or torpor. The adults emerge only following significant rainfall events and, even then, apparently remain above ground for only a few weeks (or days) at a time. The tadpoles are adapted to rapid development and can complete the growth cycle from egg to frog in as little as two weeks.

The species would not be reported from Tract 4700 except for the serendipitous discovery of three road killed individuals, apparently brought to the surface by a rare spring thunderstorm that occurred the night before the biologists visited the site on one of the field days in 1991. No other sightings of the species have been made on any of the other field survey dates. Absent a technical study so detailed as to be outside both the requirements and intent of the Environmental Quality Act (see *SCA v. County of Butte* (3rd Dist. 1977) 65 Cal.App.3d 832 [135 Cal.Rptr. 679]), it is impossible to ascertain the size of the population within the bounds of the Tract. However, in that the breeding of the species is keyed to ephemeral ponds, and no such ponding sites have been located on the property, it is anticipated that the Spadefoot Toad population is limited. Vegetation along the easterly drainage on-site is relatively open and the "stream" course can be examined fairly closely. There is no sign of ponding in that drainage. The westerly drainage (roughly parallel to the extension of Deeb Drive) is more heavily vegetated and appears to be cut to bed rock at one or more locations. It is assumed that this latter drainage supports short-lived ephemeral ponds suitable for the Toad.

As a part of the survey effort along the off-site sewer easement that extends approximately 2,400-linear feet south of the southern property line of the Tract, the pond that lies roughly 700-feet south of the Tract was examined. Although dry in the current year (April, 2002) due to the extreme drought, the pond is of sufficient size that it could easily support a population of breeding Spadefoot Toads during a normal rainfall year. This pond is on the easterly drainage and it is possible that it is the target of choice for migrating Spadefoots.

Parry's Tetracoccus (*Tetracoccus dioicus*) is a small, showy, shrub characteristically found on soils derived from gabbroic rocks (intrusive volcanic rocks composed of minerals with a high metal content, such as those that underlie much of Tract 4700). This Tetracoccus is found in San Diego County in three major populations. One of these populations is located in the San Marcos Mountains area. Two of the existing populations with San Diego County are fully protected (they lie on lands held in fee title by the State of California or by non-profit entities charged with land conservation).

The greatest density of the Tetracoccus on Tract 4700 is within the old growth chaparral. Lesser densities occur within the regrowth chaparral that dominates the floor of the valley. A comprehensive sampling program to determine the size of the Tetracoccus population was conducted as a part of the 1991 survey effort. Based on the results of that program (see RBRiggan and Associates, 1991; included herein by reference), it was determined that there are approximately 7,800 individual Tetracoccus within the bounds of Tract 4700. An

estimated 22 additional *Tetracoccus* plants lie under the footprint of the anticipated grading for the off-site extension of Deeb Drive. These represent a 0.3 percent addition to the total on-site population.

The existing off-site sewer easement extends approximately 2,400-linear feet to the south of the Tract (see Appendix C, Attachment A). Roughly 240-feet of the existing easement lies over the Mafic Southern Mixed Chaparral that dominates the easterly drainage, just off-site to the south of the Tract (the remaining 2,160-feet lies within existing orchards). The 240-foot segment of the sewer that crosses the drainage is intended to be constructed as an aerial over-crossing on piers. It is possible, however, that construction of this aerial segment might effect one or more additional individuals of Parry's *Tetracoccus* that lie within this area.

2.1.2 THRESHOLDS OF SIGNIFICANCE

The Coast Horned Lizard, Orange-throated Whiptail, and Western Spadefoot Toad are all considered "Species of Concern" by the two wildlife agencies (the United States Fish and Wildlife and the California Department of Fish and Game). None of the species are listed under either the State or Federal Endangered Species Acts, and such listing(s) is not pending.

Presently there is no established threshold of significance for the loss of small numbers of "sensitive" species. At one end of a continuum the loss of a single individual of any of these three species would not, by the vast majority of workers in the field, be considered significant. Indeed, all three species serve as prey for other, less sensitive forms of wildlife and individuals of Horned Lizard, Orange-throat and Spadefoot are lost daily in the natural flow of ecosystems. Near the other end of the continuum, the loss of an entire, inbreeding population (thousands of individuals) would be considered catastrophically significant by most knowledgeable biologists. At which point does the loss of a small number of individuals become significant? Clearly this is a philosophical question beyond the scope of this document. We have, therefore — and in an abundance of caution — elected to determine that the loss of even the small populations of the three species (as they occur within Tract 4700) are "significant."

The County of San Diego maintains a county-wide listing of sensitive plant species, ranking them into four categories from "A" (most sensitive) to "D." Parry's *Tetracoccus* is currently listed under Group A. For plants in Groups A and B, the current County policy suggests that any loss more than 80% of the population is considered significant. This criteria is used in this document.

2.1.3 ANALYSIS OF PROJECT EFFECTS AND DETERMINATION AS TO SIGNIFICANCE

For each of the five biological resource components addressed by the Court, the anticipated impacts of the development of Tentative Tract 4700 are as follows:

Horned lizard. The existing, small population of the Coast Horned Lizard within the bounds of Tract 4700 is located in the southeastern quadrant of the property. Based on observations made over the years, the population occupies an area of approximately 7.0-acres. This entire area is proposed for development as a part of the Tract. Implementation of the project as proposed will eliminate this small population of the Horned Lizard.

At present, extensive populations of the Horned Lizard are preserved within County open spaces, as well as large federal and state land holdings throughout San Diego County. Biologically, the loss of the small population within the bounds of Tract 4700 is not relevant to the survival of the species as a whole. This population on-site represents a tiny fraction of the species' population (vanishingly less than one percent) and is already subject to disturbance due to the proximate location of existing residences, dogs and the like.

However, while this population is not biologically significant, the Coast Horned Lizard is identified as a "species of concern" by both the Fish and Wildlife Service and the Department of Fish and Game. Acting in an abundance of caution, therefore, we would conclude that the loss of even this minimal population is "significant."

Orange-throated Whiptail. The existing, small population of the Orange-throated Whiptail found within the bounds of Tract 4700 is located in the same, 7-acre, southeastern quadrant of the property as the Horned Lizard. This entire area is proposed for development as a part of the Tract. Implementation of the project as proposed will eliminate this small population of the Orange-throated Whiptail.

As with the Horned Lizard, extensive populations of the Whiptail are preserved on County, State and Federal reserves. Biologically, the loss of the small population of Orange-throated Whiptail found within the bounds of Tract 4700 is not relevant to the survival of the species' population as a whole. This population represents a tiny fraction of the species' population (significantly less than one percent) and is already subject to disturbance due to the proximate location of existing residences, dogs and the like.

However, like the Horned Lizard, the Whiptail is classified as a "species of concern" by both of the wildlife agencies. Acting in an abundance of caution, once again, we would conclude that the loss of even this minimal population is "significant."

Western Spadefoot Toad. The local subspecies of the Western Spadefoot Toad is found extensively throughout coastal and central California (see Figure 5, Appendix C). It is rarely observed, however, due to its secretive habits and brief period of above ground activity (activity usually timed with adverse weather conditions when humans are not abroad to observe them).

It is impossible to ascertain the size of the population on-site (absent a lengthy study clearly outside of the requirements of the California Environmental Quality Act (see *SCA v. Butte* (3rd Dist. 1977) 65 Cal.App.3d 832 [135 Cal.Rptr. 679])). Two generalizations are possible

though. First, given the very limited number of possible breeding locations, it follows that the overall population is small. Second, the central part of the valley was mechanically cleared in approximately 1980. This mechanical clearing would, presumptively, kill toads aestivating in the affected ground. While it is possible that the toads have reestablished within this area, the number of "parent" populations from which a new population would grow is limited in the vicinity of the subject project. The old growth chaparral around the periphery of the valley is being preserved as a part of this project design and it is here that the majority of toads probably occur at this time.

Implementation of the Tract as proposed may result in the loss of a small number of Spadefoot Toads, or it may not. Since it is not possible with current techniques to determine the aestivating locations of any adult Toads that occur within the bounds of the site, it is impossible to state how many (if any) are presently found within the footprint of the proposed subdivision. It should be pointed out, however, that the footprint of grading corresponds almost exactly with the area of chaparral previously cleared. This previous clearing event probably removed a large portion of the Toads within that part of the subject property.

Biologically, the hypothetical loss of a portion of the small population of Western Spadefoot Toad that is found within the footprint of Tract 4700 is not relevant to the overall survival of the species' population in the wild. The on-site population represents a tiny fraction of the species' population (less than either of the above discussed species) and is already subject to disturbance due to the proximate location of existing residences, wheeled vehicles, dogs and the like.

Given (a) the presumptive nature of any remaining on-site Toad population, (b) the preservation of the only probable on-site breeding location for the toad (see following discussion under 2.1.4, Mitigation Measures), (c) the preservation of the Old Growth Chaparral (the area most likely used for estivation purposes), and (d) biological insignificance of the on-site population (if any) of the Western Spadefoot Toad, it is felt that the project as proposed will not have a significant, adverse effect on the species.

The pond located approximately 700-feet south of the southerly boundary of the Tract may be a potential Spadefoot Toad breeding site. The previous sewer easement (the easement in place *prior* to the date of this report) has been extensively modified so as to avoid any crossing of this pond or its associated riparian growth (see Figure 12). The aerial crossing of the easterly drainage will have no measurable effect on the pond or its dam and, therefore, there will be no measurable effect on any potential Spadefoot Toad breeding activity.

Parry's Tetracoccus. Implementation of the project as proposed will result in the removal of most of the regrowth chaparral and in the loss of a small amount of the old growth chaparral. Knowing the approximate density of the Tetracoccus in each chaparral type the following anticipated impact has been computed (from RBRiggan, 1997):

LAND USE TYPE	NUMBER OF PLANTS
Plants Retained	
33.5 acres of undisturbed natural area (old growth) with 160 plants per acre	5,360 (69%)
Plants Lost	
7.3 acres of old growth with 160 plants per acre	1,168
37.1 acres of disturbed chaparral with 33.4 Tetracoccus per acre	1,239
Total Lost:	2,407 (31%)
Total Tetracoccus on Property	7,767

“Within the assumed statistical accuracy of the above data, it would be most appropriate to state that there are approximately 7,800 Tetracoccus on the property. Of these, roughly 2,400 will be lost and roughly 5,400 will be saved. Retention of 5,400 plants in natural open space is a considerable accomplishment.” [RBRiggan, 1997, p. 10]

The majority of the old growth chaparral on-site and, therefore, most of the Tetracoccus is being preserved in permanent biological open space. It is anticipated that approximately 5,400 individual plants of Parry’s Tetracoccus (69 percent of the on-site population) will be preserved within natural open space areas (see Figure 5) . However, preservation of 69 percent of the on-site population is less than the 80:20 guidance provided for Group A plants in the County’s standard threshold of significance. Using this standard, the County considers the loss of more than 20 percent of a Group A plant’s population as unacceptable and significant. The loss, therefore, of approximately 30 percent of the on-site Tetracoccus is significant.

The loss of an additional 22 Tetracoccus plants with the construction of the off-site segment of Deeb Drive will increase the total loss by a mere 0.3 percent. However, any additional loss simply exacerbates an already significant condition.

Construction of the off-site sewer south from the Tract through the current existing, revised easement will result in a temporary disruption of a small reach of mafic Southern Mixed Chaparral during the construction of the elevated section (approximately 240-feet) of the sewer (the balance of the sewer is located in existing orchards and will not have a “biological” effect). The construction footprint for the “fly-over” or elevated section of the sewer will be minimal, with most of the work to be accomplished from the two banks of the

easterly drainage. Adverse habitat effects of this construction are temporally brief and very limited in their extent. It is possible that one or two individuals of Parry's Tetracoccus will be adversely affected beneath the construction footprint (even with hand excavation of the piers). The loss of an additional one or two individuals is well within the statistical error of the above estimates and should not be considered a significant effect.

2.1.4 MITIGATION MEASURES

The present design of the project retains 44 percent, or 34.4-acres of the property in permanent, natural open space. This preservation, (with an Open Space Easement to the County of San Diego) in and of itself, acts to minimize (mitigate in effect) the impacts of the Tract on biological resources. Specifically:

	Acreage*	Percent of Total
Retained in ungraded, natural open space	34.4	44%
Area to be revegetated to a natural condition	0.9	1%
Area in fuel modification area "B"—retained in a partially natural condition	2.6	3%
Area to be developed	40.0	52%
	77.9-acres	100%

Coast Horned Lizard and Orange-throated Whiptail. Given the location of the Horned Lizards beneath the footprint of development and given their preclusion from the old growth chaparral on-site (by virtue of the closed canopy of that system), mitigation of this loss on-site is not feasible. Even if the southeastern quadrant of the property were set aside as a lizard habitat, it would be non-functional in the long-term due to its small size and the fact that canopy closure with time would extirpate the lizard species. Similarly, given the location of the Orange-throated Whiptail beneath the footprint of development and given their preclusion from the old growth chaparral on-site (by virtue of the closed canopy of that system), mitigation of this loss on-site is not feasible. As previously stated, the populations appear to be limited to an area of approximately 7-acres in the southwestern part of the property. This area is defined by the property's boundaries on the east and south, by the existing alignment of Hardell Lane on the west and by the centerline of the east-west drainage on the north.

Within this 7-acre area, the on-site populations of both lizards are small, considerably smaller than would be found for example, in a typical stand of Coastal Sage Scrub a fraction of that

size. If the "typical stand" of Sage Scrub supports populations of both *Pogonomyrmex* ants and of Subterranean Termites, then the potential for a dense population of both lizard species is quite high. It is recommended, therefore, that the applicant purchase in an acceptable mitigation bank, 2.5-credits (acres) of Sage Scrub habitat. The habitat purchased will, of course, have to support populations of both species of lizards. The majority of projects processed by the County of San Diego do not specifically mitigate for these two species, except by habitat preservation. This purchase recommendation is based on the fact that both lizard species are considerably less common on-site than they would normally be expected to be in a stand of Coastal Sage Scrub. A smaller mitigation area can, therefore, support a more dense population of both species than is found in the larger habitat stand on-site. Implementation of this mitigation measure would reduce the anticipated effects on these two lizard species to a level of insignificance.

Western Spade-foot Toad. The original design of the Tract was significantly altered to preserve the western drainage and the adjacent old growth chaparral for the benefit of the Western Spadefoot Toad (see Figure 7). This mitigation also benefitted the total amount of Parry's Tetracoccus that will be preserved, while resulting in the loss of 11 residential units (20 percent of the homes proposed today) from the Tract Map. This mitigation measure is inherent in the present design of the Tract and reduces the anticipated impacts to the species to a level of insignificance.

The seasonal movements of the Western Spadefoot Toad are driven by the need to reproduce and by the need to survive periods of inclement (hot and dry) weather. Breeding occurs in small, ephemeral ponds or pools. Larger streams or creeks are not used, apparently as a means of avoiding predation due to fish, turtles and the like. These latter forms would occupy permanent or semi-permanent water courses but would not be found in ephemeral waters. During daytime and during dry weather the toads are found underground either in burrows dug by themselves in soft soil or in the burrows of small mammals such as Pocket Gophers and Kangaroo Rats. The distance from water at which the toad sequester themselves is unknown. Movement from the burrows is at night and generally occurs immediately following a significant rainfall. The toads remain at the ponds, breeding and feeding for an indeterminate amount of time and then return to their burrows. Again, the distances involved here are not known and probably vary from site to site depending on local conditions.

We lack any empirical or observational data as to the occurrence of the Western Spadefoot on or adjacent to Tract 4700. That we are aware of the species on this property at all is due to a serendipitous find in 1991. The Toad was not recorded on any previous or subsequent field visit to the site. We know that the Toad requires water to breed and we know that the Toads were found on the paved surface of Hardell Lane where it crosses the eastern drainage (see Figure 9). This eastern drainage was walked extensively and we can locate no point where there is any evidence of ponding within the bounds of the Tract. Lacking any evidence of ponding, we assume (for lack of any other reasonable choice) that the Toads must be breeding somewhere on the western drainage (roughly parallel to the future alignment of Deed Drive). We do not know that they breed on the western drainage, we do not know if

there are even any Spadefoot Toads left on the property at this time (following the most severe drought in southern California's history).

The Order of the Superior Court, Page 6, lines 3-4 (see Appendix B) states as follows: "Additionally, the EIR fails to discuss the viability of small barriers to prevent road kill impacts on the Western Spadefoot." Ostensibly, the use of barriers along Deeb Drive might prevent Western Spadefoot Toads from crossing the roadway and being killed by passing vehicles. It is difficult to evaluate the merits of this suggestion in that we have virtually no idea at all as to the routes of travel that might be used by surviving toads (if any) on the property. For example, assuming for the moment that they do breed in the western drainage, we do not know if they would cross a paved surface (road) in lieu of moving through what (for them) is the familiar texture of the floor of a chaparral stand. Indeed, in the southwestern corner of the property, a barrier along the road could have the adverse effect of preventing Toad movement from the reserved open space into the western drainage. "The effects of road traffic on amphibian populations are virtually unknown" (Heyer, et al., 1994, page 164) and we have no information that would suggest that road barriers would be effective as mitigation measures. In fact, road barriers could cause a greater impact to the toad if they are inadvertently placed between adults and their burrows and the breeding grounds.

While it is valid to argue that the preservation of the one drainage course on the property that *can* support the Western Spadefoot constitutes a mitigation for the possible impacts to the species, we have no factual basis to point to any other part of the property and say that it is involved with the biology of the Toad. Lacking even the most rudimentary knowledge as to the occurrence of the Western Spadefoot Toad within or adjacent to the bounds of the Tract, we cannot say that there will be a negative effect due to vehicular traffic on Deeb Drive nor can we say that a barrier along the edge of the road would have any potential benefit to the species. Construction of a barrier is, therefore, not recommended.

While it is only assumed that the pond located to the south of the project is utilized as a Spadefoot Toad breeding site, any permanent disruption of that habitat must be considered unacceptable as would any disruption of that habitat during the breeding season. For these reasons the off-site sewer alignment to the south has been redesigned in a manner that completely avoids the pond and dam (see Appendix C, Attachment A). The Country Estates project as presently proposed will have no demonstrable effect on the Western Spade-foot Toad due to proposed off-site improvements. No off-site mitigation measures are, therefore, required (other than those already implemented, see Appendix C, Attachment A).

Parry's Tetracoccus. Given the location of approximately 31% of the Parry's Tetracoccus beneath the footprint of development, complete mitigation through preservation in natural open space is not feasible absent a major redesign of the project. However, preservation of naturally occurring individual Tetracoccus within the fuel modification zone and the planting of additional individuals at selected locations can reduce the on-site loss to effectively less than 20 percent, thereby mitigating the impact to the "Group A" species (see discussion of 80:20 threshold above). Retention in the fuel modification zone and plantings may be

summarized as follows and viewed in the Landscaping Plan (Appendix F):

Location of <i>Tetracoccus</i> plants within the Tract	Number of Individual Plants
Plants Retained in Fuel Modification Zones — 2.6-acres of old growth chaparral within limits of the fuel modification zone, assume 75 percent of 160 plants per acre retained (see map following page 12 in Appendix E)	312 (4%)
Replanting of <i>Tetracoccus</i> on Specified Cut Slopes — 0.9-acres of slopes revegetated with <i>Tetracoccus</i> planted on 10-foot centers, or at a rate of 435 per acre (see Appendix F — Landscape Plan)*	391 (5%)
Additional Plantings within the Fuel Modification Zone — enhancement plantings of <i>Tetracoccus</i> in place of other shrubs removed from the Fuel Modification Zone. Add 310 plants across 2.6 acres (120 per acre on average) where compatible with fire management strategy*	310 (4%)
<i>Tetracoccus</i> Retained In Natural Open Space — 33.5-acres of undisturbed natural area (old growth chaparral) with an average of 160 plants per acre	5,360 (69%)
Total <i>Tetracoccus</i> On-site after Development of Tract:	6,373 (82%)

* The retention or addition of *Tetracoccus* within the fuel modification zone and the specified cut slopes will not adversely affect the fire safety of the project. The *Tetracoccus* will be relatively low biomass shrubs scattered within zones cleared of both plants that constitute flash fuels and of the more flammable plants.

As proposed, an additional four percent of the on-site population will be retained within the fuel modification zones adjacent to certain home lots. An additional 391 plants (roughly five percent) will be used in the revegetation of 0.9-acres of on-site slopes and an additional 310 plants (roughly four percent) will be planted within the 2.6-acres of fuel modification zones to augment the existing population. An aggregate total of approximately 6,400 Parry's *Tetracoccus* (an equivalent of 82% of the original population) will, therefore, be preserved on all land types within the bounds of the Tract.

And, in an abundance of caution, it is recommended that the above plantings be augmented by an additional 22 plants so as to compensate for those lost due to the off-site grading for the Deeb Drive extension. This addition will fully mitigate the off-site loss.

Retention of Parry's *Tetracoccus* in natural open space along with the planting of additional individuals of *Tetracoccus* (which shall be taken from the existing stock on-site so as to assure genetic compatibility) as shown above will mitigate the potential impacts of the project on the species to a level of insignificance. In order to assure the long-term viability

of this mitigation mechanism, the Homeowners Association (HOA) consistent with the Zone B Easement conditions, shall ensure that any clearing within the fuel modification zone shall be accomplished in a manner that maximizes the retention of Tetracoccus. In addition, the HOA shall be responsible for assuring that Tetracoccus plantings outside of the fuel modification zones are also accomplished in the manner intended, and maintained in perpetuity.

In order to assure the mitigation mechanism, a restricted landscaping easement shall be applied to the Zone "B" (see Figure 8) fuel modification area; both over those zone B areas in common ownership and those owned by individuals. The easement shall be to the County of San Diego and shall allow the necessary access to accomplish the above outlined Tetracoccus plantings and the necessary fuel modification and maintenance.

In addition, prior to initiation of grading on TM 4700 the applicant shall prepare for approval by the County Department of Planning and Land Use a planting, management and monitoring plan for the Parry's Tetracoccus. This plan shall specify the location, and techniques to be used for the planting of the Tetracoccus as well as the source of seed (and/or cuttings). The plan shall also specify how Tetracoccus retained in the fuel modification zone and Tetracoccus planted in the fuel modification zone and on selected cut and fill slopes are to be maintained and managed. Monitoring shall be provided for in the plan for a period of no less than three years.¹

Avian Breeding Populations². Tract 4700 is occupied by a number of bird species that, while not endangered, threatened or sensitive, are covered species under the Migratory Bird Treat Act (16 USC §§ 703-712, as amended). In order to protect these bird species all vegetation removal — either within the Tract itself, or within the off-site extension of Deeb Drive and the off-site sewer alignment — shall be prohibited during the breeding season of the birds: approximately 1 March through 1 August of any year. Earlier or later clearing and grubbing dates will be allowed if based on a negative breeding bird survey prepared by a qualified biologist.

2.1.5 CONCLUSIONS

With implementation of (or in consideration of) the following mitigation measures (as presented in the preceding text):

- Purchase of off-site credits in Coastal Sage Scrub with large populations of the Coast Horned Lizard and the Orange-throated Whiptail,

¹ Paragraph added following, and in response to, public review — specifically comment A-5.

² This section is added in response to Public Review comment A-12. This paragraph clarifies the existing mitigation requirement for construction timing and the avian breeding season.

- The previous re-design of the project to favor the Western Spadefoot Toad,
- Construction of the off-site sewer through existing orchards except where a 240-foot section will be elevated above the easterly drainage,
- Construction of the off-site sewer in other than the breeding season,
- Retention of a Biological Monitor to assure that the construction of the off-site sewer has the least significant effect possible on extant resources, and,
- With implementation of the augmentation plantings and Zone "B" selective retention of Parry's Tetracoccus,
- Prior to initiation of grading on TM 4700 the applicant shall prepare for approval by the County Department of Planning and Land Use a planting, management and monitoring plan for the Parry's Tetracoccus. This plan shall specify the location, and techniques to be used for the planting of the Tetracoccus as well as the source of seed (and/or cuttings). The plan shall also specify how Tetracoccus retained in the fuel modification zone and Tetracoccus planted in the fuel modification zone and on selected cut and fill slopes are to be maintained and managed. Monitoring shall be provided for in the plan for a period of no less than three years.
- Vegetation removal within the Tract (including the off-site extension of Deeb Drive) shall be conducted during the non-breeding season of resident bird species — generally from 1 August to 1 March. Earlier or later clearing and grubbing dates will be allowed if based on a negative breeding bird survey prepared by a qualified biologist.

the anticipated impacts on four sensitive biological species are reduced to a level of insignificance.

2.2 NOISE ANALYSIS

The Noise Impact analysis within the original Final EIR did not specifically address construction noise, nor did it address noise impacts associated with traffic from the proposed Country Estates development. The lack of analysis in these areas was found to be a legal deficiency of the document. In it's opinion, the Superior Court stated that "the EIR contains no analysis of project-related noise (pre- or post-construction), no acoustical calculations and analysis, and includes no mitigation for construction related noise" (see Order, Appendix B). The Court also found the EIR deficient in that it chose to rely on future Grading Permits as a mitigation vehicle for any identified noise effects.

The following Noise Impact analysis is specifically focused to correct the above mentioned deficiencies and omissions in the original Final EIR, which is herein incorporated by reference (CEQA Guidelines §15150). This discussion is based on a Construction Noise (both on-site and off-site) and Off-Site Traffic Noise Assessment that was commissioned specifically to address the impacts of the Country Estates project. That noise study (Country Estates Project (TM 4700r3/MUP P87-059) Construction Noise and Off-Site Traffic Noise Assessment) is presented in its entirety in Appendix D, and is herein incorporated by reference (as per CEQA Guidelines § 15150). Subsequent to the preparation of this study, an additional assessment of the off-site construction effects was also

completed. This latter study is included as Attachment A to Appendix D, and is herein incorporated by reference. These Revisions to the EIR fully analyze project noise impacts and proposes mitigation measures independent of future ministerial permits.

2.2.1 EXISTING CONDITIONS

The Country Estates project (TM 4700, RPL3) is located in an unincorporated area in the northwest sector of the County of San Diego, within the southern edge of a topographic range known as the San Marcos Mountains. This mountain range is still largely undeveloped but with some scattered rural and estate lot developments. The 77.91 acre Country Estates project site is undeveloped and currently has no noise sources. Topographically the site can be described as a “bowl shaped valley” surrounded by steep terrain. This steep terrain will serve to buffer most project noise from traveling beyond immediately adjacent ridgelines. The property is accessible from all directions by dirt trails and by a central north-south trending paved road that is gated and infrequently traveled. That gate is located at the northern terminus of Hardell Lane (see Figure 5).

There are three types of noise receptors which might be affected by the proposed project: dwelling units with a line-of-sight to the project; dwelling units along the future access roads, and dwelling units along the southern sewer alignment. The only sensitive noise receptors currently located around the periphery of the property are several single family residences. These are located south of the site, two or three residences along the eastern property boundary (essentially southeast) of the site, and one or two residences northwest of the site (see Figure 3, Appendix D).

Currently, the largest contributor to the noise environment of the area surrounding the project is vehicular traffic in the neighborhood. Based on traffic counts conducted over a two day period, existing traffic volumes along Ora Avo Drive range from 1006 to 1206 traffic trips per day north of Buena Creek Road, and 665 to 685 traffic trips per day south of Deeb Drive (Wootton, 1998, see Technical Appendices to original Final EIR).

2.2.2 THRESHOLDS OF SIGNIFICANCE

To determine if project noise levels are likely to be significant, using either the standards of CEQA or of the Lead Agency in this project (the County of San Diego), modeling of the anticipated future construction and transportation noise was accomplished (see Appendix D). The following analysis of significance is based on the County of San Diego Noise Ordinance (primarily Section 36.410 - construction noise) and on the Noise Element of the County of San Diego General Plan.

2.2.3 ANALYSIS OF PROJECT NOISE EFFECTS AND DETERMINATION AS TO SIGNIFICANCE

The proposed Country Estates project would entail: the construction of 55 detached single family residences and an internal road system; the off-site extension of Deeb Drive approximately 300-feet to the west of the westerly property line, the construction of approximately 2,400-lineal feet of off-site sewer line to the south of the Tract, the establishment of a recreational lot; and the designation of three open space biological resource areas. Such a project could potentially generate significant noise levels via either construction (short-term), or via long-term noise from traffic generated by the 55 new residences in the project.

Construction Noise from the proposed Country Estates project should not exceed the County of San Diego Noise Ordinance (Section 36.410) allowed maximum noise level of 75 dB, averaged over an eight hour period (Pacific Noise Control, 2000). Taking into account the exact anticipated mix of heavy equipment likely to be used on the proposed project, and the similarity of other residential construction projects at which Pacific Noise Control has conducted noise measurements — it has been determined that the Country Estates project should generate one hour average noise levels during on-site ground clearing and grading activities ranging from approximately 75 to 80 dB at 50 feet from the closest construction work area (Pacific Noise Control, 2000). However, this noise level will attenuate (due to geometric spreading) before reaching the homes nearest the project site.

Approximately 110 feet separates the nearest off-site home to the south from Lots 1 and 2 of the proposed Country Estates project (see Figure 3, Appendix D), and a maximum of 73 dB (averaged over eight hours) is expected at that receptor (Pacific Noise Control, 2000) due to on-site construction. The reduction in the noise level from an estimated 75-80 dB to approximately 73dB is due to distance attenuation alone. Similarly, approximately 250 feet separates Lots 8 and 9 of the Tract from the nearest off-site homes to the east and a maximum of 66 dB (averaged over eight hours) is expected to effect those residences due to on-site construction. These noise levels will not exceed the County of San Diego Noise Ordinance allowed maximum of 75 dB averaged over eight hours (Pacific Noise Control, 2000).

There is a small potential for construction noise generated as a result of the need for blasting. However, the geotechnical report included with these *Revisions to the Environmental Impact Report for Tentative Tract 4700* (see Appendix H, page 5) concludes that “These modifications . . . likely eliminate the need for blasting . . .” Information additional to Appendix H has been from the authors of the geotechnical report (Mehdi Shariat, personal communication) that clarifies the statements in Appendix H. Mr. Shariat advises that his report is intended to be quite conservative — while blasting at the site will in all probability not be required, there may be highly localized cases where single residual boulders remain that are too large to be moved by normal earth moving equipment. In such a case, the boulder would be drilled and explosives placed to break it into pieces small enough for handling.

The noise generated by such a worst case scenario would be derived primarily from the equipment used to drill the holes in the rock for the explosives. The noise generated by Rock Drills is included in the construction noise table generated for the project (see Appendix D, Figure 2). The anticipated noise levels from such equipment is within the framework of noise previously calculated for the project (see text above at page 17, and Appendix D). Blasting of isolated boulders is both a noise event of extremely limited duration and one that is reduced in magnitude by the requirement (San Diego County Ordinance) that the blast not result in free flying material (rock). Once the charges are placed in the rock, it is covered with a cap of earth of sufficient thickness as to prevent flying material. This earth cap also has the effect of dampening the sound of the explosion. Any anticipated blasting will not substantively add to the overall level of construction noise.³

The only potential for actually exceeding County construction noise maximums lies (a) with construction material deliveries and construction equipment traffic on area roads, and (b) with the off-site construction of a 300-foot segment of Deeb Drive and the off-site sewer construction. An analysis of the anticipated heavy truck trips serving the proposed Country Estates indicates the short-term construction traffic noise impact would be less than significant because it would occur over a relatively short period of time, and involve a relatively low volume of heavy truck trips (a maximum of 3 to 4 heavy truck trips per working hour for one to two days per each of three phases). The project construction noise level (together with existing traffic levels) along Ora Avo Drive would be approximately 56 dB CNEL north of Buena Creek Road and would be approximately 55 dB CNEL south of Deeb Drive (Pacific Noise Control, 2000). These expected noise levels are within the noise level criteria set by the County of San Diego Noise Element (of the General Plan) and are not considered significant.

Construction of the off-site segment of Deeb Drive (approximately 300-linear feet of roadway, see Figure 11) will produce very short-term noise effects as high as 81-dB Leq₍₈₎ at the property line of the nearest residential properties. While this noise level exceeds the County's Noise Ordinance, it also is based on the assumption that the equipment would be working close to the residence and at full power for the entire eight hour work day, a very conservative assumption. While this noise level exceeds the County's ordinance it is not felt to be significant in that the total construction time near the residences will be on the order of a few days (perhaps as few as four; see Appendix D, Attachment A). Because of the short-duration of the noise impact, approximately three to four days (i.e., two days for grading, one day for subbase preparation and one day for the asphalt), the noise impact is considered less than significant. Nevertheless, measures to reduce the theoretical eight-hour average noise level to 75 dB or less noise are discussed in the mitigation section.

Assuming that the approximately 2,400-linear feet of off-site sewer is constructed using a single backhoe (see Appendix D, Attachment A) then a maximum noise level as high as 80-

³ This paragraph has been added for clarification and in response to comment B-10, a comment received during the Public Review of the *Revisions to the Environmental Impact Report for Tentative Tract 4700*

dB may be expected at a distance of 50-feet from the equipment in use. This noise level exceeds the County's ordinance standard by five-dB. Most of the residences along the alignment of the sewer easement are further removed than 50-feet from the easement, however, and construction of the sewer will require even less time than will the roadway construction. Based on discussions with the County, the noise ordinance criteria does not apply to short-term construction activities occurring on the property where the easement is located (Telephone Conversation with Mr. John Bennett, County of San Diego, April 2002). Because of the short-duration of the noise impact (i.e., approximately one day at the closest noise impacted residential property), and because the closest home outside the sewer easement would be approximately 50-feet from the construction area, the noise impact is considered less than significant. Nevertheless, measures to reduce the theoretical eight-hour average noise level to 75 dB or less noise are discussed in the mitigation section.

In addition to the question of construction related noise, the long-term noise generation of the finished Country Estates subdivision was analyzed relative to Ora Avo Drive (the only street that would provide access to the project). The primary source of noise from the finished subdivision will be that of automobile traffic. At a distance of 50 feet from the centerline of Ora Avo Drive, north of Buena Creek Road, the existing noise level is 54 dB CNEL. Project traffic, together with the existing traffic, would generate a 56 dB CNEL noise level, an increase of 2 dB. Therefore, the County allowed maximum of 60 dB CNEL would not be exceeded (Pacific Noise Control, 2000). This would not be a significant noise impact.

At a distance of 50 feet from the centerline of Ora Avo Drive, (south of Deeb Drive), the existing noise level is 52 dB CNEL. Project traffic together with this existing noise level would reach 55 dB CNEL (see Figure 10), an increase of 3 dB. Therefore, the County allowed maximum of 60dB CNEL would not be exceeded (Pacific Noise Control, 2000). In order to exceed a CNEL of 60 dB at 50 feet from the centerline of Ora Avo Drive, a traffic volume of approximately 4,400 ADT would be required. With build-out, a traffic volume of less than 4, 400 ADT is expected, therefore the 60 dB CNEL limit would not be exceeded and the noise impact would be less than significant.

2.2.4 MITIGATION MEASURES

As outlined above, the proposed project is not anticipated to result in significant impacts. Both short-term construction activities and long-term traffic increases are considered less than significant. Therefore, no mitigation measures are necessary. However, in order to further attenuate construction noise at critical points (the off-site construction of Deeb Drive and the off-site construction of the sewer) it is recommended that specially muffled equipment be utilized. Dozers and back-hoes are available that generate maximum noise levels of as little as 80-dB and 71-dB respectively at a distance of 50-feet from the equipment. Use of the quieter equipment would reduce the perceived impact of the off-site construction during the few days that it occurs.

To attenuate the theoretical construction equipment eight-hour average noise to 75 dB or less

at the adjacent residential property boundary, the following measures shall be implemented:

- Prior to construction, sound tests shall be conducted of the dozer and backhoe equipment to ensure the dozer generates an A-weighted noise level of 85 dB or less at 50-feet and that the backhoe generates a noise level of 80 dB or less at 50-feet.
- Noise monitoring shall be conducted during the initial construction operation to ensure that the noise level complies with the County's noise ordinance limits. If the noise monitoring indicates that the County's noise criteria may be exceeded, subsequent monitoring will be conducted after implementation of remedial noise abatement measures. A noise report shall be filed with the County DPLU (Department of Planning and Land Use) summarizing the results of the noise monitoring and method of compliance.

2.2.5 CONCLUSIONS

Initially, it was thought that blasting and drilling on-site might prove necessary, resulting in a potentially significant noise impact. However, a recent geological study (see Appendix H) has demonstrated that drilling of the site will not be required, thereby eliminating the most severe source of construction noise. Long-term (traffic) noise impacts from the project are not significant and no mitigation measures are proposed for them (see Appendix D). Neither long-term, nor short-term noise from the project or its construction (on- or off-site) is considered significant.

2.3 FIRE HAZARD ANALYSIS

The Fire Safety analysis within the original Final EIR was limited to: the nearest Fire Station locations and personnel; service area boundaries; and the estimated emergency response times of the closest fire station. The document concluded that fire protection service was or would be adequate to serve the proposed Country Estates project. Specifically, it stated that:

- the nearest fire station is at Monte Vista Drive at Valley Drive;
- it has three personnel; and
- the estimated emergency response time from this fire station is approximately 4 minutes and 30 seconds.

The original Final EIR did not specifically address potential fire hazards unique to the proposed Country Estates project, and the lack of that analysis was subsequently found to be a legal deficiency of the document (see Order, Appendix B). The following Fire Hazards analysis, therefore, is specifically focused to address those deficiencies identified by the Superior Court as existing within the Fire Safety section of the original Final EIR, which is herein incorporated by reference (CEQA Guidelines §15150).

More specifically, the following legal deficiencies relative to Fire Safety were found to exist within the text of the original Final EIR:

- “The EIR insufficiently addresses the fire risk issue so as to inform the public or the agency decision maker of the project’s impact on this issue.”
- The area is served by the Vista Fire Department (VFD) which has classified the “box canyon” as a “Hazardous Brush Area.” “. . . the EIR must also analyze significant environmental effects that the project might cause by bringing development and people into the area and exposing them to existing hazards.” (Order, page 11).
- “Inexplicably, the EIR not [sic] discuss the VFD’s opinions, . . . or formally adopt any of the VFD’s recommendations as mitigation measures.”
- “The EIR also fails to address the significant risk posed by the lack of secondary access for escape.”

These EIR Revisions will address the above outlined legal deficiencies of the original Final EIR for the Country Estates project. To address the issues and cure deficiencies in the original Final EIR, a *Final Fuel Modification Plan* (FFMP) was completed for the Country Estates project by FIREWISE 2000, Inc. That report is presented in its entirety in Appendix E and is herein incorporated by reference (as per CEQA Guidelines § 15150). Subsequent to the completion of that FFMP, a Landscaping Plan was also prepared for the proposed project (see Appendix F). The Country Estates Landscaping Plan implements the mitigation measures identified in these EIR Revisions and the underlying FFMP.

2.3.1 EXISTING CONDITIONS

The Country Estates project (TM 4700, RPL3) is located in an unincorporated area in the northwest sector of the County of San Diego within the southern extent of a topographic range known as the San Marcos Mountains. This mountain range is still largely undeveloped and subject to wildland fires, particularly in areas where residential development is encroaching into large brush fields. Both the County of San Diego and the Vista Fire Protection District have classified the 77.91 acre Country Estates project site as a “High Fire Hazard Area” (Firewise 2000, Inc., 2003). The classification is due to site topography, dense native vegetation, frequency of severe fire weather conditions and the lack of general emergency vehicle access to steep portions of the site. In its current undisturbed condition the whole of the site is at risk for wildlands fire. The proposed Country Estates subdivision could also be at risk for wild fires, absent fuel modification and other mitigation measures.

The topography of the Country Estates project site can be described as a bowl shaped valley surrounded by steep hillsides (with slopes ranging from 35- 45%). The 77.91 acre site is covered with dense native vegetation which poses a significant wildfire hazard to the existing

residences to the southeast, south and west. Some of these homes (for an example see site photo in Appendix E, Section 2.1.3) are adjacent to dense on-site brush fields, and are lacking maintained fire fuel modification zones. Some existing homes are finished with wooden roofing, siding, decking and outbuildings. The existing wild fire risk to such homes is substantial.

The Final Fuel Modification Plan (FFMP) prepared for the Country Estates project (presented in Appendix E) categorizes the different vegetative areas on-site according to fire risk under expected fire weather conditions. This is accomplished using the Fuel Model scheme presented in the text of the Firewise 2000 report. The following Fuel Model categories are used:

Fuel Model 4 (Tall Brush) — the most flammable of all shrub fuel model types found on-site.

Fuel Model 6 (Intermediate Brush) — includes a broad range of shrubs - most of which are older but not as tall as those in Fuel Model 4 type areas. Fuel Model 6 shrubs include stands of Chamise, mixed chaparral and oak brush. They can be very flammable but require moderate wind speeds (> 8 mph) to maintain fire intensity.

Combined Fuel Model (mixed Fuel Model 4 and Fuel Model 6 brush) — this vegetation burning under a strong Santa Ana wind is known to create a rapid rate of spread with a very high fire intensity.

Using these Fuel Model categories the FFMP prepared for the Country Estates project characterizes the vegetative areas on-site and explains the fire risk for each. The following is a summary of that analysis:

Central On-site Fuels — the center of the Country Estates project site is covered in a tall mixed chaparral, defined as the Fuel Model 4 - Tall Brush category. Though this central area is partially within the planned biological open space areas, the bulk of the central area on-site will be cleared of native vegetation during construction of the planned homes and roads.

Northeastern and Eastern Boundary On-site Fuels — A 10.3 acre biological open space area is being designated (See Appendix C) on-site at the northeastern property boundary (Lot 60). The area is steeply sloped and covered with a Combined Fuel Model category vegetation (Fuel Model 4 - 60% and Fuel Model 6- 40%). The steep terrain, lack of emergency vehicle access, and dense vegetation give this area the highest risk assessment for brush fires. Prevailing hot, dry Santa Ana winds and other normal warm summer downslope winds add to the fire risk posed by this brush field.

Eastern and Southeastern Off-Site Fuels — Estate-sized homes are located along the eastern

(and southeastern) boundaries of the project site. These homes and the intervening paved road paralleling the property line are just outside of the Country Estates property boundary. Most of these estate homes have Zone A and Zone B (see definitions below) fire fuel modification zones in place protecting them from brush-covered hillsides on the project site. [Zone A and Zone B fuel modification specifications are presented in the Mitigation section of this Fire Hazard analysis.]

Southern Boundary On-Site Fuels — The biological open space of proposed Lot 58, together with residential lots 1, 2 and 20 form the southern boundary of the site. Most of the proposed Lot 58 is classified as Fuel Model 4 - Tall Brush. However, the southern development boundary (specifically lots 1, 2 and 20) abuts a Fuel Model 6 - Intermediate Brush category on lot 58. Brush found on residential lots 1, 2 and 20 would be cleared during construction, but the Fuel Model 6 category within lot 58 (open space) would not. As described above, the Fuel Model 6 category can be very flammable. Brush of this type will face the proposed subdivision along the north-facing slope of lot 58. However, the placement of the recreation lot (Lot 56) and the fuel treatments planned for lots 19, 20, and 21, act as a buffer between the residences and Lot 58.

Western Boundary On-Site and Off-Site Fuels — Deeb Drive, a paved road, approaches the subject property from the west and terminates at its western property boundary. West of the extension of Deeb Drive on-site are 40% slopes with two estate homes (with Zones A and B fuel modifications in place); a home under construction; and areas of Fuel Model 4 brush. On-site fuels (along the western property boundary) are Fuel Model 4 brush fields that are to be designated as open space (Proposed Lot 59). Prevailing southwest summer winds can create moderately serious fire conditions through Lot 59. However, Deeb Drive acts as a buffer for the residences, protecting them from the wild fire threat posed on Lot 59.

Northern Boundary Off-Site Fuels — Immediately north of the Country Estates project site is an area of Fuel Model 6 Intermediate Brush. This highly flammable chaparral field has slopes ranging from 20% to 45%.

2.3.2 THRESHOLDS OF SIGNIFICANCE

Levels of significance for fire hazards are determined by various fire codes, such as the San Diego County Ordinance No. 9111, the San Diego County Fire Chiefs' Association Wildland/Urban Interface Development Standards (November 1995) and the Vista Fire Protection District Fire Code and "Wildland Fire Management Planning Model" adopted by Ordinance 14. The Final Fuel Modification Plan takes into account these fire codes, as well as the Vista Fire Protection District (VFPD) proposed mitigation measures and comments (see Appendix E).

2.3.3 ANALYSIS OF PROJECT EFFECTS AND DETERMINATION AS TO SIGNIFICANCE

The site of the proposed 55 residence Country Estates project is currently undisturbed with native chaparral generally covering the whole of the site. The only area of disturbance on-site is a central asphalt-paved road, oriented generally north-south, and linked to the gated terminus of Hardell Lane at the southern boundary of the site. There are also short rough graded dirt paths in a few areas on-site. Estate rural residential homes exist (and are being built) to the southeast, south and west of the Country Estates site with areas of undisturbed chaparral interspersed. Areas of native habitat would be designated for preservation in the west, northeast and southwest quarters of the project site.

The proposed 55 detached single family residences of the Country Estates project would be oriented around three small cul-de-sacs and an internal road system linking Hardell Lane and Deeb Drive. The proposed 40-foot wide internal circulation road within Country Estates would provide for two points of access during emergency conditions (to the southwest toward Ora Avo, and to the southeast toward Hardell). During non-emergency conditions, only the exit to the southwest would be used. The Vista Fire Protection District has reviewed the ingress/egress plan and the southeastern emergency access point has been explicitly designed to the District's specifications. Based on the District's review, these two access points (Deeb Drive and emergency access to Hardell Lane) meet fire safety ingress/egress requirements (see Vista Fire Protection District letters included in Appendix E).

In addition to the emergency ingress and egress provided by Hardell and Deeb, it should be noted that the City of Vista has conditioned Tract PC-2-038 with the requirement to extend an emergency access road from the cul-de-sac end of a road off of the existing Vista Mountain Drive to a gated intersection with the future extension of Deeb Drive (see Figure 13). An emergency access only gate would be constructed across Vista Mountain Drive at Deeb Drive thereby limiting the use of this roadway (Brooks Cavanaugh, 2000). The extension of Vista Mountain Drive would provide an additional escape route in case of a wildland fire and would benefit the Country Estates project, but is not required by the Firewise 2000 analysis.

Risks from wildland fires exist for the above described Country Estates project in two categories: convective firebrands and radiant heat. Convective firebrands (flying embers) spread over long distances during times of high wind. Radiant heat threatens structures by igniting them via the intense heat of the approaching fire line (Firewise 2000, 2003). Both of these ignition methods and their potential risks for the project site are examined in this document. The radiant heat issue is addressed wherever fuel modification zones (and the resultant reduction of potential fire intensity) are discussed (see Appendix E). Convective firebrands are addressed through the adoption of known fire prevention measures as listed in the following Mitigation Measures section of the document.

The following is a categorization of the different brush field types and the likely impact of

the project on each (see Appendix E, Figure following page 12):

Central On-site Fuels — the bulk of the central area on-site will be cleared of native vegetation during project construction and no mitigation will be required for this brush field area.

Northeastern and Eastern Boundary On-site Fuels — This proposed area of biological open space has a high associated wildland fire risk. Establishment of fuel modification zones will mitigate this risk.

Eastern and Southeastern Off-Site Fuels — Existing homes east of this on-site area already feature Zone A and Zone B fire fuel modifications. The proposed project would effectively remove continuous native vegetation on the eastern-most slopes — at proposed Country Estate Lots 2, 3, 8, 9, 12 and 13. These lots will require Zone A and Zone B fuel modification zones.

Southern Boundary On-Site Fuels — The biological open space of proposed Lot 58 represents a significant source of wildland fire fuels. However, brush found on residential lots 1, 2 and 20 would be cleared during construction. Fuel modifications to Lots 19, 20, 21, and 56 are required to mitigate this fire risk.

Western Boundary On-Site and Off-Site Fuels — The proposed biological open space found in Lot 59 represents a significant source of wildland fire fuels (though not as high a risk as that of the northeastern section of the property). The residences are separated from fuel areas by the intervening, paved Deeb Drive and by physical separation in excess of 100 feet.

Northern Boundary Off-Site Fuels — This highly flammable chaparral field has the potential to endanger the northernmost proposed homes (Lots 28 through 32). Therefore, specific mitigation measures will be required for these homes.

In addition to the Fuel Model analysis above, the BEHAVE (an acronym for Fire Behavior Prediction and Fuel Modeling System - Burn Subsystem by Patricia L. Andrews) was used to calculate fire rates of spread, fireline intensities and flame lengths that could potentially occur in a fire at the Country Estates project site (see Appendix E). All brush fuel areas on-site were analyzed. The computer model results dictated no additional mitigation measures beyond those outlined above, with the exception of the fuel area at the northern perimeter of the project site. At this location, the computer model indicates that potential flames could reach 16.7 feet in length (Firewise 2000, 2003). This potential flame length necessitates the construction of a 6-foot tall non-flammable wall for lots 28 through 32 (specifically, as shown in Figure 8) and the adoption of other fire risk mitigation measures.

2.3.4 MITIGATION MEASURES

To mitigate the above identified potential fire risk impacts, the following mitigation measures shall be made a part of the Country Estates project:

- Implementation of a Fuel Modification Plan, including establishment of Fuel Modification Zones A and B on all project lots identified by the Fuel Modification Map within the Final Fuel Modification Plan (Appendix E, Figure following page 13). Separate easements covering Zone A and Zone B respectively shall be dedicated to the County of San Diego prior to approval of improvement plans or prior to recordation of the Final Map, which ever comes first. Specific requirements within each zone (easement) include:

Fuel Modification Zone A. Individual landowners within the subdivision shall be required to ensure that the following measures are accomplished within the Zone A easement (the first 50 feet around structures):

- 1a. landscaping within the first 15-feet of a structure shall be irrigated and shall consist of fire resistant and maintained yard plantings (less than 18 inches high);
- 1b. the remainder of Zone A may contain occasional fire resistant trees or single, well-spaced ornamental shrubs up to 48 inches (intermixed with ground covers and lawn);
- 1c. plantings shall be fire resistant, and shall not include any pyrophytes (plants high in oils and resins, such as pines, eucalyptus, cedar and juniper species);
- 1d. zone trees planted so that, upon reaching maturity, all branches shall be at least 10-feet away from any structure;
- 1e. all undeveloped lots shall be maintained by the developer (landowner), under weed abatement regulations, until sold.

Refer to Appendix A of the Final Fuel Modification Plan for planting considerations, and a Recommended Plant and Not Recommended Plant List. This list shall be controlling of what species are allowed for use in the subdivision. See also the landscape plan for the Country Estates project (Appendix F). Regular maintenance and continued irrigation shall be accomplished by all property owners within the subdivision. More irrigation shall be given to plantings in Zone A than to plantings in Zone B if water is limited. Non-flammable patios, walkways, rock and gravel can be used to break up fuel continuity in this zone wherever possible.

Fuel Modification Zone B. The Homeowners Association (HOA), at least once yearly, shall ensure that the following measures are accomplished within the Zone B easement (from 50-feet to 100-feet away from any structures, or to the lot property line, or to the limit of the biological easement, which ever comes first — see Figure 8). In order to accomplish these tasks, the Zone B easement shall include the following conditions:

- 1a. single or small clusters of trimmed fire resistant native plants may be allowed, but shall be kept to a maximum of 48 inches high and trimmed native trees may be allowed but shall be limbed up to a minimum of 6 feet from the ground;
 - 1b. flash fuels and litter accumulations shall be removed while the Parry's Tetracoccus (*Tetracoccus dioicus*) and the Summer Holly (*Comarostaphylis diversifolia*) shall be retained;
 - 1c. stands of Tetracoccus not exceeding six feet in diameter shall be retained;
 - 1d. stands of Tetracoccus exceeding six feet diameters shall be pruned to maintain a maximum diameter of six feet rather than removing them once they reach six feet in diameter;
 - 1e. mulches, chips, and other small multi-cuttings (cut to less than 2 inches in diameter and 4 inches in length) shall be evenly spread over the area to prevent grass and weed encroachment within the treated areas and to maintain the soil moisture and minimize erosion;
 - 1f. all native grasses or weeds shall be mowed or weed-whipped to a 4-inch stubble height.
- Maintenance of Manufactured Slopes within a Lot Boundary. Individual homeowners shall maintain the manufactured slopes within their lot boundaries (see Figure 8 and Fuel Modification Location Map within the Final Fuel Modification Plan: Appendix E, Figure following page 13). These slopes shall be included in the Zone A Easement even if they are located greater than 50-feet from the nearest structure. These manufactured slopes will be initially irrigated and maintained by the developer/builder with fire resistant vegetation. The long-term maintenance of these manufactured slopes will be accomplished by individual homeowners according to Zone A requirements.

- Secondary Emergency Road Access⁴. A secondary two lane paved (24-foot wide) emergency access shall be provided by connecting Hardell Lane, along the southern perimeter of Lots 1 and 2, to the extension of Hardell Lane, an internal street. This secondary emergency access road would have a gate opening the full 24-foot street width and meeting all Vista Fire Protection District policy requirements and the requirements of the Fire Code. This gate shall be automatic, and shall be operated by two fire department Knox key switches (one located on each side of the gate) and by emergency vehicle strobe detectors which open the gate when approached from either direction. This gate shall also be constructed to provide an emergency exit for residences of the Country Estates project.

[In addition to the secondary (emergency) access provided by this project via Hardell Lane and controlled by an emergency gate, City of Vista Tract Map PC-2-038 has been conditioned with providing an emergency access from the cul-de-sac road off Vista Mountain Drive to Deeb Drive (see Figure 13). While not a mitigation measure or condition of this project/application, this project will never-the-less benefit from this additional emergency access route.]

- Maintenance of Manufactured Slopes Along Deeb Drive. The manufactured slopes along Deeb Drive will be replanted with native grasses, fire resistant trees and fire resistant shrubs, including Parry's Tetracoccus (*Tetracoccus dioicus*). Long-term maintenance will be the responsibility of the Home Owner's Association.
- Recreational Lot 56. The recreational lot 56 will be maintained by the Home Owner's Association as per the Fuel Modification Location Map found in Appendix E.
- Maintenance of Natural Slopes. This fuel modification type is referred to as "Thinning Zone B" on the Fuel Modification Location Map and is shaded in green. These areas will be maintained by the Home Owner's Association. Maintenance is anticipated to include removal of flash fuels and excessive litter accumulations, mowing or weed-whipping of weeds to a 4-inch height, and mulching to prevent weed encroachment, maintain the soil moisture and minimize soil erosion. Any Parry's Tetracoccus (*Tetracoccus dioicus*) or Summer Holly (*Comarostaphylis diversifolia*) found in these areas would be left alone with one exception. If the clumps of Tetracoccus exceed 6-feet in diameter, then they may be pruned back to a diameter of 6-feet.
- Six Foot Tall Non-Combustible Walls. Two six foot tall non-combustible walls shall be constructed by the builder/developer (after project grading is completed) along the western boundaries of lots 28, 29 and 30 and along the northern boundaries of lots

⁴ The second paragraph under this button has been added as a clarification of conditions applied to a City of Vista residential tract map. This condition (see Figure 13 and following text) benefits Country Estates and is provided in response to public review response comment B-12.

31 and 32 (see Fuel Modification Location Map within Appendix E). The five lots will be fuel treated as depicted on the Fuel Modification Location Map in Appendix E.

- Fire Hydrants, Fire Flows, Street Signs and As-Built Maps. Placement of fire hydrants, street signs, and demonstration of sufficient fire flows to meet the requirements of the Vista Fire Protection District shall be accomplished. As-Built mapping shall be provided to the Vista Fire Protection District as required.
- Building Construction Features. All residential structures in the Country Estates project shall be equipped with fire sprinkler systems in accordance with Vista Fire Protection District Ordinance 14. All residential structures will be built with a Class A Roof Assembly, including a Class A roof covering, and attic or foundation ventilation louvers or openings in vertical walls. The openings shall not exceed 144 square inches per opening and will be covered with 1/4-inch mesh corrosion-resistant metal screening or other approved material that offers equivalent protection. Attic ventilation shall also comply with the requirements of the Uniform Building Code (U.B.C.). Ventilation louvers and openings may be incorporated as part of access assemblies. In addition, the following features will be included in Lots 28 through 32 and may be included in other lots within the Country Estates development as appropriate:
 1. All exterior walls facing, and within 50-feet of, highly flammable vegetation will be constructed with 1-hour fire resistant building materials and protected with 2-inch nominal solid blocking between rafters at all roof overhangs under the exterior wall covering.
 2. No attic ventilation openings or ventilation louvers shall be permitted in soffits, in eave overhangs, between rafters at eaves, or in other overhanging areas.
 3. All eaves of roof overhangs shall be enclosed (boxed eaves) with non-combustible materials on the three sides facing the native vegetation.
 4. All projections (exterior balconies, carports, decks, patio covers, un-enclosed roofs and floors, and similar architectural appendages and projections) shall be of non-combustible construction, one-hour fire resistive construction on the underside, or heavy timber construction. When such appendages and projections are attached to exterior fire-resistive walls, they shall be constructed to maintain the fire-resistive integrity of the wall.
 5. All glass or other transparent, translucent or opaque glazing materials, including skylights, shall be constructed of tempered glass or multi-layered glazed panels. Vinyl windows are deemed acceptable if the windows have

the following characteristics:

- a. Frame and sash are comprised of vinyl material with welded corners.
 - b. Metal reinforcements in the interlock area.
 - c. Glazed with insulating glass, annealed or tempered.
 - d. Frame and sash profiles are certified in AAMA Lineal Certification Program.
 - e. Certified and labeled to ANSI/AAMA/NWDA 101/LS2-97 for Structural Requirements.
6. No skylights will be allowed on the roof assembly facing hazardous vegetation.
 7. Any chimney, flue or stovepipe will have an approved spark arrester. An approved spark arrester is defined as a device constructed of nonflammable materials, 12 gauge minimum thickness, or other material found satisfactory by the Vista Fire Protection District, Fire Marshal, and having 1/2 inch perforations for arresting burning carbon or sparks and installed to be visible for the purposes of inspection and maintenance.
 8. Any wooden or combustible sideyard fences must be separated from the residence by either a one-foot wide rock or brick anchor post, a non-combustible gate and/or non-combustible fencing.
- Roadside Fuel Modification Zone. The manufactured slopes along Deeb Drive and the landscaped street scape shall be maintained by the HOA. Plantings within the street scapes shall include fire resistant groundcovers, shrubs and trees.
 - Mandated inclusions into the Country Estates Homeowner's Association CC&R's:⁵
 1. Each lot/home owner is personally responsible for all irrigated Zone A and B fuel treatment measures within their lot as per the Country Estates HOA CC&R's.
 2. The Country Estates HOA Board has the responsibility and authority for enforcing Irrigated Zone A and B fuel treatment measures on any privately

⁵ The following conditions relating to the Home Owner's Association (HOA) were added in response to the review of the Final Fuel Modification Plan (FFMP) by the Vista Fire Protection District. The conditions clarify the requirements placed on the HOA as previously discussed in this document and Appendix E.

owned lot. The Vista Fire Protection District will hold the Country Estates HOA accountable for enforcement of all wildland fire protection issues discussed in the FFMP (Appendix E).

3. The Country Estates HOA Board must have the authority to enforce the ban on trash dumping or disposal of yard trimmings in the designated biological open space or in the fuel modification zones.
4. The Country Estates HOA Board is responsible to the Vista Fire Protection District Fire Marshall for the annual completion of all HOA designated Fuel Modification Treatments prior to June 15th of each year.
5. All individual lot landscaping plans, including additional structures, must be approved by the Country Estates HOA Board and under the guidance and approval of the Vista Fire Protection District Fire Marshall.
6. Any damaged or replacement window, siding, roof covering, and specified non-combustible walls will meet the original intent of fire protection as discussed in the FFMP (Appendix E).
7. A copy of the CC&R's shall be provided to the Vista Fire Protection District for review prior to the recordation of the Final Map.

2.3.5 CONCLUSIONS

Implementation of the above outlined mitigation measures will reduce the potential fire hazard to the Country Estates subdivision to a level of insignificance.

Chapter 3. Cumulative Impacts

3.1 LIST OF PAST, PRESENT, AND REASONABLY ANTICIPATED FUTURE PROJECTS IN THE PROJECT AREA

Tract 4700 is a proposed development of land occupied by chaparral systems and underlain (in part) by gabbroic soils. This discussion of cumulative effects is appropriately focused, therefore, on projects that would disrupt similar systems. It would be inappropriate, for example, to include in the cumulative analysis projects that affected only non-native grasslands or projects that affected primarily Willow Riparian Woodlands. These are dissimilar resources and not directly comparable to the effect anticipated from this project.

Tract 4700 is located at the extreme southern end of the San Marcos Mountains. This small chain of coastal hills, when taken with the Merriam Mountains further to the east (see Figure 6 and Appendix C, Figure 9) constitutes a block of land that is dominated by chaparral and is essentially undeveloped and occupied by native vegetation (see Figure 6). The western part of this area (the San Marcos Mountains) is underlain largely by gabbroic soils. Areas to the west and south are greatly dissimilar, being dominated by valley floors that are largely developed as the cities of Vista and Escondido/San Marcos respectively. The Merriam Mountains, along with areas east of Interstate-15, are chaparral in nature but dissimilar in that they are underlain almost entirely by granitics, as are areas to the north. The cumulative effect analysis, therefore, is limited to the defined area that supports biological resources similar in nature to those found within the bounds of the subject property. It is reasonable to conclude that any given parcel of undisturbed land within the San Marcos Mountains (underlain by gabbroics) would potentially support populations of the same target species (Coast Horned Lizard, Orange-throated Whiptail, Western Spadefoot Toad, and Parry's Tetracoccus) along with similar dominant species and habitats as are found within Tract 4700.

A search was made of the computerized records of the Department of Planning and Land Use, County of San Diego in May 2000 and again on 23 April 2001. In addition, a search of projects within the City of Vista was conducted on 15 January 2001. As of these latter two dates, the two agencies were carrying (in addition to Tract 4700) the following projects as active within the cumulative effect area:

Map Reference (Figure 6)	Project Identifier *	Nature of Project	Types of Habitats To Be Disturbed	Approximate Area of Biological Disturbance**
footprint shown	TM 4700 This Project	55-unit residential subdivision	gabbroic Southern Mixed Chaparral	42.6-acres
A	ER 98-08-022	6-lot subdivision of a 6.6-acre parcel	roughly half of property is Coastal Sage Scrub with minor wetland, apparently on gabbroics	±3.5-acres

Map Reference (Figure 6)	Project Identifier *	Nature of Project	Types of Habitats To Be Disturbed	Approximate Area of Biological Disturbance**
B	MUP 69-101	Communications tower and support building	gabbroic southern Mixed Chaparral	±<0.5-acres
C	ER 98-08-031	Nextel communications antenna	Southern Mixed Chaparral (?on granitics)	none [±<0.5-acres]
D	PC 89-080 PC 90-157 [City of Vista Project]	San Clemente Annexation and Waldenmayer TM [includes 140-acres, 76-acres of which are proposed for development]	Southern Mixed Chaparral and Diegan Coastal Sage Scrub. Approximately 23-acres of the site is natural and on gabbroics	23.0 acres
E	TPM 20524	4-lot Subdivision of 5.09-acres	Southern Mixed Chaparral on gabbroic; Tetracoccus to be preserved in open space	±4-acres
F	TPM 20526	2-lot Subdivision of 9.39-acres	Coastal Sage Scrub and wetlands — but area off of Gabbroics	none
G	TPM 20529	2-lot Subdivision of 5-acres	Site primarily used in agriculture; some wetlands, appears to be outside of gabbroics	none
H	TM 5233	8-lot Subdivision of 35.7-acres	Coastal Sage Scrub on granitics	none
I	TM 5238	44-lot Subdivision of 147-acres	Most of property occupied by an orchard. Approximately 30-acres of natural vegetation on gabbroics	<30-acres
J	TPM 20585	Lot split of 8-acres into parcels of 5.9- and 2.11-acres, one existing home on-site	Portion of the property is occupied by a Chaparral and is presently undisturbed	2.11-acres
K	TM 5158 Log 99-08-006	45-lot Subdivision on 388.6-acres. The Tract Applicant has been directed to prepare and EIR for the project	The site is a chaparral on gabbroic rock; roughly 276.17-acres would be retained in undisturbed open space.	±112-acres
L	TM 4392	35-lot subdivision on 221.5-acres. The Tract was approved by the County in the 1980's and is presently a recorded but unbuilt Final Map	The site is a chaparral on gabbroic rock; roughly 50-acres would be retained in undisturbed open space.	±170-acres
Total Acreage of Natural Gabbroic Habitats:				±387.7-acres

* All projects are in the County of San Diego unless otherwise noted.

** Area of disturbance of gabbroic soils with natural vegetation (not necessarily the total area of the project).

This list represents (in accordance with the guidance provided in Section 15130, California Code of Regulations) “. . . the past, present, and reasonably anticipated future projects producing related or cumulative impacts . . .” The fact that the list is so short is a reflection of the nature of the area. Most of the undeveloped portion of the San Marcos Mountains gabbroic pluton is steep sloped land of 25 percent or greater slopes — the flatter lying areas on the gabbroic pluton having long sense been developed. County of San Diego planning regulations place such steeply sloped lands largely in open space as a matter of course. However, such steeply slopes lands have ridges (as is seen in the case of Palisades Estates) and these ridges may be subject to development.

Some of the projects appearing in the above table do not result in a biological disturbance — “none” is reported in the last column. This is due to the fact that the projects, while close to the area of cumulative impact analysis, actually lie outside of the gabbroic pluton and will not affect the same resources as are under consideration on TM 4700. Other projects report an acreage in the last column (the area of disturbance) less than the acreage of the project. This is due to a variety of considerations including the fact that the bulk of the project site is in agriculture (not native vegetation) or due to the fact that a portion of the site will be preserved in open space, not developed.

As illustrated in Figure 6, the total area of undeveloped gabbroic soils is approximately 3,300-acres. Of this area, Tract 4700 and other known or anticipated projects will impact approximately 388-acres, or roughly twelve percent of the whole. Because most of these projects have not completed environmental review, it is possible that this number is conservative (a lesser acreage will be impacted) and this number (388-acres) does not take into account mitigation for the loss of natural resources that may be required of the projects through the CEQA process (nor does this analysis take into account the possibility the one or more of the as yet unapproved projects might be denied or significantly reduced in scope).

3.2 SUBJECT AREA CUMULATIVE IMPACT ANALYSIS

Tract 4700 is a proposed development of land occupied by chaparral systems and underlain (in part) by gabbroic soils. The Court ordered addressment of cumulative effects on biological resources is appropriately focused, therefore, on projects that would disrupt similar systems. It would be inappropriate, for example, to include in the cumulative analysis projects that affected only non-native grasslands or projects that affected primarily Willow Riparian Woodlands. These are dissimilar resources and not directly comparable to the effect anticipated from this project. Tract 4700 is located at the extreme southern end of the San Marcos Mountains. This small chain of coastal hills, when taken with the Merriam Mountains further to the east (see Figure 6) constitutes a block of land that is dominated by chaparral and is essentially undeveloped and occupied by native vegetation. The western part of this area (the San Marcos Mountains) is underlain largely by gabbroic soils. Areas to the west and south are greatly dissimilar, being dominated by valley floors that are largely developed as the cities of Vista and Escondido/San Marcos respectively. Areas west of Interstate-15 are chaparral in nature but dissimilar in that they are underlain almost entirely by granitics, as are areas to the north. The cumulative effect analysis, therefore, is limited to the defined area that supports biological resources similar in nature to those found within the bounds of the

subject property along with the adjacent areas (Merriam Mountains) that form an extensive habitat block or fragment. It is reasonable to conclude that any given parcel of undisturbed land within the San Marcos Mountains (underlain by gabbroics) would potentially support populations of the same target species (Coast Horned Lizard, Orange-throated Whiptail, Western Spadefoot Toad, and Parry's Tetracoccus) along with similar dominant species and habitats as are found within Tract 4700.

3.2.1 EXISTING CONDITIONS

As mentioned above, the San Marcos Mountains contain 3,300-acres of chaparral on gabbroic rocks. The bulk of this area is undeveloped (although there are some — generally abandoned — mining activities and agriculture is pursued on some properties). Development in this area (as indicated by the above limited list of projects) is restricted. Much of this restriction is due to the steeply sloped nature of the terrain.

In addition to slope limitations there are a number of other factors that limit development in the defined area. Specifically:

- a. Vehicular access is extremely difficult due to the lack of any connecting public streets and the amount of grading required on steeply sloped lands.
- b. Utilities (telephone, cable, and most importantly, electric) are generally available at the base of the defined mountain area but not within the steeper terrain. This makes development difficult in that small scale residential development can not normally afford the cost to carry utilities long distances to reach project sites.
- c. Sewer service is limited or non-existent. The use of septic systems is also limited in many areas by the steepness of the terrain and by the shallow depth to bed rock.

These and other factors have, and will continue to, limit development of the San Marcos and Merriam Mountains.

3.2.2 THRESHOLDS OF SIGNIFICANCE

When reviewing a specific project, a finding of significance relative to cumulative effect would be made if one of the following conditions were met:

- A. The project, when taken with other projects (past, current and anticipated future) in the vicinity, results in the collective reduction in the available acreage of a habitat type such that the habitat in question becomes not self-sustaining in the local area.
- B. The project, when taken with other projects (past, current and anticipated future) in the vicinity, results in the collective reduction in the population size of sensitive or target species, such that those populations fall below a minimum viable size.

- C. The project, when taken with other projects (past, current and anticipated future) in the vicinity, results in the collective loss of land potentially utilizable as a core or linkage area within an on-going NCCP planning effort such that the NCCP effort is compromised.

3.2.3 ANALYSIS OF PROJECT EFFECTS AND DETERMINATION AS TO SIGNIFICANCE

3.2.3.1 San Marcos and Merriam Mountains. The list of projects presented above represents (in accordance with the guidance provided in Section 15130, California Code of Regulations) “. . . the past, present, and reasonably anticipated future projects producing related or cumulative impacts . . .” The fact that the list is so short is a reflection of the nature of the area. Much of the San Marcos and Merriam Mountains are steep sloped land of 25 percent or greater slopes. County of San Diego planning regulations place such steeply sloped lands in open space as a matter of course. However, having said that, ridge lines (such as in the case of the proposed Palisades Estates) can be developed, all other factors being equal.

As can be seen in Figure 6 (and 8; in Appendix C) gabbroic rocks underlie the San Marcos Mountains (undeveloped) and parts of the adjacent urbanized areas to the west. For the purposes of this cumulative analysis only the undeveloped gabbroics in the San Marcos Mountains are considered in the above project analysis. As illustrated in Figure 6, the total area of undeveloped gabbroic soils is approximately 3,300-acres. Of this area, Tract 4700 and other known or anticipated projects will impact approximately 388-acres, or roughly twelve percent of the whole.

The collective alteration of approximately 388-acres of natural vegetation on gabbroic soils is a worst case estimate in that most of the projects have not completed environmental review nor have they been approved. A third of this impact (112-acres or 30 percent) is associated with a single Tract Map that has yet to prepare an EIR and has yet to be approved. It is entirely possible that project (Palisades Estates) may be modified significantly in response to a variety of planning, environmental and biological issues, ultimately reducing the anticipated 112-acres of disturbance. Given the fairly limited size of the anticipated cumulative loss of habitat, approximately 388-acres or roughly twelve percent of the natural gabbroic soils vegetation in the area, one must conclude that the cumulative effect of this project on biological resources within the region is insignificant (neither of the applicable tests of significance identified above are met: the habitats do not become non-self-sustaining and none of the target species populations fall below minimum viable levels).

This conclusion of insignificance is based, in part, on the location of the various past, present and anticipated developments (see Figure 6). Virtually all but one of the proposed or anticipated developments are located at the periphery of the study area, at the periphery of the San Marcos Mountains. The Palisades Estates, however, are centered on the backbone of the mountains (see Figure 6). In that the bulk of the core area of the San Marcos

Mountains (the remaining natural area on gabbroic rocks) remains undisturbed (88-percent is proposed as open space or is not presently proposed for development) by the cumulative development in the area, that cumulative development will not “. . . result in the collective reduction in the available acreage of a habitat type such that the habitat in question becomes not self-sustaining in the local area.”

Palisades Estates (as presently proposed (and un-approved)) will result in the retention of approximately 70 percent of the Tetracoccus population within the bounds of that Tract. If the example of the subject project (80 percent of the Tetracoccus population conserved) and Palisades Estates is followed (70 percent of the Tetracoccus conserved) by other future developments in the region, then the bulk of the Tetracoccus population will remain on natural ground into the foreseeable future. Palisades Estates conserves roughly 6,700 Tetracoccus plants (Smith & Mock, 2000) while this project (Tract 4700) conserves approximately 6,400 — for a combined retention of 13,100 individual shrubs of Tetracoccus, a considerable population.

Similarly, other projects in the gabbroic study area do not appear to adversely affect populations of the Coast Horned Lizard and Orange-throated Whiptail. Both lizards were noted within the Palisades Estates projects as single individuals (Smith and Mock, 2000) — clearly these species are very uncommon (have small populations) in old growth chaparral.

3.2.3.2 Cumulative Loss and the NCCP. The State CEQA Guidelines, in its definition of the requirements for a discussion of cumulative effect, affords the writer of a “cumulative effects” section the following alternative:

“ Previously approved land use documents such as general plans, specific plans, and local coastal plans may be used in cumulative impact analysis.”

While far from approval, the on-going NCCP planning efforts for a north county, County MSCP are a timely and critical part of the effort to preserve biological resources within the area covered by the planning effort. Accordingly, although not an approved document, it is felt appropriate to include a discussion of the anticipated design of the County MSCP as a part of the cumulative analysis for this project.

Cumulative impacts to biological resources, the cumulative loss of local populations of endangered, threatened or otherwise sensitive species, and the cumulative loss of habitat, are currently being addressed on a subregional level by major planning programs. These programs are being conducted under the auspices of the State’s NCCP (Natural Communities Conservation Program) statutes. The south coastal parts of the County are currently covered by an approved plan, the MSCP (Multiple Species Conservation Plan). The north coastal incorporated cities of San Diego County (including Vista, and San Marcos, both adjacent to or near Tract 4700) are currently cooperating to finalize the MHCP (Multiple Habitats Conservation Plan). The County of San Diego is presently beginning work on its own northern area MSCP, a program that will address the unincorporated areas in north County,

generally those areas north of the San Dieguito River and west of the high country of the Palomar and Vulcan Mountains. This County MSCP effort is inclusive of Tract 4700 and its environs.

The basic thrust of these subregional programs is to establish a series of core preserve areas that are linked by functional wildlife corridors. If the core preserves are of sufficient size and appropriate location (two very key points) there is a biological assumption that the contained species are protected at an adequate level so as to prevent their loss in the long-term. With this level of protection in place, areas outside of the cores and linkages (corridors) are essentially free to develop, all other factors (infrastructure for example) being equal.

While the County's MSCP effort for north county is in the formulative stage, certain assumptions as to the anticipated core and linkage areas can be made. This assumption is based on the obvious conclusion that we are not *adding* natural areas to the north part of the County. The existing large blocks of natural habitat are just that "a fact" — one that can be reduced but not added to. Similarly, the areas that could potentially be used as wildlife corridors are obvious — the remaining, undeveloped, fragments of natural habitat that could be used as links between the larger natural blocks of habitat. In other words, there are only a limited number of areas wherein one could establish a pattern of nature reserves and linking corridors.

The Merriam and San Marcos Mountains form one such core area. The mountain areas are undeveloped except for a few residences and small mining operations. Even agricultural uses are limited, probably by the underlying gabbroic soils in the western part of the area and by the steep terrain and shallow soils elsewhere. Biological connectivity to and from this "core" area is limited, however, by the extensive urban development to the west and south. The City of Vista to the west and the City of San Marcos to the south, along with associated developments in the unincorporated urban fringe, form an opaque barrier to the free movement of wildlife in those directions. However, to the north along the I-15 corridor, to the east into the Valley Center community, and possibly to the southeast between the cities of Escondido and San Marcos, remain areas of natural vegetation that can and do serve as habitat corridors.

Tentative Tract 4700 is at the southwest periphery of the hypothetical Merriam Mountains/San Marcos Mountains core area (see Figure 6). This hypothetical core is delineated in Figure 6 by the red dashed line, a line that generally encompasses the undeveloped parts of the two "mountain" ranges. County lands to the east and south, and to a lesser extent to the west are developed into residential and rural uses. It is the land to the north and northeast of Tract 4700 that remains in natural vegetation and which constitutes the potential local core area of the future NCCP. Similarly, the nearest hypothetical corridor areas are some distance to the east and north, on the opposite side of the core area. It would appear that development of Tract 4700 would not result in an impairment of the county's ability to construct appropriate core and linkage areas in the vicinity of the Merriam and San Marcos Mountains. In that the Tract is peripheral to the potential core area and far removed

from any effective corridor, no significant effect on the future NCCP effort is anticipated.

3.2.3.3. Cumulative Loss and Other Sensitive Species. One of the principal goals of the current biological work, and a specific goal of previous biological studies conducted on Tract 4700, has been the identification and delineation of other sensitive plant and animal species. To aid in this work, searches have been conducted on the California Native Plant Society's Electronic Inventory (CNPS, 1999; and preceding) and of various publications of the California Department of Fish and Game. Inventories were developed that listed all of the sensitive plant species known to occur within a 10-mile radius of Tract 4700 and of all sensitive wildlife species known to occur in the general subregion surrounding Tract 4700. A specific effort was made during each of the biological surveys of the Tract to identify and delineate the occurrence of any of these sensitive plant or wildlife species, or of any other such sensitive species that could be found.

Some of the species known to occur in the vicinity of the subject property would not actually be anticipated within the bounds of the Tract due to habitat considerations. For example, sensitive vernal plant species known to occur a short distance to the west, within the City of San Marcos, would not be anticipated within the bounds of the Tract due to a complete lack of any habitat remotely resembling a vernal pool. Similarly, certain wildlife species are precluded due to a lack of suitable habitats. For example, the Least Bell's Vireo and the Southwestern Willow Flycatcher are both known in the region but they are obligate inhabitants of extensive stands of willow riparian, a habitat type not found within or adjacent to Tract 4700.

The only sensitive species identified within the bounds of Tract 4700 are:

Coast Horned Lizard	<i>Phrynosoma blainvillei</i>
Orange-throated Whiptail	<i>Cnemidophorus hyperythrus</i>
Western Spadefoot Toad	<i>Scaphiopus hammondii</i>
Parry's Tetracoccus	<i>Tetracoccus dioicus</i>
and	
Summer Holly	<i>Comarostaphylis diversifolia</i>

The first four of these were subject to the order of the Court and are discussed in detail in the preceding sections of the report. The fifth species, Summer Holly, is uncommon but wide spread in coastal and foothill chaparral systems both on and off gabbroic soils. Within the bounds of the Tract over 80-percent of the existing population will be conserved by the design of the project. On a cumulative level, the analysis presented under section III.A. above is as applicable to this species as it is to the other four sensitive species. For this reason, it is concluded that the implementation of Tract 4700 will have an insignificant cumulative effect on the Summer Holly.

3.2.4 MITIGATION MEASURES

Absent significant effect, no mitigation measures are required.

3.2.5 CONCLUSIONS

Implementation of Tract 4700 will not result in a cumulatively significant effect on Biological Resources nor will it compromise the County of San Diego's ability to complete an NCCP program for North County. Absent significant effect, no mitigation measures are required.

LIST OF REFERENCES

The following documents and other cited sources of information are incorporated by reference as a part of this Environmental Impact Report (see Section 15150 of the California Code of Regulations).

- Mr. John Bennett. (Environmental Analyst, County of San Diego, DPLU, 5201 Ruffin Road, Suite B, San Diego, CA, 92123; 858-694-3729). Personal communication to Mike Komula, Pacific Noise Control, April, 2002).
- Cavanaugh, Brooks. (Brooks Cavanaugh Land Planning Consultants; 846 Williamston Street, Suite 105, Vista, CA, 92084, 760-758-7710). Personal communication, September 2000, to R. B. Riggan, Jr.
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LIST OF EIR PREPARERS AND PERSONS AND ORGANIZATIONS CONTACTED

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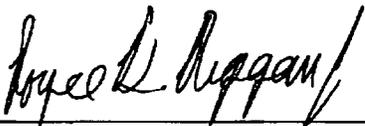
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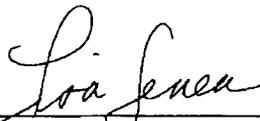
Consultants who directly contributed sections or materials to the report include:

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Glen Van Pesky	—	formerly Pacific Rim Engineering, Civil Engineer
Joe Chisholm	—	Chisholm Land Planning, Landscape Architect
Firewise 2000, Inc.	—	Fire Management Consultant

We affirm that, to the best of our knowledge, the statements contained herein are correct and that all known information concerning the potentially significant environmental effects of the project have been included and fully evaluated in these Revisions to the EIR for the Country Estates project.



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RBRiggan and Associates
Job No. 1762.35B
Revised 20 December 2001
Revised 24 October 2002
Final July 2004

The following persons were consulted during the preparation of these Revisions to the Country Estates Environmental Impact Report. Their contribution is greatly appreciated, however, any errors relative to their contribution to this document are solely the responsibility of the authors of the Revisions to the EIR.

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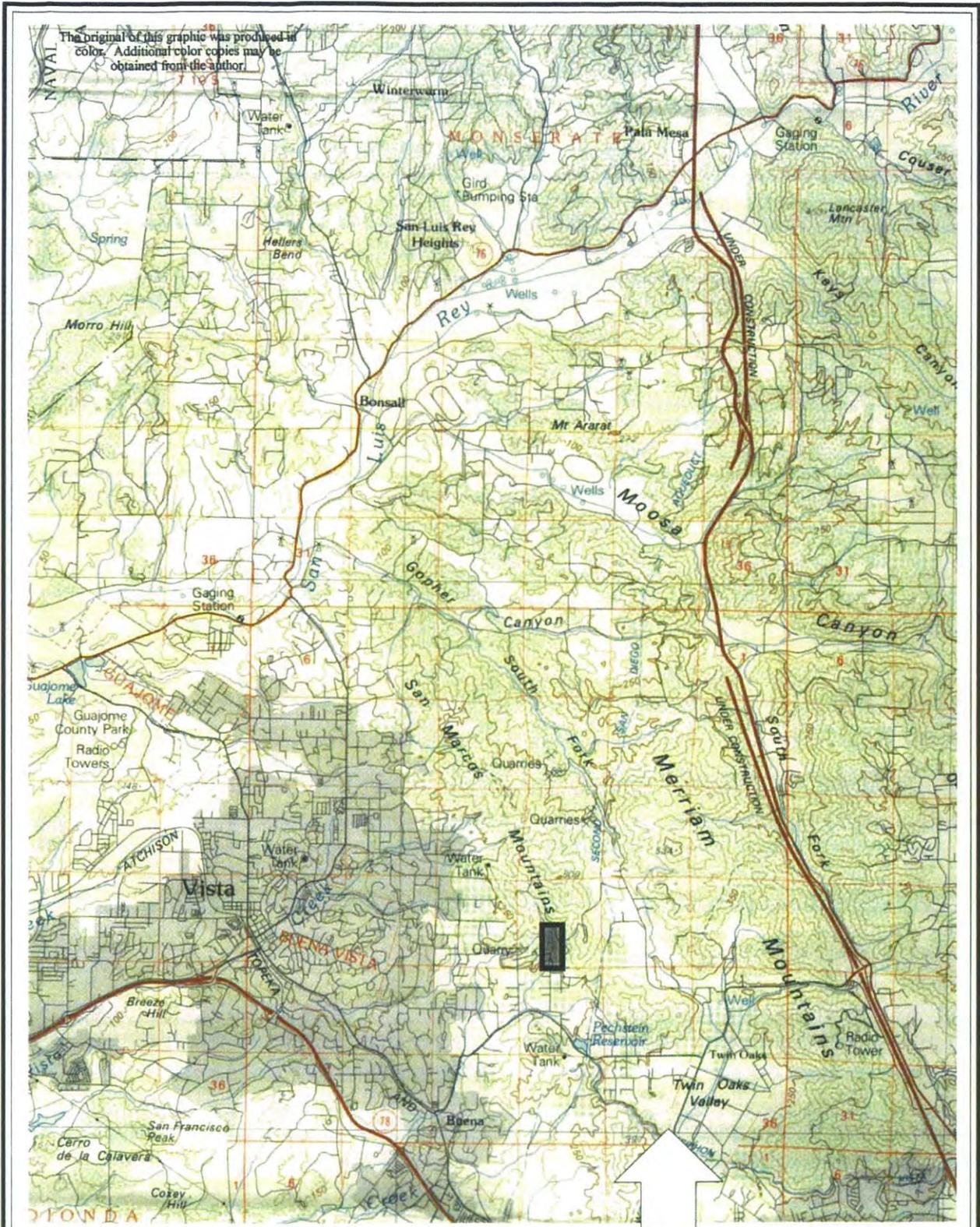
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Vista Fire Protection District



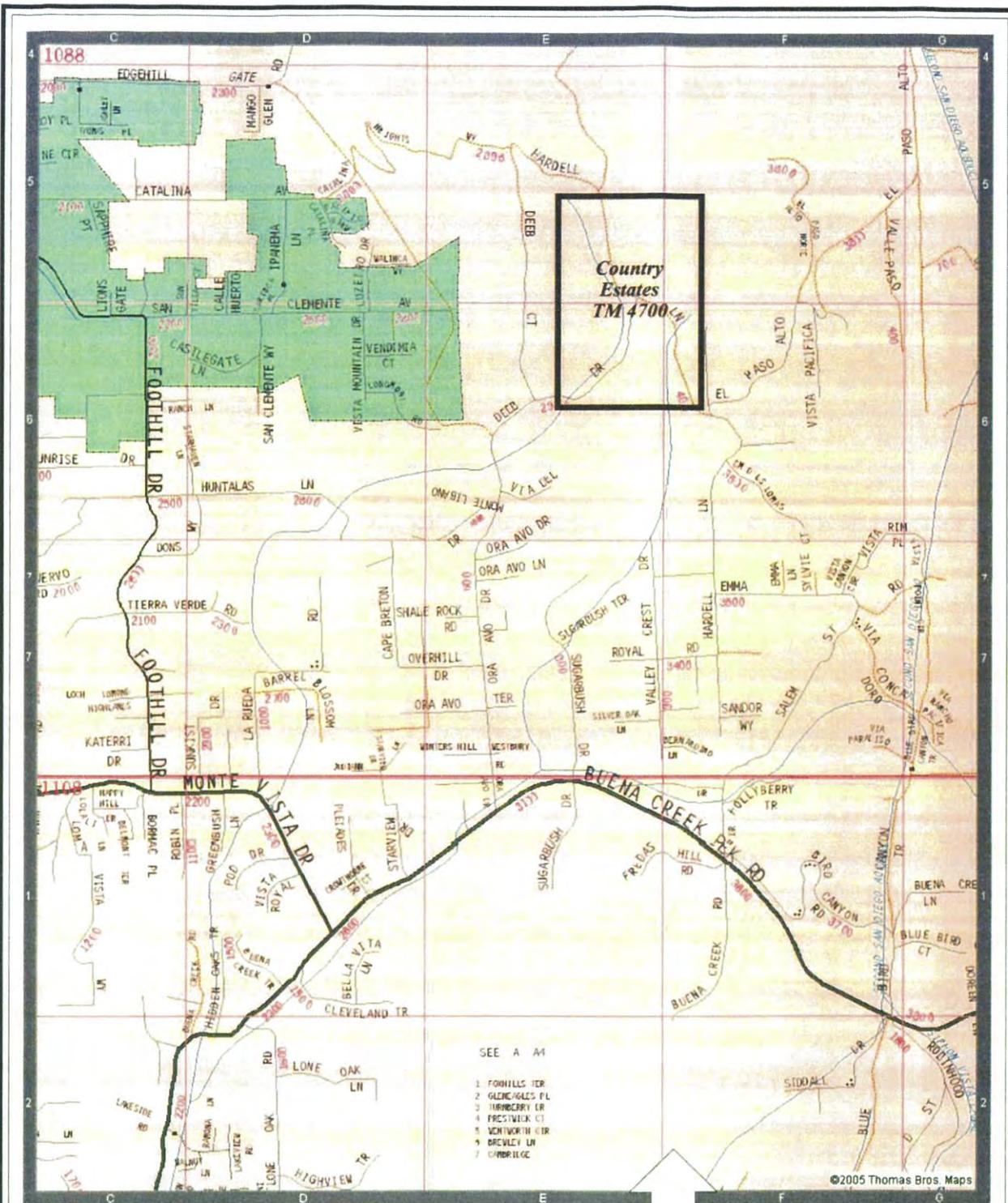
RBRiggan and Associates Job Number 1762.35B 1 June 2000

Scale: 1-centimeter = 1-kilometer [\\1762-EIR-Fig-1.wpg]

**RBRiggan
and
Associates**

**Project Location on a Regional Map
Scanned from the USGS Metric
Topographic Map Base: Oceanside**

**Figure
1**



The original of this graphic was produced in color. Additional color copies may be obtained from the author.

No Scale

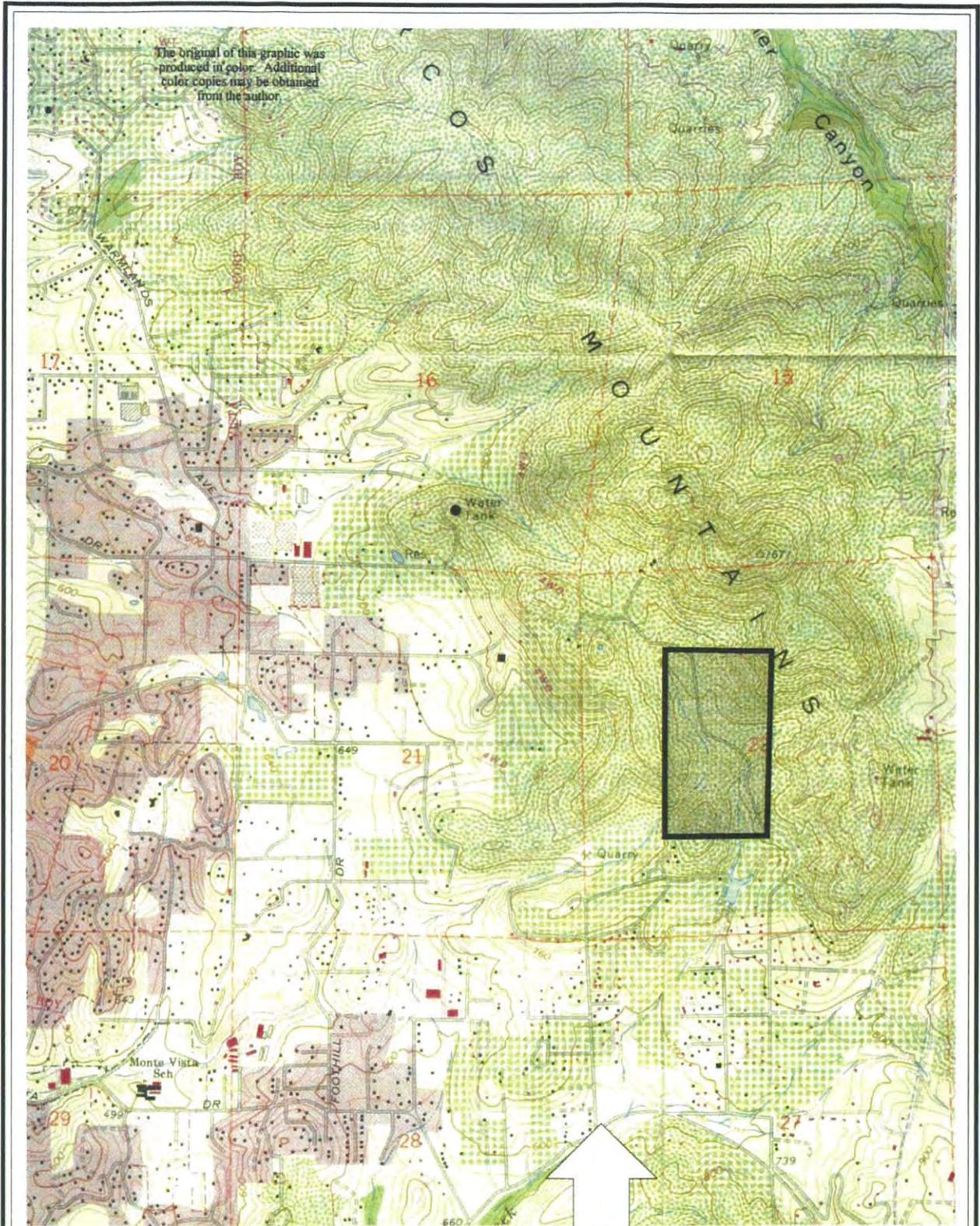
RBRiggin and Associates Job Number 1762.35B July 2004

[A1762-EIR-Fig-2.wpg]

**RBRiggin
and
Associates**

**Location of County of San Diego Tentative
Tract 4700 on a Thomas Brothers Base
Map [map © Thomas Bros Maps]**

**Figure
2**



RBRiggin and Associates Job Number 1762.35B

1 April 2000

Scale: 1-inch = 2,000-feet

[:\1765-EIR-fig-3.wpg]

**RBRiggin
and
Associates**

**Location of Tract 4700 on a Scanned Portion
of the U.S.G.S. 7½-minute San Marcos
Quadrangle Map**

**Figure
3**



The original of this graphic was produced in color. Additional color copies may be obtained from the author.

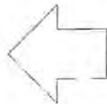
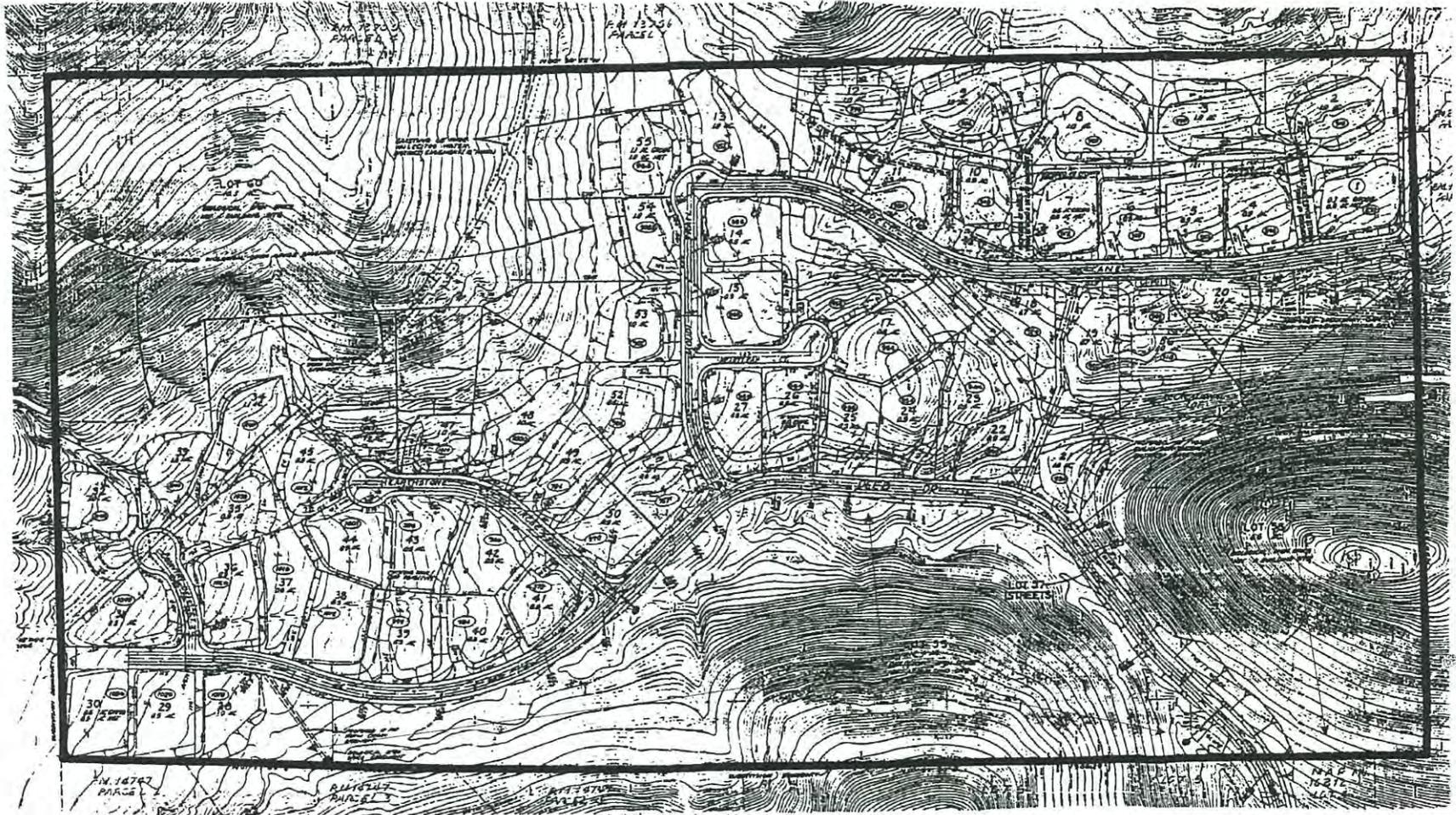
RBRiggan and Associates Job Number 1762.35B 1 June 2000

[A1784-EIR-Fig-4.wpg]

**RBRiggan
and
Associates**

**Site Photographs: Panorama of Tentative Tract 4700
from the North Looking Generally South. The Line
Roughly Delimits the Property Boundary (see text).**

**Figure
4**



Not to Scale (reduction of original map)

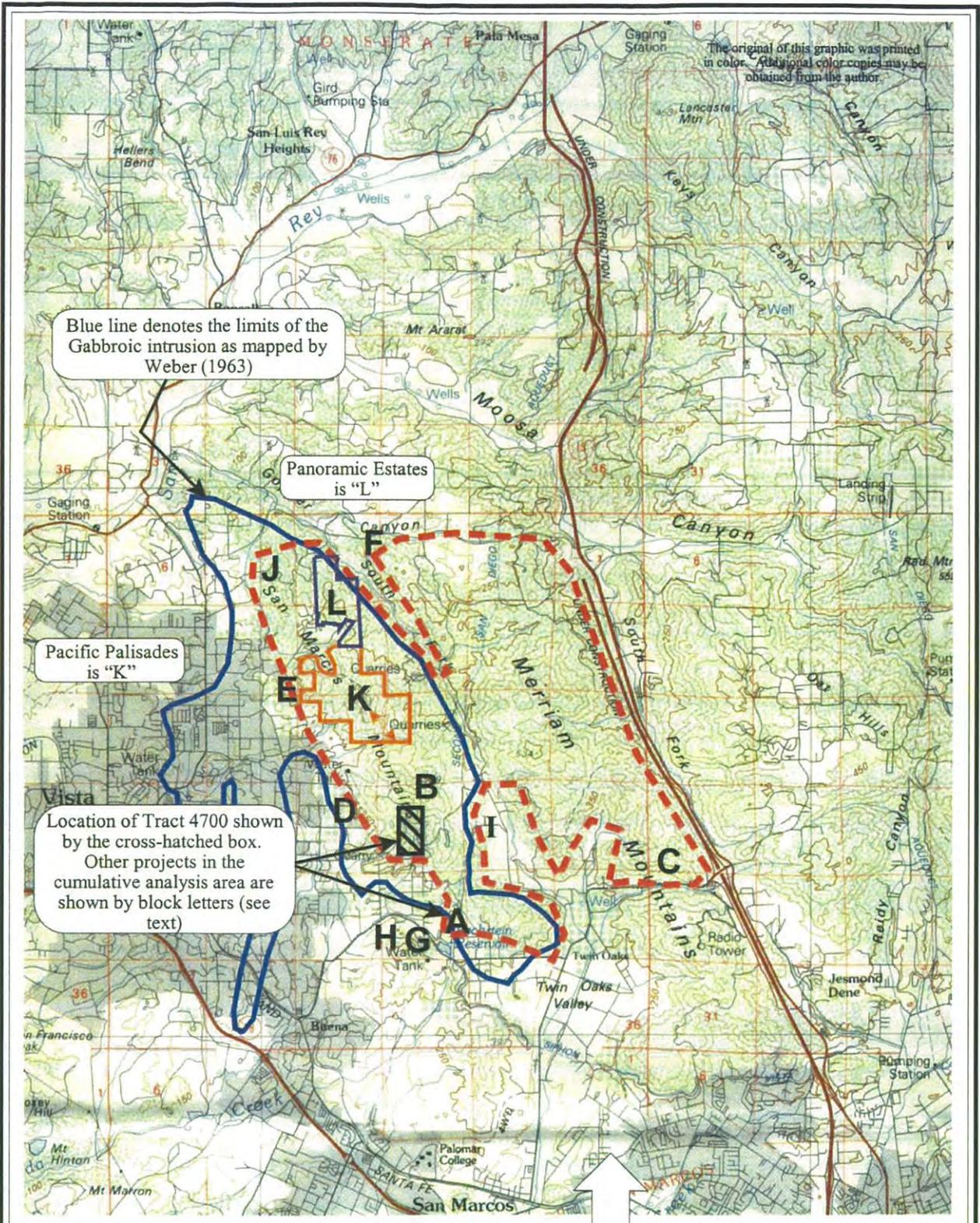
RBRiggan and Associates, Job Number 1762.35B 1 June 2000

[1762-EIR-Fig.5.mpg]

**RBRiggan
and
Associates**

Country Estates — County of San Diego
Tentative Map 4700 RPL 3

**Figure
5**



RBRiggin and Associates Job Number 1762.35B

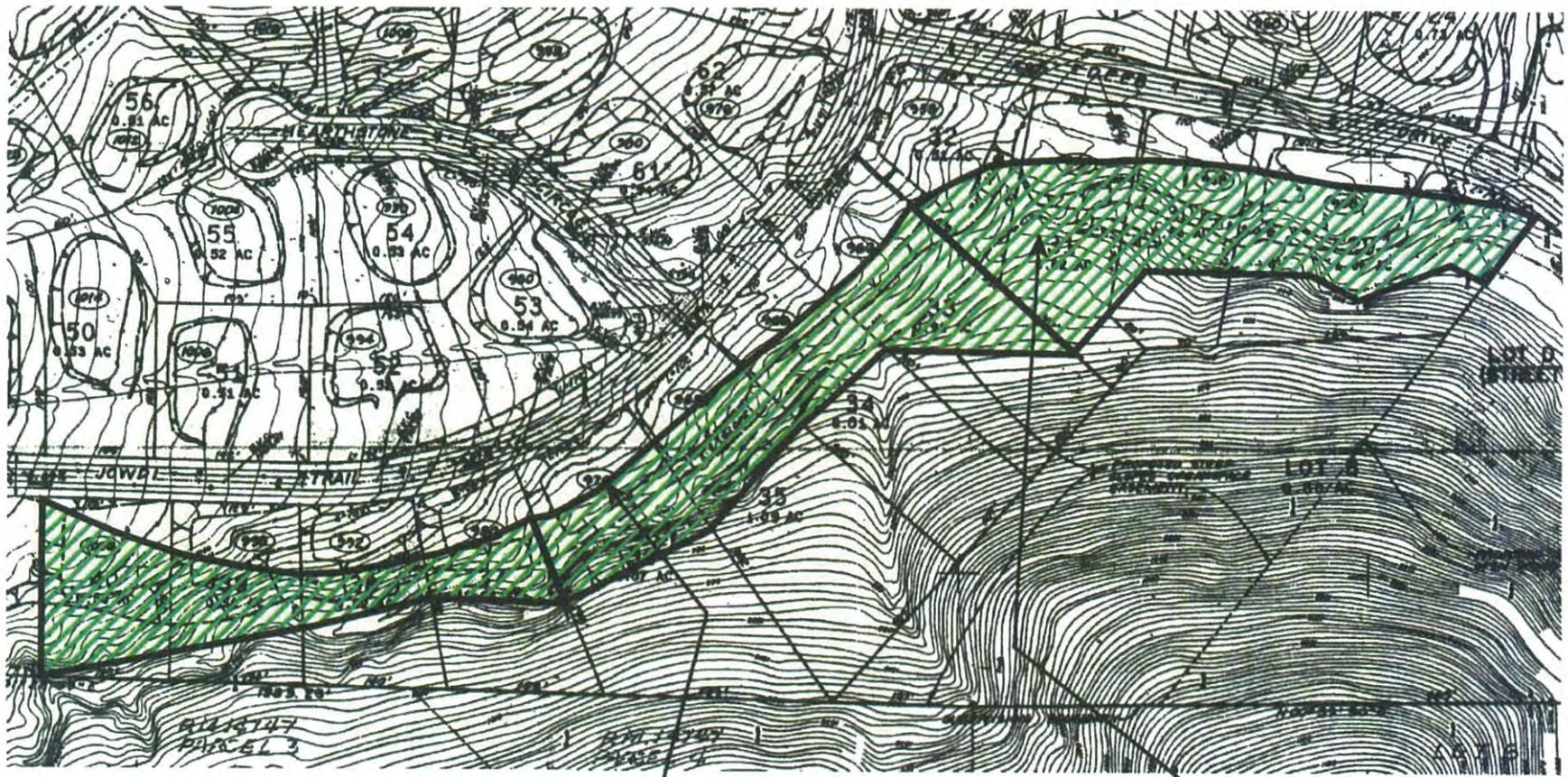
Revised 19 August 2003

[A1762EIR-Fig-6.wpg]

**RBRiggin
and
Associates**

**Map Illustrating the Area Selected (Red
Line) for the Cumulative Effects Analysis for
Biological Issues (See Text for Discussion)**

**Figure
6**



The original of this graphic was produced in color. Additional color copies may be obtained from the author.

New west edge of Deeb Drive

Green crosshatcher indicates area of old growth chaparral added to open space.

RBRiggan and Associates Job Number 1762.35B 25 April 2000

[\\1762EIR-Fig-7.wpg]

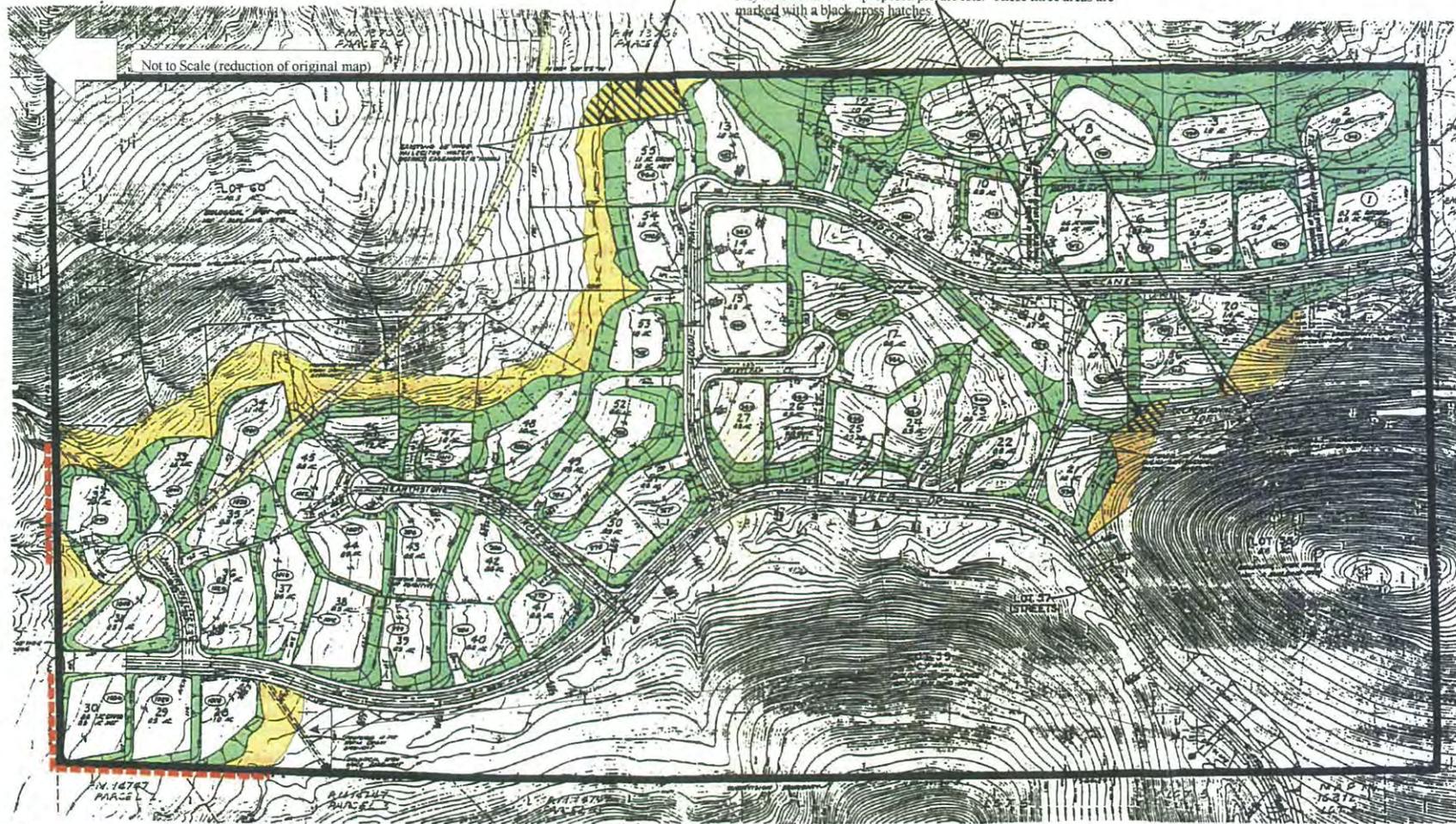
**RBRiggan
and
Associates**

Plat Showing a Portion of Tract 4700 (Along Deeb Drive) in its Original Design Configuration. This Area was Modified to Drop Eleven House Lots and to Single Load Deeb Drive (See Text).

**Figure
7**

Three areas within zone "B" are considered "common areas" in that they lie outside of the proposed private lots. These three areas are marked with a black cross hatch.

Not to Scale (reduction of original map)



- Zone A Fuel Treatment Area — in part — Usable Yards
- Zone A Fuel Treatment Area — in part — Manufactured Slopes (irrigated and maintained)
- Zone B Fuel Treatment Area (non-irrigated 50-100 feet from structure) — Includes Planted Tetracoccus
- Vallecitos Water District Easement and Dirt Road

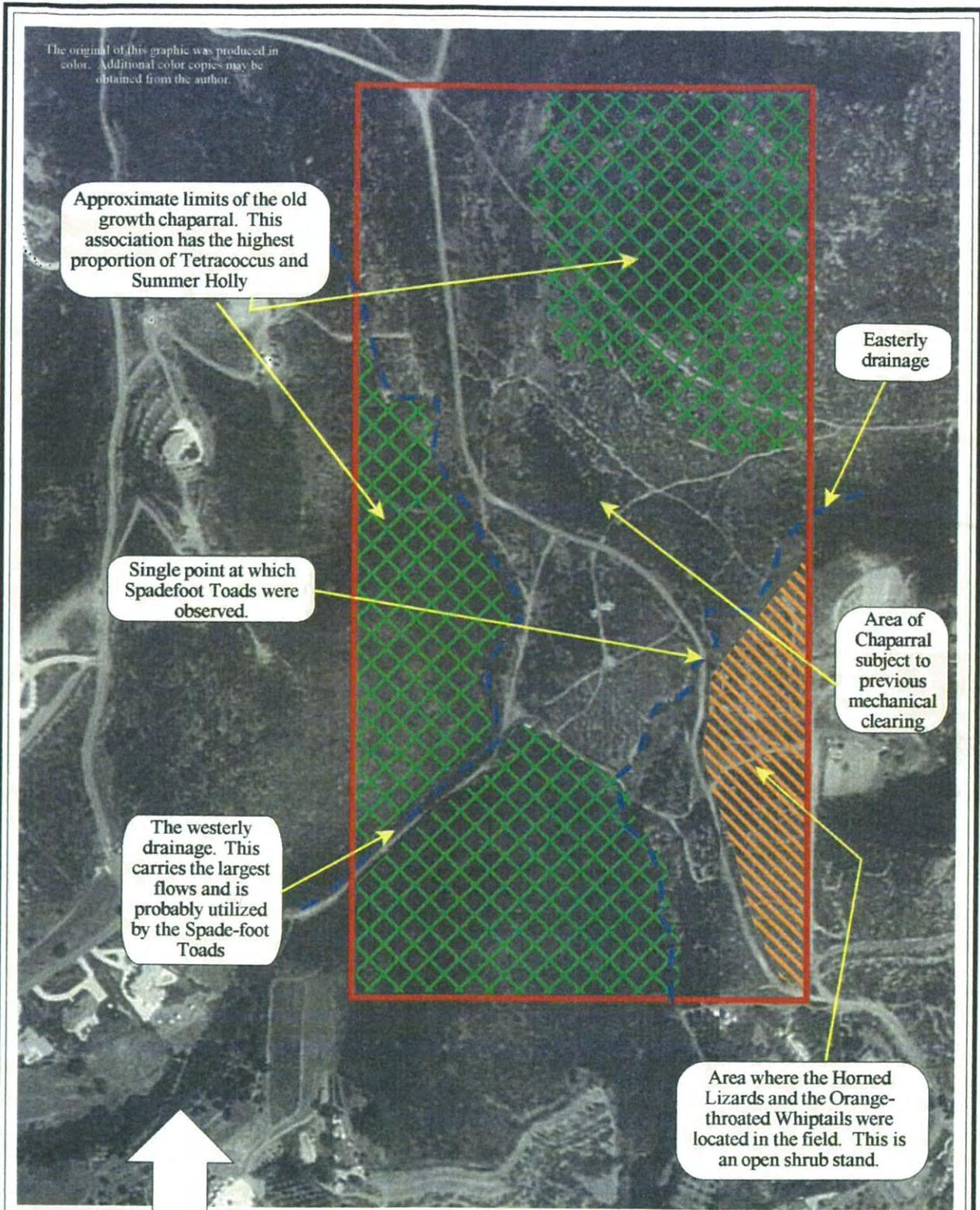
* Whenever the distance from Zone A or Zone B Fuel Treatments are less than 100-feet from any structure, a non-combustible 6-foot tall block wall will be installed or other mitigating actions approved by the Vista Fire Protection District will be implemented

- - - - - Six-foot, non-combustible wall *

**FIREWISE
2000
INC.**

**Country Estates Fuel
Modification Location Map**

**Figure
8**



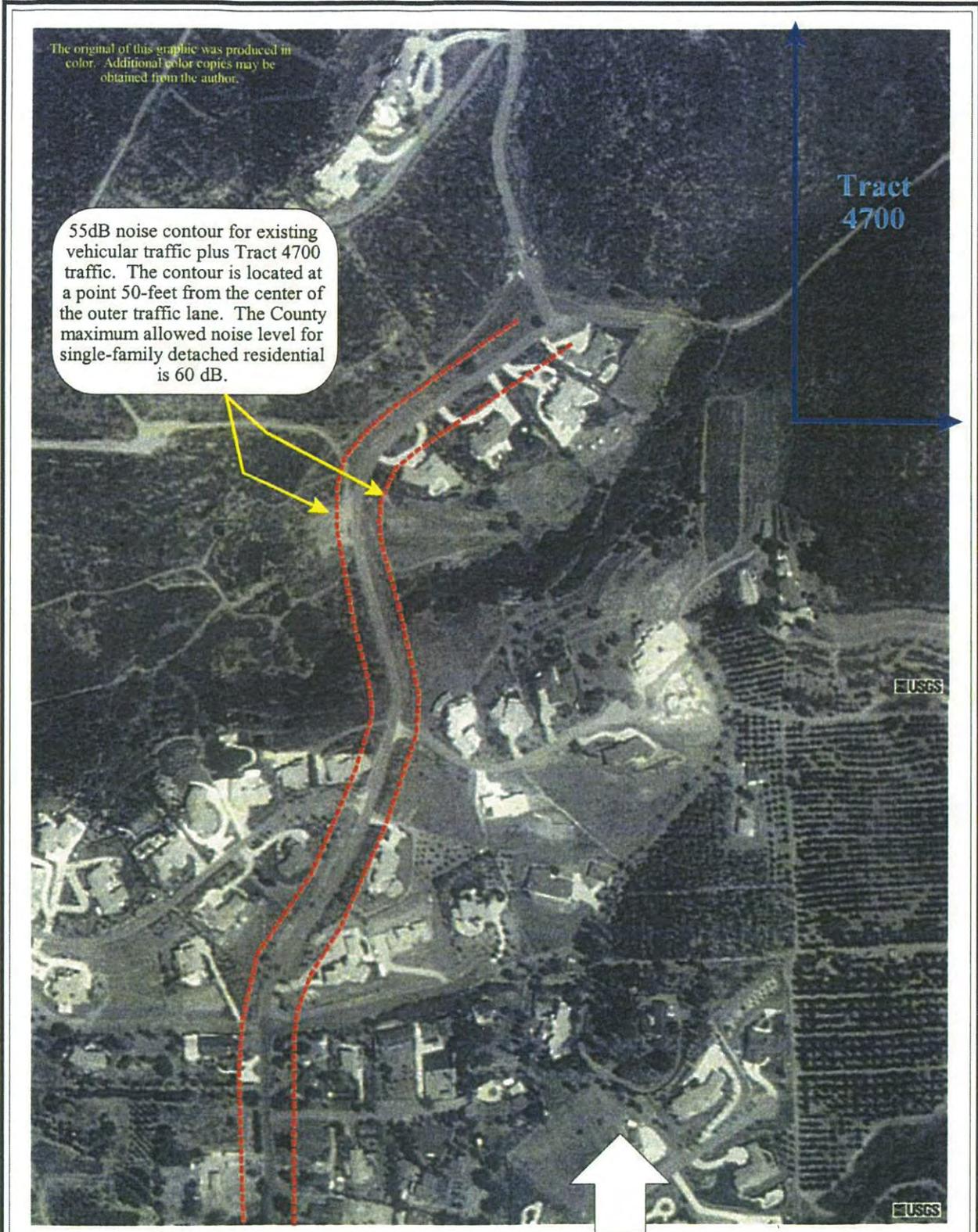
Approximate Scale: 1-inch = 400-feet

Base photograph from USGS, via <http://www.terraserver.com>; photo taken Dec 1996; 1-meter pixel resolution

RBRiggan and Associates Job Number 1762.35B 1 November 2000

[A1762EIR-Fig-9.wpg]

<p>RBRiggan and Associates</p>	<p>Aerial Photograph of the Tract 4700 Site Showing Principal Geographical Features Discussed in the EIR</p>	<p>Figure 9</p>
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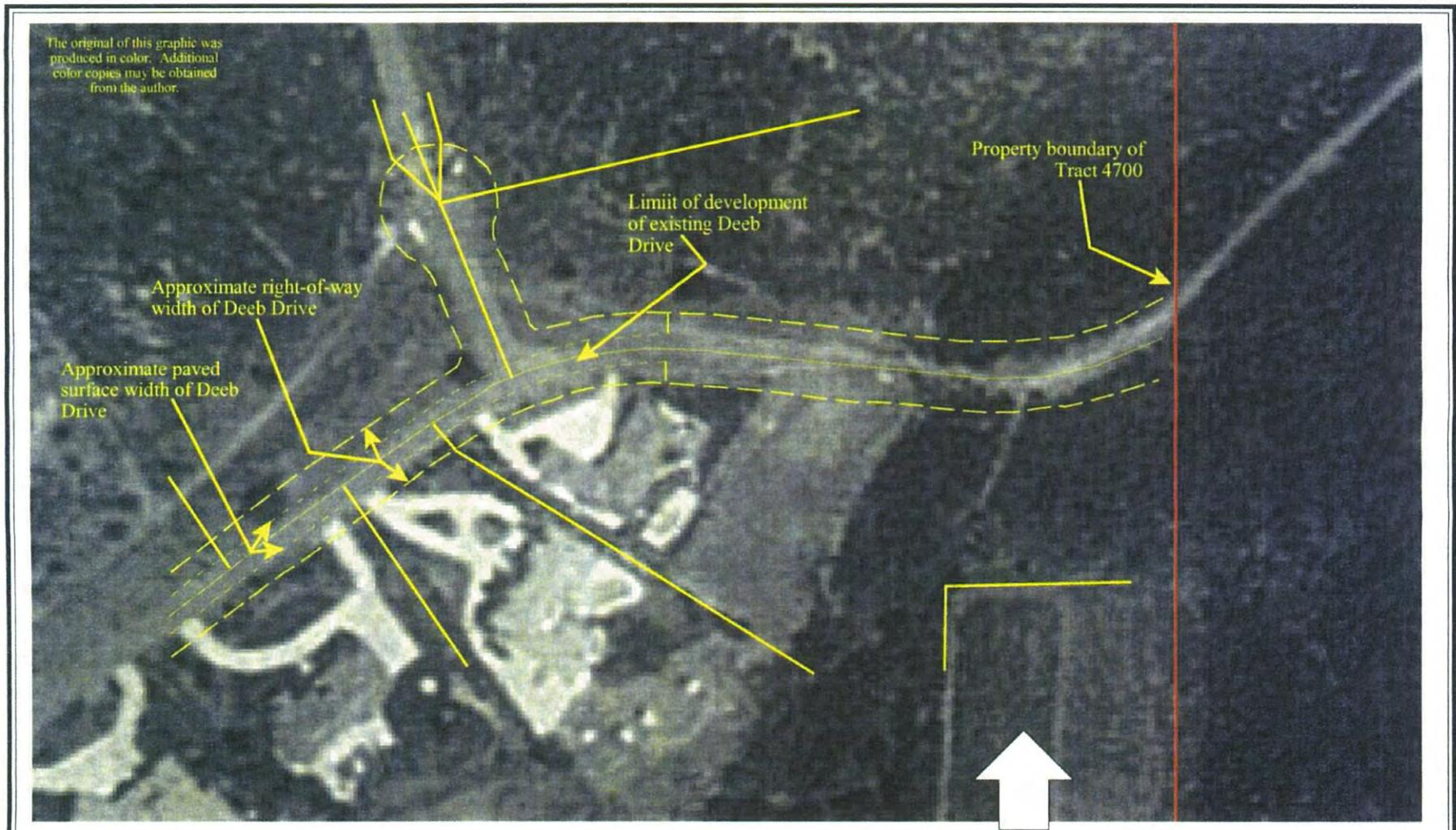
RBRiggan and Associates Job Number 1762.35B 20 September 2001

[:\1762EIR-Fig-10.wpg]

**RBRiggan
and
Associates**

**Aerial Photograph of the Deeb Drive — Ora
Avo Drive Neighborhood Showing the
Existing Plus Project Traffic Noise Contour**

**Figure
10**



The original of this graphic was produced in color. Additional color copies may be obtained from the author.

Approximate Scale: 1-inch = 80-feet

RBRiggan and Associates Job Number 1762.35B 20 February 2002

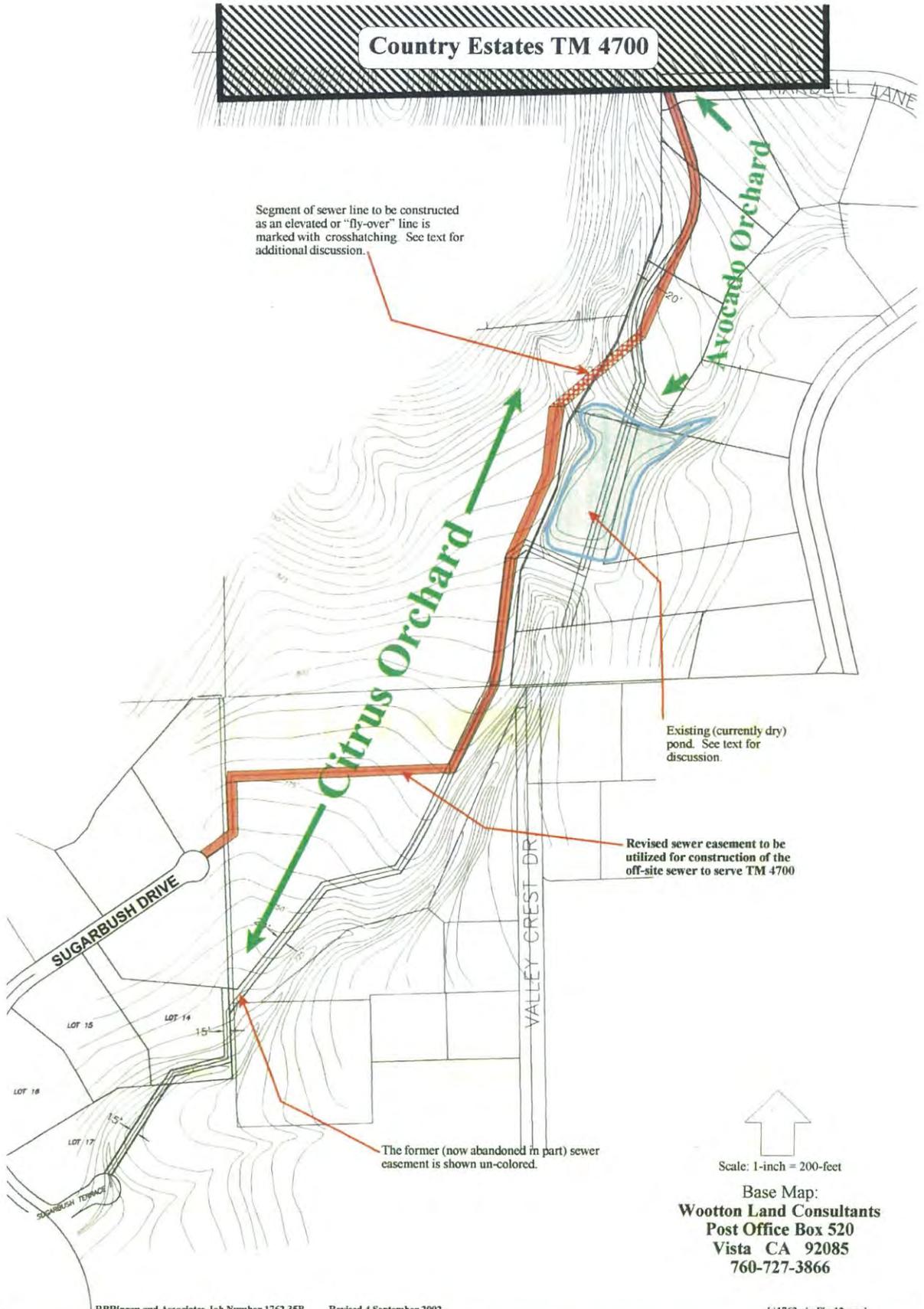
[A1762-Fig-11.wpg]

**RBRiggan
and
Associates**

Aerial Photograph Showing the Location of the Off-site Road Improvements to Deeb Drive Required as a part of County of San Diego Tentative Tract 4700 Both the right-of-way and the Paved Surface of the Streets are Shown

**Figure
11**

Country Estates TM 4700



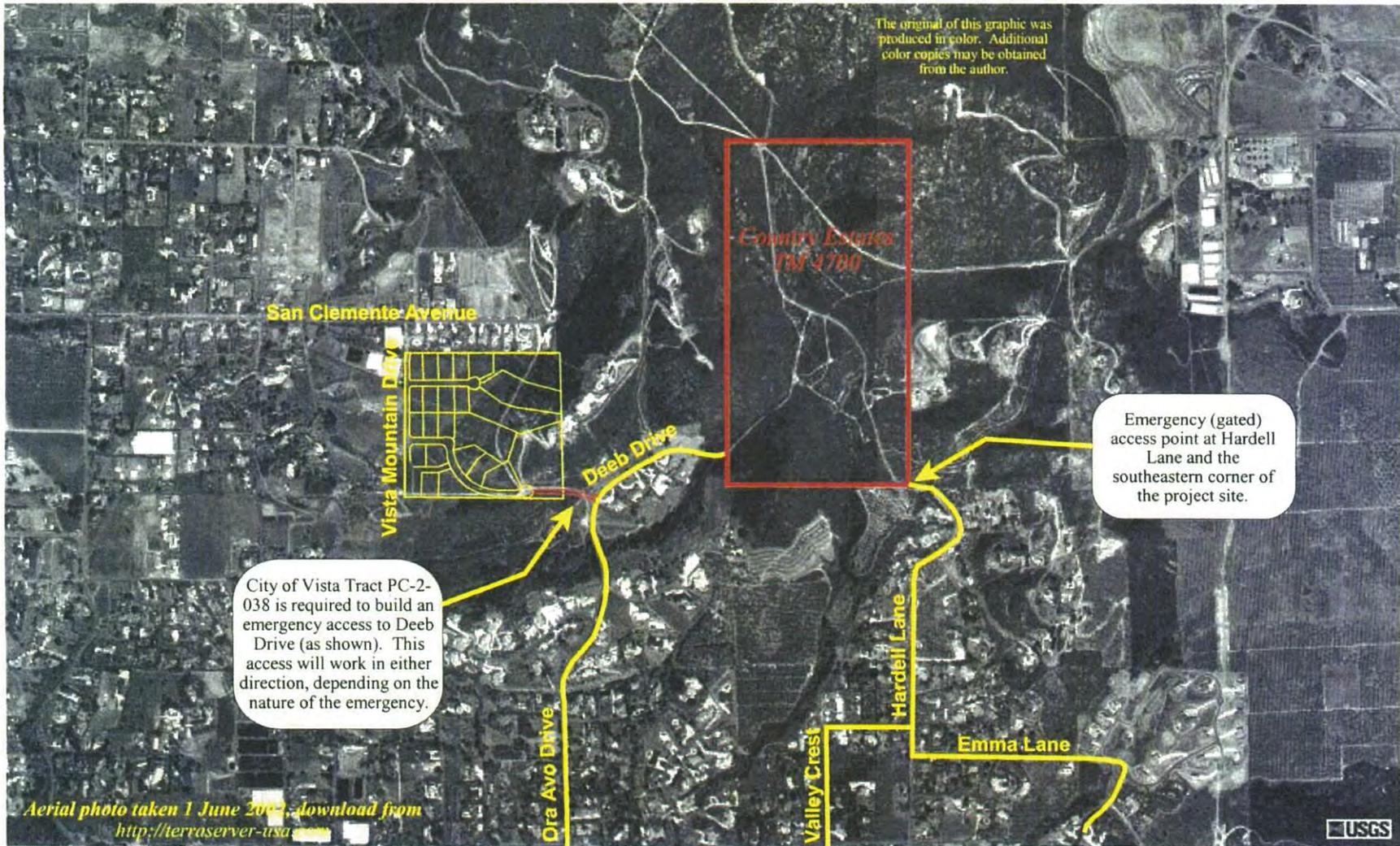
RBRiggan and Associates Job Number 1762.35B Revised 4 September 2002

[1762-ctr-Fig-12.wpg]

RBRiggan and Associates

Off-site Improvements for Country Estates, TM 4700. Illustrated Above are Both the Previous (Now Abandoned) Sewer Easement and the Revised Easement. The Latter Extends for Approximately 2,400-linear Feet South of the Southern Property Boundary (see Text for Discussion) .

Figure 12



RBRiggan and Associates Job Number 1762.35B December 2003

[\\1762-eir-Fig-13.wpg]

**RBRiggan
and
Associates**

**Graphic Illustrating the Primary access to the Project, Deeb Drive, and the
Emergency Access Points at Hardell Lane and at the Extension of a Cul-de-sac
Road off of Vista Mountain Drive**

**Figure
13**

APPENDIX A

**Order
in the Matter of Citizens for Responsible
Development et al. v. County of San Diego, et al.**

prepared by
Superior Court of the State of California
in and for the County of San Diego
Case No. 729769



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SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN DIEGO

CITIZENS FOR RESPONSIBLE DEVELOPMENT et al.,

Petitioners and Plaintiffs,

v.

COUNTY OF SAN DIEGO, et al.

Respondents and Defendants.

Case No. 729769

ORDER

The court's order will serve as its statement of decision under California Rules of Court, rule 232(a).

Petitioners are Citizens for Responsible Development, a community organization and James A. Hennenhoefler, an individual homeowner. Petitioners are represented by attorney David P. Hubbard from the law firm of Procopio, Cory, Hargreaves & Savitch.

Respondents are the County of San Diego and the Board of Supervisors for the County of San Diego. Respondents are represented by County Counsel John J. Sansone, Assistant County Counsel Diane Bardsley and Senior Deputy R. Mark Beesley. Real parties in interest are Country Estates, Jaoudi Industrial & Trading Corporation and John Barakat who are represented by attorneys Charles B. Christensen and Sean D. Schwertfeger from the law firm of Detisch & Christensen.

1 This case arises from respondents' certification of the Final Environmental Impact
 2 Report (EIR) associated with the real parties' proposed construction of a 55-unit residential
 3 development known as Country Estates (the project). Petitioners contend that respondents
 4 committed a prejudicial abuse of discretion in certifying the EIR.

5 One of the basic purposes of the California Environmental Quality Act (CEQA) is to
 6 inform governmental decision makers and the public about the potential, significant
 7 environmental effects of proposed activities. (CEQA Guidelines, §15002, subd. (a)(1).) The
 8 EIR should "demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed
 9 and considered the ecological implications of its action." (CEQA Guidelines, §15003, subd.
 10 (d).) Findings and supporting rationale are required for each significant environmental effect
 11 of the project (CEQA Guidelines, §15091, subd. (a)) in order to "bridge the analytic gap
 12 between the raw evidence and ultimate decision or order." (*Topanga Assn. for a Scenic*
 13 *Community v. County of Los Angeles* (1974) 11 Cal.3d 506, 515). The findings, in turn, must
 14 be supported by substantial evidence in the record. (CEQA Guidelines, §15091, subd. (b).)

15 The role of the court in this petition for writ of mandamus is not to pass upon the
 16 correctness of the EIR's environmental conclusions, but to assess its sufficiency as an
 17 informative document. (*County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185,
 18 189.) Although perfection is not required, the EIR must be adequate and complete, with a
 19 good faith effort at full disclosure. (CEQA Guidelines, § 15151.) The court's inquiry extends
 20 only to whether there was a prejudicial abuse of discretion. Abuse of discretion is established
 21 if the agency has not proceeded in a manner required by law or if the determination or decision
 22 is not supported by substantial evidence. (Pub. Res. Code, § 21168.5.) "Certification of an
 23 EIR which is legally deficient because it fails to adequately address an issue constitutes a
 24 prejudicial abuse of discretion regardless of whether compliance would have resulted in a
 25 different outcome. [Citations.]" (*Citizens to Preserve the Ojai v. County of Ventura* (1985)
 26 176 Cal.App.3d 421, 428.)

26 //
 27 //

28

1 The court has reviewed the record in light of the parties' briefs, oral argument and the
2 applicable law, and concludes the petition for writ of mandate should be granted. The court
3 finds the EIR for the project is inadequate in a number of areas because it fails to demonstrate
4 that the governmental decision maker has in fact fully analyzed and considered the
5 environmental consequences of its actions.

6 Coast Horned Lizards and Orange-Throated Whiptails

7 The EIR insufficiently references the Coast Horned Lizard so as to inform the public or
8 the agency decision maker of the project's impact on this species. Coast Horned Lizards, a
9 State-designated "sensitive" species, were observed in the 1991 Riggan survey. (EIR Appx.
10 C-1 at p. 10 and Table 2.) Although there is no evidence in the record that this species was
11 observed in subsequent surveys, there is also no evidence that later surveys attempted to locate
12 these reptiles. The 1997 Riggan Supplemental Biological survey did not address reptiles.
13 (EIR Appx. C-2.) Thus, the 1991 Riggan survey is significant even if it is eight years old.

14 The EIR should have disclosed the 1991 Riggan information regarding the existence of
15 the Coast Horned Lizard on the site. (CEQA Guidelines, § 15125(a).) Instead, the EIR
16 stated: "Small areas of the site appeared to be suitable for occupation by the Coast Horned
17 Lizard; however, no individuals of this species were noted during any of the site surveys."
18 (EIR 70.) This statement is incorrect and no findings were made as to the Coast Horned Lizard
19 and possible mitigation measures regarding this species. (AR 65-67.)¹ Omission of material
20 information regarding project impacts constitutes a prejudicial abuse of discretion. (Pub. Res.
21 Code § 21005, subd. (b); *Kings County Farm Bureau v. City of Hanford* (1990) 221
22 Cal.App.3d 692, 734.)

23 The EIR also insufficiently references the Orange-throated Whiptail so as to inform the
24 public or the agency decision maker of the project's impact on this species. The EIR states
25 Orange-throated Whiptails were observed by Bradshaw, but "were seen by neither of the two
26 following biological consultants." (EIR 71.) This statement is incorrect because four Orange-

27 _____
28 ¹The findings of fact are located in AR 63-75 and are duplicated at AR 424-436.

1 throated Whiptails were observed by Riggan in 1991. (EIR Appx. C-1 at p. 10.) No findings
2 were made as to Orange-throated Whiptails and possible mitigation measures regarding this
3 species were not addressed. (AR 65-67.)

4 At oral argument and in their supplemental brief, real parties' analyze the data
5 contained within the technical appendix to support a conclusion that these reptiles no longer
6 exist on the project site, thereby obviating the need for significance findings. However, the
7 EIR does not contain this analysis and the brief discussion of these reptiles contained in the
8 EIR is located under the heading "Environmental Analysis Of Effects Found To Be
9 Significant." (EIR Table of Contents and pp. 70-75; *Concerned Citizens of Costa Mesa, Inc.*
10 *v. 32nd Dist. Agricultural Assn.* (1986) 42 Cal.3d 929, 935 ["EIR must contain facts and
11 analysis, not just the agency's bare conclusions or opinions"].) Real parties cannot now argue
12 that the project impact on these reptiles is insignificant to justify the lack of required findings
13 and supporting rationale. (CEQA Guidelines, § 15091, subd. (a); Pub. Res. Code, § 21081.)

14 Abuse of discretion exists because the agency did not proceed in a manner required by
15 law. (*Gentry v. City of Manteca* (1995) 36 Cal.App.4th 1359, 1375.) The court cannot
16 determine whether substantial evidence supported the agency's decision because the agency
17 provided no findings. (CEQA Guidelines, § 15091, subd. (b) ["The findings required by
18 subsection (a) shall be supported by substantial evidence in the record."].)

19 The court rejects real parties' and respondents' argument that the inaccuracies of the
20 EIR are cured by the technical appendices. Appendices to an EIR may be prepared in volumes
21 separate from the EIR document and these volumes are available for public examination.
22 (CEQA Guidelines, § 15147.) However, the EIR must also summarize the relevant technical
23 data contained in the appendices. (*Ibid.*) It is self-evident that any summary must be accurate.
24 An EIR may also incorporate other documents by reference. (CEQA Guidelines, § 15150,
25 subd. (a).) Where incorporation by reference is utilized "the incorporated part of the
26 referenced document shall be briefly summarized where possible or briefly described if the data
27 or information cannot be summarized." (CEQA Guidelines, § 15150, subd. (c).) Here, the
28 EIR does not indicate it is utilizing incorporation by reference, it does not mention the

1 documents to be incorporated by reference and it does not briefly summarize or describe the
2 data or information to be incorporated. (EIR at pp. 70-71.)

3 The purpose and integrity of CEQA would be undermined if this court allowed
4 incorrect or misleading information to be placed within the EIR, while correct information is
5 relegated to the technical appendices. Although perfection is not required, the EIR must make
6 a good faith effort at full disclosure. (CEQA Guidelines, § 15151.) Such a good faith effort
7 does not exist where information contained in the EIR contradicts information contained within
8 the appendices.

9 In their supplemental briefs real parties and respondents tender the new argument that
10 petitioners failed to exhaust their administrative remedies. Real parties and respondents failed
11 to raise this defense in their opposition briefs or at trial and the court deems the defense
12 waived. The court requested supplemental briefing to address a narrow legal issue, not to raise
13 forgotten defenses. As argued by petitioners at the December 20, 1999, ex parte hearing,
14 allowing this defense to be considered so late in the proceedings is prejudicial to petitioners.

15 Western Spadefoot Toad

16 The EIR insufficiently references the Western Spadefoot Toad so as to inform the
17 public or the agency decision maker of the project's impact on this species. The conclusion by
18 real parties that the final project design (TM 4700 RPL³) preserved the westerly drainage
19 course as biological open space and eliminated all impact on this species is not supported by
20 evidence, analysis in the EIR or the findings. (Pub. Res. Code, § 21081; CEQA Guidelines, §
21 15091, subd. (a).) This conclusion also ignores the fact that this species was found along the
22 eastern drainage course. (EIR Appx. C-1, pp. 9, 14.) Real parties have not explained how the
23 project redesign eliminated this impact. Replacement Map Nos. 1 and 2, presented by real
24 parties for the first time at trial, do not supply the missing analysis and they are not part of the
25 administrative record. Because the EIR failed to identify project impacts on the Western
26 Spadefoot and failed to address the location and extent of the Western Spadefoot's habitat, the
27 reviewing agency and the public cannot determine what the impact of the project will be on
28

1 this species. Real parties cannot now provide the missing analysis and evidence to justify the
2 lack of findings or the adoption of mitigation measures as to this species.

3 Additionally, the EIR fails to discuss the viability of small barriers to prevent road kill
4 impacts on the Western Spadefoot. (EIR 22, 70, 74; EIR Appx. C-1 at pp. 9-10; AR 179.)
5 The Responses to Comments for the Draft EIR, prepared by TRS Consultants for respondents,
6 left any decision regarding adoption of this measure to the decision making body. (EIR,
7 Exhibit A at p. 31.) However, no findings were made regarding this suggested mitigation
8 measure. (CEQA Guidelines, §§ 15091, subd. (c) and 15126.4, subd. (a)(1)(A) and (B); Pub.
9 Res. Code § 21081.)

10 Parry's *Tetracoccus*

11 The EIR insufficiently references Parry's *Tetracoccus* so as to inform the public or the
12 agency decision maker of the project's impact on this plant species. The USFWS and CDFG
13 recommended a maximum encroachment of 20% on Parry's *Tetracoccus*. (EIR, Exh. A at
14 Comments B and A; Petitioners' Exh. 6, County Guidebook, at pp. 101-103.) Although real
15 parties argue that the USFWS and CDFG subsequently approved the proposed 31% loss, there
16 is no evidence in the record to support conclusion. Even if evidentiary support exists for the
17 conclusion that these organizations found a 31% loss "acceptable," this conclusion not
18 necessarily imply they considered the impact "insignificant" for purposes of CEQA Guidelines
19 section 15065, subdivision (a). (See EIR, Exh. A at p. 3.) The project impact on Parry's
20 *Tetracoccus* will be an adverse environmental effect and respondents were required to make a
21 statement of its views on the ultimate balancing of the merits of approving the project despite
22 the environmental damage. (CEQA Guidelines, § 15093.)

23 The 2:1 replanting mitigation measure discussed in the EIR was not addressed by the
24 lead agency through its findings as required by Public Resources Code section 21081 and
25 CEQA Guidelines section 15091, subdivision (a). (EIR 74.) Real parties argue that findings
26 were made regarding the replanting of Parry's *Tetracoccus*, citing AR 431 at 3B. These
27 findings, in turn, cite to the "conceptual plan included as Sheet 3 of 3 of the Major Use Permit
28 plot plan" (the Landscape Plan). After request by respondents, the court augmented the record

1 to include the Landscape Plan. However, the Landscape Plan does not support real parties'
2 argument that the findings adopted the 2:1 replanting ratio mitigation measure.

3 Although the findings reference the "impact" on this plant as discussed in the EIR (AR
4 69), the findings do not incorporate Biology Mitigation Measure No. 3. (CEQA Guidelines, §
5 15150, subd. (c).) Similarly, although the findings adopted Condition of Approval No. 10.b.
6 (6)(b), this Condition of Approval does not require a 2:1 replanting ratio. (AR 38 and 70 at ¶
7 3B.) Finally, no findings were made as to the suggested "mitigation monitoring plan . . . to
8 ensure landscaping integrity for a three-year period." (EIR 74; Pub. Res. Code, § 21081;
9 CEQA Guidelines, § 15091, subd. (a).)

10 Mitigation by removal of Lots 28-30 and off-site mitigation were adequately discussed
11 in responses to comments received for the Draft EIR. (EIR Exhibit A at pp. 3 and 15; CEQA
12 Guidelines, § 15128; Pub. Res. Code, § 21100, subd. (c); see also, CEQA Guidelines 15132,
13 subd. (b) ["The final EIR shall consist of: . . . (b) Comments and recommendations received
14 on the Draft EIR either verbatim or in summary."].)

15 Cumulative Biological Impacts

16 The EIR does not provide sufficient information to the public or the agency decision
17 maker to adequately evaluate the cumulative biological impacts to the area. An EIR must
18 discuss significant cumulative impacts or explain the basis for concluding that the project's
19 incremental effect is not cumulatively considerable. (CEQA Guidelines, § 15130, subd. (a).)
20 Real parties argue that they were not required to conduct a cumulative impacts analysis under
21 CEQA Guidelines section 15183, subdivision (a), because the 1985 general plan amendment
22 and zone change (the "1985 GPA EIR") sufficiently addressed the cumulative impacts on
23 sensitive biological resources and thus eliminated the need to discuss cumulative impacts under
24 CEQA Guidelines section 15130. (CEQA Guidelines, § 15183, subd. (b)(3) and (j).)

25 The court rejects this argument because the 1985 GPA EIR was not properly
26 incorporated by reference (CEQA Guidelines, § 15150, subd. (b) and (c)) and it is not part of
27 the administrative record. The instant EIR does not indicate that the lead agency is using the
28 tiering concept, nor does it refer to the 1985 GPA EIR and state where a copy of this

1 document may be examined as required by CEQA Guidelines section 15152, subdivision (g).
2 Thus, it is impossible for the court to determine whether this document adequately addressed
3 all potentially significant cumulative impacts. Because real parties and respondents cannot rely
4 on the 1985 GPA EIR, the instant EIR was required to provide a full assessment of the
5 project's cumulative effects on sensitive biological resources. (CEQA Guidelines, § 15130;
6 Pub. Res. Code, § 21083, subd. (b).)

7 CEQA Guidelines section 15183, subdivision (b) sets forth the necessary elements for
8 an adequate discussion of significant cumulative impacts. The EIR does not address all
9 necessary elements and is inadequate. (EIR 77-85.) In fact, no information is provided
10 regarding cumulative impacts on any of the sensitive wildlife species affected by this project.
11 (*Las Virgenes Homeowners Federation, Inc. v. County of Los Angeles* (1986) 177 Cal.App.3d
12 300, 306 ["consideration of the effects of a project or projects as if no others existed would
13 encourage the piecemeal approval of several projects that, taken together, could overwhelm
14 the natural environment and disastrously overburden the man-made infrastructure and vital
15 community services."].)

16 Soil Erosion and Sedimentation Impacts

17 The court finds petitioners failed to exhaust their administrative remedies by failing to
18 raise issues during the administrative review process regarding: (1) sedimentation; (2) storm
19 runoff; (3) flooding; and (4) downstream water quality. General comments regarding
20 "erosion" or "run-off" made during the public comment period are insufficient to put the
21 agency on notice regarding these issues. (*Resource Defense Fund v. Local Agency Formation*
22 *Com.* (1987) 191 Cal.App.3d 886, 894; AR 161, 180, 580; EIR Appx A, Comment I at pp. 2
23 and 4, Comments U and Y.) Petitioners are barred from raising these issues in this action.
24 (Pub. Res. Code, § 21177.) The purpose of the exhaustion doctrine is to ensure that public
25 agencies are given the opportunity to decide matters before them and correct any errors before
26 the courts intervene. This is possible only if the public agencies are given the opportunity to
27 respond to specific factual and legal objections. (*Corona-Norco Unified Sch. Dist. v. City of*
28

1 *Corona* (1993) 17 Cal.App.4th 985, 997; *Resource Defense Fund v. Local Agency Formation*
2 *Com., supra.*, 191 Cal.App.3d at p. 894.)

3 The EIR provides adequate information to the public and the agency decision maker in
4 order to make an informed decision regarding general erosion and run-off impacts.

5 Recordation of the Tentative Map is conditioned upon the subdivider providing an adequate
6 drainage system, providing hydrology and hydraulic calculations and other things as set forth in
7 the San Diego County Standard Conditions for Tentative Subdivision Maps at page 9.

8 (Respondents' Exhibit I at p. 9; AR 35.) The Major Use Permit requires additional erosion
9 control measures. (AR 49 at ¶¶ 5, 6, 12; 51 at ¶¶ 6, 7.) Substantial evidence supports
10 respondents' conclusion that the effects of general erosion and runoff were not significant.
11 (EIR 33, 159-160.)

12 Water Service

13 The court finds petitioners failed to exhaust their administrative remedies by failing to
14 raise issues during the administrative review process regarding the unavailability of water
15 service to the project. Consequently, petitioners are barred from raising these issues in this
16 action. (Pub. Res. Code, § 21177.)

17 Petitioners claim the project's impacts upon local water resources was raised in a 1998
18 letter from the Vallecitos Water District (VWD) and again in a memorandum by the Twin
19 Oaks Valley Sponsor Group (TOVSG). The 1998 VWD letter states "[w]ater service will
20 only be provided under the rules and regulations of the District . . . after the developer has
21 entered into a development agreement with the District. . ." (AR 612.) This letter also
22 indicates that the project lies within a pressure zone which still has a meter limitation in effect.
23 (AR 612.) The letter does not explain what impact, if any, the meter limitation has on
24 supplying water to the project, nor does it rescind the VWD's earlier stated intention to
25 "provide service to this area upon completion of the necessary improvements and payment of
26 all fees." (EIR Appx. A, Comment F.) The 1998 VWD letter does not show water service is
27 unavailable and it is sufficient to preserve this issue for judicial review.
28

The TOVSG memorandum states, in part:

1
2 "According to Vallecitos Water District official on January 12, 1998, the first
3 phase noted above has been completed but the facilities cannot serve the
4 Country Estates project. "The area has not been upgraded," he said, "and the
5 necessary facilities are not scheduled in our master plan." He said a pumping
6 station, parallel pipeline and storage tanks/reservoir would be required. "These
7 are not facilities we are building. It's up to the developer." (AR 86-87)

8 The above passage does not object to the project's impacts upon local water resources. The
9 passage merely indicates that certain improvements will need to be made by the developer and
10 not the VWD. The TOVSG memorandum is insufficient to put the agency on notice regarding
11 project's impacts upon local water resources. (*Resource Defense Fund v. Local Agency
12 Formation Com.*, *supra*, 191 Cal.App.3d at p. 894.)

13 Noise Impacts

14 The EIR insufficiently references pre- and post-construction noise so as to inform the
15 public or the agency decision maker of the project's impact on this issue. During construction
16 the project will involve 90,000 cubic yards of earthwork including "ripping" with bulldozers
17 and blasting with explosives. (EIR 13, 31.) After construction, 100% of the project's traffic,
18 about 590 vehicle trips per day, will travel along Ora Avo/Deeb Drive and then empty out onto
19 Buena Creek Road. (EIR 87-88.) Additionally, the straightness of Ora Avo/Deeb Drive tends
20 to increase vehicle speeds, which, in turn, raises noise levels. (EIR, at Fig. 43, Photo 11; AR
21 9, 142, 237-238; Petitioners' Exh. 6, County Guidebook, at p. 124.)

22 Under CEQA Guidelines sections 15126 and 15126.2, the short-term effects and the
23 development phase of the project must be considered when evaluating the impact of the project
24 on the environment. The EIR contains no analysis of project-related noise (pre- or post-
25 construction), no acoustical calculations and analysis, and includes no mitigation for
26 construction-related noise. The EIR is ineffective in providing information to the public and
27 agency decision maker so that an informed determination was made.

28 Although excessive construction noise may be addressed in the grading permit, the
grading permit is insufficient for CEQA purposes because pre- and post-construction noise is a
potentially significant impact that must be disclosed and evaluated in the EIR. (Pub. Res.

Code § 21002.1(a); CEQA Guidelines §§ 15064, subd. (d), 15121, 15126 and 15126.2.)
1 Additionally, any mitigation measures imposed by the grading permit will be determined
2 without public review and comment and does not qualify as an acceptable mitigation measure
3 under CEQA. (See *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 307.)
4 Finally, the County's CEQA Guidebook does require acoustical calculations to evaluate
5 whether a noise study is necessary. (Petitioners' Exh. 6, County Guidebook, at p. 119.)

6 The court is not persuaded by real parties' scoping argument. Although an EIR does
7 not need to further discuss effects dismissed in an initial study as "clearly insignificant and
8 unlikely to occur," no evidence exists showing noise impacts were scoped before preparation
9 of the EIR. (November 24, 1999, Reporter's Transcript at pp. 51:28-52:8.) Speculation by
10 real parties' counsel that scoping identified all potential noise impacts as insignificant does not
11 cure these defects. (CEQA Guidelines, § 15384, subd. (a).)

12 Fire Hazards

13 The EIR insufficiently addresses the fire risk issue so as to inform the public or the
14 agency decision maker of the project's impact on this issue. Projects located in wildfire areas
15 must be assessed for fire safety and the EIR must also analyze significant environmental effects
16 that the project might cause by bringing development and people into the area and exposing
17 them to existing hazards. (CEQA Guidelines Appx. G, Environmental Checklist Form and
18 CEQA Guidelines § 15126.2, subd. (a).) Here, the project site lies within a box-canyon and
19 has been designated by the Vista Fire Department ("VFD") as a Hazardous Brush Area. (AR
20 152, 238.) There is only one means of general access to and from the project along Ora
21 Avo/Deeb Drive. (AR 30, 152.) In a November 20, 1995, letter the VFD stated: "It is our
22 recommendation that the project be recognized as having many of the potentials of the 1993
23 disastrous fires, and the mitigation measures developed as a result of the study identified above
24 be incorporated to the maximum extent possible." (EIR, Appx. D-4.) Inexplicably, the
25 EIR not discuss the VFD's opinions, the Wildland Fire Management Planning Model presented
26 by the VFD or formally adopt any of the VFD's recommendations as mitigation measures.
27 The EIR fails to discuss the extent, if any, that the project design incorporates the VFD's
28

1 suggested mitigation measures. (EIR 160-161.) The EIR also fails to address the significant
2 risk posed by the lack of secondary access for escape. (AR 284, 286, 351; EIR, Appx. B,
3 Comment R 4.) As a result, the findings did not identify fire as a significant impact and did not
4 adopt mitigation measures designed to improve fire safety in the area. (AR 424-435.)

5 Real parties' argued in their supplemental brief that the letters and informational
6 guidelines provided by the VFD, and included in the technical appendix, disclosed potential fire
7 hazards. However, the EIR does not summarize the relevant data (CEQA Guidelines, §
8 15147), nor does it use incorporation by reference (CEQA Guidelines, § 15150). (EIR 160-
9 161.) Similarly, the EIR does not indicate that all potential fire hazards are insignificant
10 because the issues were addressed in general plan amendment. (CEQA Guidelines, § 15150;
11 EIR 160-161.)

12 Construction Impacts

13 Petitioners failed to exhaust their administrative remedies by failing to raise issues
14 during the administrative review process regarding: (1) construction related emissions of
15 volatile organic compounds; (2) fugitive dust particles; and (3) diesel exhaust emissions.
16 (Petitioners' Responses to Court's Questions to Counsel at p. 6:18-25.) Consequently,
17 petitioners are barred from raising these issues in this action. (Pub. Res. Code, § 21177.)

18 The petition is denied as to petitioners' contention that the EIR is defective because it
19 does not provide sufficient information for the public or the agency decision maker to
20 adequately analyze damage to Deeb Drive during construction of the project. Responses to
21 comments received for the Supplemental Draft EIR are sufficient to constitute a statement of
22 reasons showing that the agency decision maker determined construction related road damage
23 to be insignificant. (EIR Exhibit B, Comments R4-5, R4-7, R5-6 and R6-1; CEQA
24 Guidelines, § 15128; Pub. Res. Code, § 21100, subd. (c); see also, CEQA Guidelines 15132,
25 subd. (b).)

26 Growth Inducing Effects

27 Substantial evidence supports the conclusion that the project will not have significant
28 growth inducing effects. (EIR 162, 167.) The EIR concludes that the project will not be a

1 major encouragement to division and development of adjacent properties because of "the
 2 surrounding terrain, zoning and general plan constraints to the north, east, and west, and the
 3 almost complete development of property to the southeast." (EIR 162.) The parties argue the
 4 same evidence in support of, and in opposition to, this conclusion. (Opening Brief at pp. 38-
 5 39, Opposition Brief at pp. 42-45, Reply Brief at pp. 19-20.) The evidence and reasonable
 6 inferences therefrom are sufficient to support the agency's conclusion, even though other
 7 conclusions might also be reached. (CEQA Guidelines, § 15384, subd. (a).)

8 Conclusion

9 As discussed above, the information contained in the EIR is inadequate in a number of
 10 areas because it fails to demonstrate that the governmental decision maker fully analyzed and
 11 considered the environmental consequences of its actions. Material necessary to informed
 12 decision making and informed public participation was omitted from the EIR or incorrectly
 13 summarized. This defect is then exacerbated by missing or inadequate findings. It is not for
 14 this court to exercise its independent judgment on the omitted material or to determine
 15 whether agency's decision would have been affected had the law been followed. (*Rural*
 16 *Landowners Assn. v. City Council* (1983) 143 Cal.App.3d 1013, 1023.)

17 The court grants petitioners' writ of mandamus challenging respondents' certification
 18 of the final EIR and approval of the project. As specified above, respondents' are to take that
 19 action as may be necessary to bring the determination, finding, or decision into compliance
 20 with this division. (Pub. Res. Code, § 21168.9, subd. (a).) Petitioners to prepare a writ and
 21 judgment, submit them to the real parties and respondents for review and then send them to the
 22 court for signing.

23 DATED: January 5, 2000.

24 
 25 **JANIS SAMMARTINO**
 26 Judge of the Superior Court
 27
 28

APPENDIX B

**Peremptory Writ of Mandate
in the matter of Citizens for Responsible
Development, et al., v. County of San Diego, et al.**

prepared by
Superior Court of the State of California
in and for the County of San Diego
Case No. 729769

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**IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN DIEGO**

CITIZENS FOR RESPONSIBLE DEVELOPMENT,
et al.,

Petitioners/Plaintiffs,

v.

COUNTY OF SAN DIEGO, et al.,

Respondents/Defendants.

CASE NO. 729769

**PEREMPTORY WRIT
OF MANDATE**

COUNTRY ESTATES; JOSEPH JAOUDI, an
individual; JAOUDI INDUSTRIAL & TRADING
CORPORATION, a California Corporation; JOHN
BARAKAT, an individual; and DOES 1-100,
inclusive,

Real Parties in Interest and Defendants

Complaint filed: 04/09/99
Hearing Date: 11/24/99
Judge: Janis Sammartino
Dept: 71

1 To the County of San Diego and the Board of Supervisors for the County of San Diego,
2 Respondents:

3 Judgment has been entered in this action, ordering that a Peremptory Writ of Mandate be
4 issued from this Court.

5 THEREFORE, IT IS ORDERED that Respondents, County of San Diego and the Board
6 of Supervisors for the County of San Diego (the "respondents"), take the following action:

7 a. Vacate and set aside their decision and resolution of February 17, 1999, certifying
8 the environmental impact report ("EIR") for the Country Estates planned residential development
9 project, and making of findings in connection with that EIR under the California Environmental
10 Quality Act ("CEQA"). Respondents' decision and resolutions of February 17, 1999, certifying
11 the EIR and making findings under CEQA are hereby remanded to respondents for
12 reconsideration.

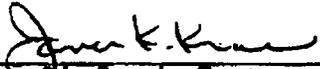
13 b. Vacate and set aside their decision and resolutions of February 17, 1999, approving
14 the Country Estates planned residential development project, including, but not limited to,
15 respondents' resolution of February 17, 1999, approving the Country Estates project are hereby
16 remanded to respondents for reconsideration.

17 c. Before reconsidering the Country Estates project, prepare new EIR, subsequent EIR
18 or supplemental EIR (hereinafter "environmental documentation") as respondent in its discretion
19 deems necessary to address each and every omission and deficiency described in the Court's
20 Order/Statement of Decision, issued January 5, 2000, which is attached to this Peremptory Writ
21 of Mandate as Exhibit A and is incorporated into this Writ by reference. The environmental
22 documentation shall not revisit or reassess those issues on which the Court found the EIR
23 adequate under CEQA. The environmental documentation shall be circulated to the public for
24 review and comment pursuant to the procedures and time limits set forth in Public Resources
25 Code section 21091 and California Code of Regulations, Title 14, Chapter 3, Section 15087.
26 Respondents shall only be required to consider and/or respond to any comments that relate to the
27 environmental information developed by respondents and/or real parties to cure the deficiencies
28 and omissions described in the Court's Order/Statement of Decision. Respondents shall not be

1 required to revisit, reassess and/or respond to any issues and/or comments that relate to matters
 2 outside the scope of the Court's Order/Statement of Decision, irrespective of whether such
 3 comments are raised by Petitioners and/or any member of the public.

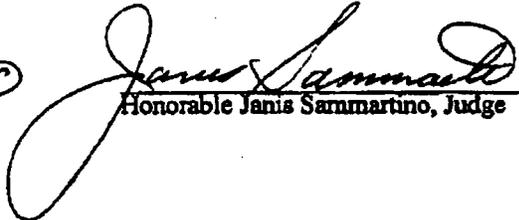
4 d. Respondents are restrained from filing the final subdivision map, issuing building
 5 permits, issuing grading permits and/or authorizing the commencement of construction on the
 6 Country Estates project prior to the certification of the environmental review required by the
 7 above-captioned writ of mandate. Respondents, however, shall be entitled to perform any and all
 8 activities on the Country Estates project, which prior to the certification of the Country Estates
 9 environmental documentation, are authorized by law or the policies of the County of San Diego.

10 RESPONDENT IS ORDERED to make and file a return to this Peremptory Writ of
 11 Mandate setting forth what steps respondent has taken to comply with the terms of this writ.

12
 13 
 14 Clerk of the Superior Court
 San Diego County JANICE K. KINANE

15 LET THE FOREGOING WRIT ISSUE.

16 Dated: March 2, 2000


 Honorable Janis Sammartino, Judge

28

Attachment H – Public Documentation



County of San Diego, Planning & Development Services
**COMMUNITY PLANNING OR SPONSOR
GROUP PROJECT RECOMMENDATION**
ZONING DIVISION

Record ID(s): PDS2016-TM-4700TE2

Project Name: JAUDI TM

Planning/Sponsor Group: Twin Oaks

Results of Planning/Sponsor Group Review

Meeting Date: May 18, 2016

A. Comments made by the group on the proposed project, *(over 100 people attended on this one agenda item.)*

Motion: *Recommend that we ask the County to let this map expire + not support any extension because the applicant has had over 10 yrs. to act on the project, all the documents are now insufficient + the project is not in compliance with the General Plan, new water quality standards, it lacks a meaningful*

B. Advisory Vote: The Group Did Did Not make a formal recommendation, approval or denial on the project at this time.

mitigation to address traffic, as well as safety + egress in Wildland Fire
If a formal recommendation was made, please check the appropriate box below: *Situations.*

- MOTION:
- Approve without conditions
 - Approve with recommended conditions
 - Deny
 - Continue

VOTE: 4 Yes 0 No 0 Abstain 3 Vacant/Absent

C. Recommended conditions of approval:

n/a

Reported by: Karen Bennis Position: Co-Vice Chair Date: 5-18-16

Please email recommendations to BOTH EMAILS;
Project Manager listed in email (in this format): Firstname.Lastname@sdcounty.ca.gov and to CommunityGroups.LUEG@sdcounty.ca.gov

5510 OVERLAND AVE, SUITE 110, SAN DIEGO, CA 92123 • (858) 565-5981 • (888) 267-8770

<http://www.sdcounty.ca.gov/pds>



Motion

Motion Farrell/ Peterson 4-0-0

Recommend that we ask the county to let this map expire and not to support any extensions because the applicant has had over ten years to act on the project, all the documents are now insufficient and the project is not in compliance with the general plan, new water quality standards, it lacks a meaningful mitigation to address traffic, as well as safety and egress in Wildland fire situation.

Counted 97 people and some where outside so I couldn't count those.

Sandra Farrell

Twin Oaks Valley Community Sponsor Group

18 May 2016

The following pages are questions from the community regarding Jaoudi Tentative Map PDS-2016 TM-4700TE2 Project as discussed at the 18 May 2016 meeting

UV Sponsor Group meeting
Sign In Sheet 5/19/16

1. Betsy Lander: blandsecox.net
2. Dee Felse: Dee@ThompsonRose.com 7608892453
3. Debbie Lightner: dlightner@pana.com 760-310-6164
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14. ROBERT HARRINGTON: 760-599-9404
15. MARY ELLEN HARRINGTON: 1205 Hidden Oaks Trail
16. Joy Davis: 2190 Buena Creek Rd Quilter Queen 10e ^{grain.com}
17. ~~Angela Burch~~ 950 ORA AVO DR 760 727-4443
18. ~~Robert Burch~~ " " " " " "
19. LINDA MAE FURLOW: 2047 LOCKHORN DR 760-727-4795
20. RON & LINDA KAGEL: 946 ORA AVO DR
21. JOHN PLOETZ: 960 ORA AVO DR 760.801.776
22. JANE PLOETZ: " " " "
23. Bob & Lee Loney: 870 Ora Avo Dr. 760 419 8404
760 598 0445
24. Shelly Lachow: 1234 Hidden Oaks Tr 760 803 8488
25. Bonnie Arnold: 1201 Hidden Oaks Tr. 760.727.0968
26. Cameron Clark: 1243 Hidden Oaks Trail 760-727-1542
27. Sandra Vabaks: 1225 Hidden Oaks Tr 762-478-0623

28	Hanni Hanger	hannigeider@gmail.com	(949)351-7972
29	Kris Hanger	736 Valley Crest Dr.	
30	PAT DUNPHY	1331 BUEBIRD CANYON TRAIL	pjdunphy@gmail.com
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34	Barbara Bensen	1628 Lone Oak Rd	barbara.bensen@web.de
35	JOERG BELAND	1628 LONE OAK RD	joerg@beland.info
36	Bd + Mary Stucke	1329 SUGARBUSH R.	MRS. STUCKE, CALIFORNIA WEST COMMUNITED.COM
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40	William + Emily Gray	3088 Deeb Ct	530-521-1579 pregame@mail.com
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43	Kevin Dette DC	3462 Bernardino Lane	kdette@jgmi.com
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45	Amy Marchetti	2378 Buena Creek Trl.	V. Vista
46	EDWARD WOODBRIDGIE	3304 SILVER OAK LN	VISTA 92004 edwoodie@cox.net
47	JAMES MILLER	3530 HOLLYBROOK DR.	VISTA CA 92084
48	Peter + Nilda Clarkson	3115 Via Del Monte Libano Vista	
49	JAMES VELTRI	512 CASSON RD	SAN MARCOS
50	DAVID ALBA GARCIA	2134 Buena Creek	92089
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85	Jerry Wasserman	1029 Ora Avo Dr Vista	760 803 9608
86	Sam Dennis Armstrong	3098 La Jolla Hill Dr. Vista	760-597-7250
87	Barry Bevier	207 Ora Avo Dr Vista	619 980 1998
88	Kianna Bjarnson	707 Ora Avo Dr Vista	760 560 7720
89	ERROL MELVILLE	2629 CROWTHORNE CT VISTA	714 652 6841
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91	LOU CARSON	2954 Ora Avo Ter	760-598-0480
92	CHARLES FIEBKE	3527 Camino Delas Lunas Vista	760 727-7074
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95	RICHARD + MARGIE OLIVER	1288 HIDDEN OAKS TRAIL	760-604-0262
96	VIKI STRAND	1802 HARTWRIGHT RD VISTA	920 84 760 473 83
97	Kent + Jeanne Ziebold	711 Hardell Ln.	760-727-3524
98	Tom CURRIE	1133 Starview Dr	760 650-6985
99	Robert Ochs	903 Sugarbush	760-727-0902
100	Bruce MacFarlane	2047 Loch Lomond Highlands	760-727-4745
101	Ane Rosvall	3286 Sugarbush Terrace	760-612-3883
102	JAMES T. ROSVALL	3286 Sugarbush Terrace	760-612-9378
103	KARIE ROSVALL	3286 Sugarbush Terrace	760-612-9396

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Jeanne Ziebold jziebold@hotmail.com
711 Hardell Lane

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2353 LONE OAK LANE 760-212-5738
VISTA CA 92084

OUR QUESTIONS: "Country Estates" Project

Richard Oliver

1. What is the proper zoning density and lot size for this area? Is this new project of 55 homes on half-acre lots in compliance with the **density and character of the area**?

Ana Rosvall would like to ask #2 at the meeting:

2. In 2005, after the proposed "Country Estates" Map was unanimously denied by the County's Planning Commission, the Board of Supervisors approved it? Why?
3. Why were we not notified all these years that this project was being planned, and that it had received three extensions in the last 11 years?
4. Is there a limit to how many extensions can be given to a project, before it needs to go back to the drawing board and be re-examined?

Dee Folse would like to ask #5:

5. If their request for an extension IS granted on 5/23, will the project have to comply with all the latest regulations? If this project goes forward, will it have to comply with all of the most up-to-date regulations?

Bob Wojcik, would you ask #6?

6. Storm water regulations have recently changed. In February 2016, the County of San Diego adopted its Best Management Practice Design Manual, dictating on all MS4 permits that final construction drawings issued after February of this year must comply with these new regulations. If this project goes forward, will it have to comply with today's regulations for containing storm water on site? Will there be bio retention basins for controlling storm water run-off?

Jane Ploetz would like to ask #7:

7. Since 2005, due to extended drought conditions, rural areas such as ours have experienced devastating wildfires. The area being considered for this project is in a box canyon with only two-lane rural roads leading in and out. Could the Fire Board please explain the process by which we could all be safely evacuated in the case of a wildfire?

How is Hardell Lane involved?

John Ploetz would like to ask #8:

8. TRAFFIC STUDIES: 55 homes will permanently add a significant number of trips/day to Ora Avo and Buena Creek. What is the current number of trips per day and the number of cars on Ora Avo? What would the impact of all construction vehicles be on the condition of the road? Have any complete traffic studies been done on not only Ora Avo but also Buena Creek since 2005 during rush hour periods in 2015 or 2016 that document the tremendous changes to the flow of traffic, and # of cars?

*Bob Wojcik
Ora Avo*

9. What happens if the developer cannot obtain easements from all owners of Deeb properties? Also, what happens if easements from all owners on Hardell cannot be obtained? *Do they need easement for fire evacuation?*
10. Where is he going to run the sewer? What about easements that now need to be granted for sewer access?
11. Have the noise, including construction noise – grading, blasting, equipment – issues been properly addressed?
12. What provisions have been made that align with current standards for wildlife habitat? Will there be off-site mitigation?

John Arendson

13. There is a Resolution of San Diego County for this Tentative Map approved by the Board of Supervisors dated February 2, 2005 detailing improvements to Ora Avo Drive and Buena Creek Road, offsite mitigations, etc. Do all these conditions still apply for the final map to be approved and recorded?

The Board of Supervisors used information from the project's traffic analysis that was based on the wrong street classification\width. ^{FOR ORA AVO OR} Can the map extension, which relies on the amended information to the EIR, be found inadequate and require a new analysis?

The county is still reviewing the projects new Storm Water Plan for conformance to the new required standards. If the new storm water requirements cause a design change to the project, can the map extension still go to public hearing without showing the necessary design changes?

The original EIA traffic analysis indicated that the project had no significant impact because the threshold of significance would not be reached. That threshold is sited as 4500ADT. That ADT comes from the County's Design Manual for a public street having 40' street width, curb to curb, within a 60' right of way. However, that is not the street classification of Ora Avo Drive.

The conditions of approval state that the existing width of Ora Avo is 21' curb to curb (C-C) and the project is required to improve it to 28' C-C.

The cut off for acceptable ADTs on a residential street, per County Standards, 1500 ADT with a C-C width of 36'. It appears that the EIR threshold of significance used for impacts may have used the wrong street standard. Will the project have an added condition of approval to improve Ora Avo Drive to the 36' analyzed in the EIR that the project analysis was based or will there be a new finding of significance for the traffic volume?

1656 ~~AV~~ of BUENA CREEK
w/ PROJECT

1106 ADT EXISTING.

In the 20 years
we have lived
at 1288 HIDDEN OAKS TR
there have been
over 100 accidents
at the corner of
Buena Creek and (H.O.T.).

Richard Oliver
RICHARD OLIVER

From: Scott Griffith <SGriffith@marketforce.com>
Sent: Monday, May 23, 2016 3:36 PM
To: Smith, Marisa
Subject: TM-4700TE2

Hi Marisa,

This is an official notice of opposition to the development TM-4700TE2.

I am a local owner/resident at 3673 Camino de las Lomas. Due to the environmental impact (drainage regulations), the impact to traffic, and the increased risks to egress during a fire this development is unacceptable to the myself and many other members of our community. Buena creek would have to be a four lane thoroughfare/parkway and further significant improvements would be required to Hardell, Valley Crest, Holly Berry, and Oro Avo to accommodate access both in and out of the community during an emergency.

There is already considerable strain on Buena Creek caused by expansion in Riverside county. Commuter traffic using Deer Springs/Buena creek continues to grow beyond the capacity of the roadway as built. It is a well known short cut to the 78 and as such traffic and congestion is a growing challenge for local residents.

Please provide assurance that this project will not go forward without:

1. Proper infrastructure upgrades to maintain the safety of residents
2. Adherence to todays zoning and environmental protection laws
3. Transparency via public hearings and communication with local residents



Scott Griffith
VP – Executive Strategist
T 714-852-3176
M 213-446-2346

www.marketforce.com



I am sending this e-mail to specific persons. From time to time, I may inadvertently include a recipient by mistake. You will likely recognize the mistake from the subject line or from the list of other recipients. In that case, please do not read, copy, forward, or store the message and do let me know about my mistake after you have deleted it from your e-mail system. In any case, please also note that this message may contain information that is confidential or legally privileged, and you should treat the message and its content appropriately.

From: Kevin Salgado <kevindds@outlook.com>
Sent: Saturday, May 21, 2016 9:44 PM
To: Smith, Marisa
Subject: TM-4700TE2

My name Kevin Salgado and I am a resident at 2930 Deeb Ct in Vista. I am writing in regards to the planned development in the Hardell Canyon area. My main concern is fire evacuation routes, environmental impact, traffic, and current road conditions not being able to support increased traffic. The current roads are already insufficient for proper traffic flow and safety. If you can please provide me with plans that are going to address these issues, I know that I am not alone in my concerns. Thank you

Kevin Salgado

Sent from my iPhone

From: Kaye Dodson <kdodson@cox.net>
Sent: Monday, May 23, 2016 7:02 PM
To: Smith, Marisa
Subject: TM-4700TE2

Stop the insanity. The only people who would benefit from this mass destruction of land are the developers. Buena Creek Rd. is already used to capacity and would only be a nightmare if more homes are added to the area.

From: Leslie Leupold <leupold.leslie@gmail.com>
Sent: Saturday, May 21, 2016 2:38 PM
To: Smith, Marisa
Subject: TM-4700TE2 i

Planning Department ,

I am writing to tell you how concerned I am about the TM-4700TE2 housing development that is being considered. The safety concerns are so overwhelming. The exit routes for this area are so impacted already. The cut through traffic from the 78 to the 15 is already bad and in an emergency will make us so vulnerable.

My father's home was in the big fire in La Costa about 20 years ago and we were there to help evacuate. They have much better access roads , but it was still so frightening. His yard was burned, but the house was saved. I don't know if we would be so lucky with the inaccessibility for evacuation or fire trucks to get in.

How can this proposal even be entertained with the safety of those of us who have been here not considered?

Please consider the all too real wildfire possibilities and our homes.

Sincerely,
Leslie Leupold
846 Sugarbush Drive
Vista, CA 92084

From: Linda MacFarlane <linda.macfarlane@hotmail.com>
Sent: Thursday, May 19, 2016 3:54 PM
To: Smith, Marisa
Subject: TM-4700TE2

Ms. Smith,

Concerning TM-4700TE2:

We're sorry County Staff has to deal with this politically-approved project. We know for a fact that the allowed density was granted as political gift originally from Supervisor Paul Eckert to Joe Joaudi. It appears that the community forums have been intentionally avoided at the time of County approval of this project and also subsequent approval of time extensions as evidenced by shock of concerned citizen groups. Please let this project expire and let the local populous have say in new project concept that is current with all the new development requirements i.e. CEQA, CWQCB, fire and traffic concerns as wall as density that fits the area.

Respectfully,
Bruce and Linda MacFarlane

From: shelly lachow <shellylachow@aol.com>
Sent: Friday, May 20, 2016 8:29 PM
To: Smith, Marisa
Subject: TM-4700TE2

To whom it may concern...

The above referenced should not be approved..it will be devastating to the surrounding areas involved..

Sincerely,

Shelly Lachow

1234 Hidden Oaks Tr.

Vista, Ca. 92084

From: Nicole State <nicolemstate@gmail.com>
Sent: Saturday, May 21, 2016 10:39 PM
To: Smith, Marisa
Subject: TM 4700 TE2

Hello,

I'm writing in response to the potential 55 homes that are currently being discussed to be built off Ora Avo. Currently living off Buena Creek, it is a mundane and quite stressful commute. You see, people take the 15 south or north and use Buena Creek as a short cut. Unfortunately, it's not so short anymore as everyone takes this road. Adding another new housing development only adds more cars to this already busy road. Please take into consideration the people that actually live off this road. You may sit in your big, glass office and 'think' it is a good idea, but we're in the trenches and I'm here to tell you it's not the best idea!!

Thank you for your consideration!

Nicole State

From: Cynthia Johnson <cynnfullone4@gmail.com>
Sent: Sunday, May 22, 2016 3:16 PM
To: Smith, Marisa
Subject: 55 home development

Good morning,

My name is Cynthia Johnson I live at 1156 Sugarbush Dr. I am writing out of concern about, traffic, code violations, environmental impact, private road easements or the reason many Families moved out here in the first place. I bought this place because I left my shoe box home in Oceanside. The houses there were so close I could hear conversations in other people's homes. I moved here specifically to get away from that type of living. My husband and I worked very hard to be able to buy our house here in 2013 with the intentions of it staying quite and not built up . Not knowing that we would be caught up in another housing issue. We had no clue about Quintessa going up on the other side of our street. Now with this development on our side of Sugarbush or Ora Avo will be a night mare. It is ABSOLUTLEY not fare to any of us who already live here.

Cynthia Johnson

From: Austin Johnson <ausbhot@gmail.com>
Sent: Monday, May 23, 2016 6:57 AM
To: Smith, Marisa
Subject: 55 home development off buena creek

Hello I live off of buena creek and I am very against this build plan. It would cause such an increase in traffic, road hazards, and possible crime that it makes living in this area of vista not pleasurable.

Sent from my iPhone

From: Janet Arnold <janetarnold66@yahoo.com>
Sent: Sunday, May 22, 2016 3:54 PM
To: Smith, Marisa
Subject: 55 home Jaoudi development in Vista

I am a resident of Vista and I live on Valley Crest Drive. We have raised our family here for 40 years. I am writing to urgently say I am OPPOSED to the Jaoudi 55 home development. Buena Creek is already a dangerous traffic nightmare. There have been a continual increase of accidents due to the increased traffic, and it is not safe to allow more development which will impact that daily traffic. At the intersection of Buena Creek and Santa Fe by the train stop, it is not uncommon to sit at that signal for 2-3 sequences before being able to get past the red light. I believe this is illegal..If we had a serious fire, the residents along the Deer Springs-Buena Creek corridor could not get out to avoid the hazard.

In addition, how can our county justify more residential building with the serious drought condition already impacting us?

Pease do not vote to allow this 55 home development!!

David Arnold
922 Valley Crest Drive
Vista, Ca 92084

Sent from Yahoo Mail on Android

From: Julie Holley <themedoc@yahoo.com>
Sent: Monday, May 23, 2016 12:29 AM
To: Smith, Marisa
Subject: 55 home project off Ora Avo

Dear Marisa,

I am writing about the 55 Home Project proposed to develop off of Ora Avo in Vista.

As I know you have already had many letters opposing this plan, I too would like to express my concerns and questions to the City of Vista as to why this is being seriously considered.

It is clear that the congestion alone will add a considerable hardship on the existing home owners and it is also clear that the traffic analysis must not be up to date considering the deadly accidents.

This appears to be in violation of Vista's own General Planning as well as County and State codes for fire safety and general concerns for all of those impacted.

Please tell me there is not something underhanded going on with this project that is leaving a lot of Vista residence at risk of diminished values in their homes and safety issues?

This seems like a serious issue that merits an outside perspective.

Julie Holley

From: Steve & Rita <ritasteves@gmail.com>
Sent: Thursday, May 19, 2016 12:24 PM
To: Smith, Marisa
Cc: SaveBuenaCreek@gmail.com
Subject: 55 homes subdivision TM- 4700 TE 2 -Vista

Dear Marisa Smith,

I attended the meeting last evening at Twin Oaks Elementary School, San Marcos regarding the proposed subdivision of 55 homes, TM - 4700 TE 2. I don't have an actual count but I would estimate approximately 100 very concerned individuals were present. Many spoke with thoughtful eloquence detailing why this is a irresponsible and potentially catastrophic proposal.

It was disappointing to all that not one representative of the County of SD Planning and Development Services were in attendance, although invited.

As a long time resident living on Hardell Lane, I am deeply concerned and highly urge, plead, recommend that this be denied for the following reasons: The roads are extremely narrow and can barely fit two cars, let alone construction trucks - below is our fence that has been destroyed FIVE times by construction vehicles; the roads cannot sustain the wear and tear of the trucks, Buena Creek Road is already over burdened with traffic and accidents; lack of water pressure; lack of emergency access and public utilities; sewer issues; public safety issues.

PLEASE take the time to drive and perhaps walk to inspect all aspects of this region to understand our concerns.

I appreciate your time and consideration. Look forward to seeing you at the next meeting.

Kindest regards,

Rita Silver
610 Hardell Lane
Vista CA 92008



From: yardfairy@gmail.com on behalf of Diane Downey <diane@the-downeys.org>
Sent: Tuesday, May 03, 2016 11:59 AM
To: Smith, Marisa
Subject: another fatal crash on Buena Creek Road last night

County of San Diego, Planning & Development Services
Attention: Marisa Smith
5510 Overland Ave Ste. 310
San Diego, CA 92123

Dear County of San Diego, Planning & Development Services,

We as citizens of the Buena Creek Area and surrounding neighborhood, are extremely concerned about Tentative Map TM-4700 TE 2 being possibly granted yet another extension.

Our primary concern is safety caused by inadequate existing infrastructure. Since the original Tentative Map was drawn up in 1999/2005 the area has exploded in both population growth and commuter traffic, Buena Creek Road has become very congested and dangerous. Very little, if any, improvements have been made to the road or other area infrastructure (Sewer, Public Utilities, etc.).

Fire safety and first responder access are already a major concern for area residents. In an emergency, ingress/egress from Ora Avo Drive or Hollyberry Drive onto Buena Creek Road will be extremely difficult. The addition of homes from this TM to the end of these streets could make an already dangerous situation catastrophic.

The past 11+ years since this project was proposed numerous multi-home developments have been introduced and commuter traffic on Buena Creek Road has skyrocketed, yet the road itself has remained the same. The infrastructure simply isn't there to safely support such a development.

Please take all these things into careful consideration when making the decision to grant or deny yet another extension of tentative map TM-4700 TE 2.

Thanks
Diane

Diane Downey
Diane@The-Downeys.org
760-277-1685

Diane Downey



Phone: 760-277-1685
Email: Diane@The-Downeys.Org



From: Lois Sklar <lbsklar2@gmail.com>
Sent: Friday, May 20, 2016 7:15 PM
To: Smith, Marisa
Subject: TM-4700TE2

Importance: High

After attending the meeting this week and really learning how this project does not meet any of the guidelines including environmental, traffic, County General Plan, storm drainage just to name a few, I once again urge you not to approve this project!

Thank you
Lois Sklar
2954 Ora Avo Terr, Vista

From: Bob Pflibsen <pflowbob@yahoo.com>
Sent: Monday, May 02, 2016 10:56 AM
To: Smith, Marisa
Subject: Buena Creek area development

Dear County of San Diego Planning and Development Services,

We as citizens of Buena Creek Area and surrounding neighborhoods, are extremely concerned about Tentative Map TM-4700 TE 2 being possibly granted yet another extension.

Our primary concern is safety caused by inadequate existing infrastructure. Since the original Tentative Map was drawn up in 1999/2005, the area has exploded in both population growth and commuter traffic. Buena Creek road has become congested and dangerous. Very little improvements have been made to the road or other infrastructure(sewer, public utilities, etc.).

Fire safety and first responded access are already a major concern for the area residents. In an emergency regress/egress from Ora Avo Drive or Hollyberry Drive onto Buena Creek Road will be extremely difficult. The addition of homes from the TM to the end of these streets could make an already extremely situation dangerous catastrophic.

The past 11+ years since this project was been proposed numerous multi-homes developments have been introduced and commuter traffic on Buena Creek Road has skyrocketed, yet the road itself has remained the same. The infrastructure simply isn't there to safely support the development.

Please take all these things into careful consideration when making the decision to grant or deny another extension of Tentative Map TM-4700 TE 2.

Sincerely,
Robert Pflibsen
206 Alta Mesa Drive
Vista, CA 92084

From: Roth, Renee <RRoth@palomar.edu>
Sent: Monday, May 02, 2016 8:01 PM
To: Smith, Marisa
Subject: Buena Creek Area Development

Dear County of San Diego Planning and Development Services,

We as citizens of Buena Creek Area and surrounding neighborhoods, are extremely concerned about Tentative Map TM-4700 TE 2 being possibly granted yet another extension.

Our primary concern is safety caused by inadequate existing infrastructure. Since the original Tentative Map was drawn up in 1999/2005, the area has exploded in both population growth and commuter traffic. Buena Creek road has become congested and dangerous. Very little improvements have been made to the road or other infrastructure(sewer, public utilities, etc.).

Fire safety and first responded access are already a major concern for the area residents. In an emergency regress/egress from Ora Avo Drive or Hollyberry Drive onto Buena Creek Road will be extremely difficult. The addition of homes from the TM to the end of these streets could make an already extremely situation dangerous catastrophic.

The past 11+ years since this project was been proposed numerous multi-homes developments have been introduced and commuter traffic on Buena Creek Road has skyrocketed, yet the road itself has remained the same. The infrastructure simply isn't there to safely support the development.

Please take all these things into careful consideration when making the decision to grant or deny another extension of Tentative Map TM-4700 TE 2.

Renee C. Roth
2039 Friendly Drive
Vista, CA 92084

From: Odila Enciso <odilaenciso@gmail.com>
Sent: Monday, May 02, 2016 12:35 PM
To: Smith, Marisa
Subject: Buena Creek Resident

Hello last week we had a neighborhood watch meeting and was told that their was a plan on developing more home in this area near ORO AVO Rd. I live on Sugarbush and their is a 48 home community going up on my street. The county needs to be aware of the traffic on Buena Creek any crash or afternoon traffic traps the homeowners on this street for a long time. A few years ago we had the fires and to get out to main street Buena Creek was a nightmare no way out of our community do to traffic.

Please do not develop in this area the street is not equipped to maintain all this traffic. I'm not sure how the current development on Sugarbush got passed the main road on Buena Creek is to its full capacity. The safety of the residence here is at stake and I hope the county of San Diego can see that more development in this area will become a serious safety issue. I will be sending my vote to stop any further development in this area.

--

Regards,

Odila Enciso
REALTOR

HomeSmart Realty West
Direct [\(760\) 500-5607](tel:7605005607)
Fax [\(888\) 629-7461](tel:8886297461)
BRE LIC : 01270019

odilasellssd.com



From: Michael K <michael.keller14@gmail.com>
Sent: Sunday, May 08, 2016 8:47 PM
To: Smith, Marisa
Subject: Buena Creek Road Development
Attachments: Stop-Development-signed.pdf

Dear Marisa Smith,

I hope this email and attachment find you well. I am unable to attend the planned meeting on May 18th due to work obligations. I oppose any more development on Buena Creek Road. Traffic on this road is bad enough. Fire and emergency services are a major concern of mine. Please take this in consideration when making a final decision on this unnecessary planned development.

Much appreciated,

Michael Keller

From: info <info@bodyandsoulvista.com>
Sent: Sunday, May 22, 2016 9:16 AM
To: Smith, Marisa
Subject: Buena Creek Road is becoming very dangerous!!! TM-4700TE2

Dear Ms. Smith,

there is so much traffic on Buena Creek Road now, it has become an ordeal to get out of my community onto the road and to attempt to access South Santa Fe (often a 10-minute backup). I am starting to feel trapped in my neighborhood with no way out. And now there are plans for another community feeding onto the same road?! Where are the cars going to go?

WHAT HAPPENS WHEN THERE IS A FIRE! WE WILL BE TRAPPED!

Two years ago I saw the light of the flames right across the mountain. 10 minutes more of a strong wind and the fire would have swept across our valley. How do all the residence evacuate? Can you imagine everybody from the many new planned developments getting stuck here and burning? Would you want to live here under those circumstances?

I am very surprised that there are no provisions in the planing code that prevents such potential disasters from the get go, and that several building projects have made it so far in our valley with one small road.

PLEASE HELP STOP NEW PROJECTS.

Thank you

Sonja Burnand
2305 Buena Creek Trail
Vista CA 92084

From: Mary Kay Stuckey <MKStuckey@CaliforniaWestCommunities.com>
Sent: Thursday, May 19, 2016 8:04 AM
To: Smith, Marisa
Subject: Buena Creek TM-4700TE 2

Importance: High

Due to the multiply issues surrounding this proposed map – please do not allow this map to come to final Issues –fire hazard, inadequate existing infrastructure, population growth, commuter traffic which is already insane, sewer, water, size of current streets which will be affected by the development, SWPP.
Thank you

Mary Kay Stuckey
OFFICE | HUMAN RESOURCES MANAGER

mkstuckey@californiawestcommunities.com | 760.918.2828 direct



760.918.6768 ph | 760.918.6749 fx
5927 Priestly Drive, Suite 110 Carlsbad, CA 92008
CalWestLiving.com

From: Sherri <sherri@alpedevista.com>
Sent: Tuesday, May 03, 2016 11:15 PM
To: Smith, Marisa
Cc: Sherri
Subject: Buena Creek traffic increase and the effect of housing without full planning

County of San Diego, Planning & Development Services
Attention: Marisa Smith
5510 Overland Ave Ste. 310
San Diego, CA 92123

Dear County of San Diego, Planning & Development Services,

We as citizens of the Buena Creek Area and surrounding neighborhood, are extremely concerned about Tentative Map TM-4700 TE 2 being possibly granted yet another extension.

Our primary concern is safety caused by inadequate existing infrastructure. Since the original Tentative Map was drawn up in 1999/2005 the area has exploded in both population growth and commuter traffic, Buena Creek Road has become very congested and dangerous. Very little, if any, improvements have been made to the road or other area infrastructure (Sewer, Public Utilities, etc.)

*Using these area roads at high traffic times (work commutes) has become noticeably more dangerous due to increased numbers of vehicles, blind spots, speeding issues and lack of pedestrian-safe walk areas. Allowing this with no pause to fix problems is not acceptable. Leaving my road to enter onto Buena Creek has become quite a challenge. With two young sons in the car, I'd like to hear what the plan is to INCREASE safety as car volume continues to rise.

Fire safety and first responder access are already a major concern for area residents. In an emergency, ingress/egress from Ora Avo Drive or Hollyberry Drive onto Buena Creek Road will be extremely difficult. The addition of homes from this TM to the end of these streets could make an already dangerous situation catastrophic.

The past 11+ years since this project was proposed numerous multi-home developments have been introduced and commuter traffic on Buena Creek Road has skyrocketed, yet the road itself has remained the same. The infrastructure simply isn't there to safely support such a development.

Please take all these things into careful consideration when making the decision to grant or deny yet another extension of tentative map TM-4700 TE 2.

A Vista resident and voter,

Sherri Bender
Deeb Court
Vista, CA

[Sherri@alpedevista.com](mailto:sherri@alpedevista.com)

From: Sally Adams <tizzsally@gmail.com>
Sent: Monday, May 23, 2016 5:54 PM
To: Smith, Marisa
Subject: TM-4700TE2

Dear Ms. Smith,

I am strongly opposed to the proposed development off Ora Avo and Hardell Ln.

I am concerned that adding such dense housing to this native habitat will wreak havoc on the environment, require too much precious water and will create an unsafe environment making evacuation attempts potentially deadly in the event of wildfires.

The traffic on Buena Creek is already dangerously at capacity.

Thank you for your consideration,

*~Sally Adams, R.N., Licensed Acupuncturist
Working in partnership with nature's dynamic balance...*

www.AcupunctureEastWestHealth.com
www.WildyHealthyU.com
www.LovingFengShui.com
(760) 294-9905

From: Lois Sklar <lbsklar2@gmail.com>
Sent: Wednesday, May 11, 2016 9:40 AM
To: Smith, Marisa
Subject: concern re: proposed project MUP P-87-059

Importance: High

I live in the area where there is a proposal to build 55 houses off Ora Avo in N. County recird UDL TM-4700TE2. My concern is that Ora Avo is a very long street that turns into Deeb and currently there is a lot of traffic on it with people speeding due to the elevation of the street going downhill. I can't conceive of the additional traffic let alone all the construction trucks and adding of infrastructure. In addition, Buena Creek is turning into a traffic nightmare. You have already approved an additional 48 houses off of Sugarbush and more off Buena Creek that will increase traffic. PLEASE DO NOT APPROVE THIS PROJECT! This area of the proposal is a beautiful canyon where residents can hike and enjoy nature. It would be a shame to develop it. **We need some open space as well.**

In addition, why is the access only off Deeb and not off Hardell? At least that would take some of the traffic off Ora Avo. How did that subdivision get lucky enough not to have to worry about trucks, torn streets and excessive traffic!

Thank you for your help in this matter. Please hear the residents plea!

From: Marco Gonzalez <marco@coastlawgroup.com>
Sent: Monday, June 06, 2016 5:04 PM
To: Smith, Marisa
Cc: Ramaiya, Jarrett; Wardlaw, Mark; Westling, Clay
Subject: Country Estates; TM 4700RPL

Hello Marisa

I'm writing on behalf of myself as a property owner and Coast Law Group client Coastal Environmental Rights Foundation (CERF) to express our strongest opposition to the County's consideration of a request for administrative Tentative Map extension for Country Estates (TM 4700RPL) in North San Diego County near the City of Vista. Our understanding is that the Country Estates TM has expired as a matter of law, and therefore any request for extension will trigger discretionary review by the Director. Please add my name to the list of individuals to be notified when the Director has made a decision regarding the TM extension request.

San Diego County Code section 81.317 governs the County's consideration of a request for modification or extension of a tentative map. Subsection (b) indicates the Director has discretion to approve, conditionally approve or deny the application. As such, the Director's decision triggers review pursuant to the California Environmental Quality Act (CEQA), and no administrative extension would be legally permissible.

CERF is particularly concerned that: (a) the proposed subdivision does not meet the zoning contemplated in the (not so recently) updated General Plan; (b) the proposed project has not been conditioned to comply with the currently applicable stormwater hydromodification and Low Impact Development criteria applicable to all priority projects in the County of San Diego; (c) the project does not have requisite easements to conduct public improvements required by the map; (d) the project has not undergone analysis and mitigation for greenhouse gas emissions; (e) fire safety requirements in the County have changed and a second means of ingress and egress have not been provided; and, (f) the direct and cumulative impacts of the project (including for traffic, water use, and land use) have not been analyzed in at least ten years, if at all. Without question, at least a supplemental Environmental Impact Report will be required. (See CCR 15162(c)).

The appropriate response of the County at this juncture would be to deny the map extension and direct the applicant to re-apply should he desire to proceed with the development consistent with current zoning restrictions for the property and after a legally adequate CEQA process.

Please do not hesitate to contact me with any questions or concerns regarding the foregoing.

Sincerely,

Marco A. Gonzalez
Coast Law Group LLP

Executive Director
Coastal Environmental Rights Foundation

Name: Lisa + Hector Wong
Address: 3545 Emma Ln Vista
CA 92084

County of San Diego, Planning & Development Services
Attn: Marisa Smith
5510 Overland Ave Ste 310
San Diego, CA
92123

Dear County of San Diego, Planning and Development Services,

We as citizens of the Buena Creek Area and surrounding neighborhood, are extremely concerned about Tentative Map TM-4700 TE 2 being possibly granted yet another extension.

Our primary concern is safety caused by inadequate existing infrastructure. Since the original Tentative Map was drawn up in 1999/2005 the area has exploded in both population growth and commuter traffic, Buena Creek Road has become very congested and dangerous. Very little, if any, improvements have been made to the road or other area infrastructure (Sewer, Public Utilities, etc)

Fire safety and first responder access are already a major concern for area residents. In an emergency, ingress/egress from Ora Avo Drive or Hollyberry Drive onto Buena Creek Road will be extremely difficult. The addition of homes from this TM to the end of these streets could make an already dangerous situation catastrophic.

The past 11+ years since this project was proposed numerous multi-home developments have been introduced and commuter traffic on Buena Creek Road has skyrocketed, yet the road itself has remained the same. The infrastructure simply isn't there to safely support such a development.

Please take all these things into careful consideration when making the decision to grant or deny yet another extension of Tentative Map TM-4700 TE 2.

Sincerely,

Signature: Lisa Wong [Handwritten Signature]
Name: Lisa Wong, HECTOR WONG
Address: 3545 Emma Ln
Vista CA 92084

Name Charles W. Dodson
Address 704 Hardell Ln
Vista, CA

County of San Diego, Planning & Development Services
Attn: Marisa Smith
5510 Overland Ave Ste 310
San Diego, CA
92123

Dear County of San Diego, Planning and Development Services,

We as citizens of the Buena Creek Area and surrounding neighborhood, are extremely concerned about Tentative Map TM-4700 TE 2 being possibly granted yet another extension.

Our primary concern is safety caused by inadequate existing infrastructure. Since the original Tentative Map was drawn up in 1999/2005 the area has exploded in both population growth and commuter traffic, Buena Creek Road has become very congested and dangerous. Very little, if any, improvements have been made to the road or other area infrastructure (Sewer, Public Utilities, etc)

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The past 11+ years since this project was proposed numerous multi-home developments have been introduced and commuter traffic on Buena Creek Road has skyrocketed, yet the road itself has remained the same. The infrastructure simply isn't there to safely support such a development.

Please take all these things into careful consideration when making the decision to grant or deny yet another extension of Tentative Map TM-4700 TE 2.

Sincerely,

Signature signed
Name Charles W. Dodson
Address 704 Hardell Ln
Vista, CA

From: Jim Rosvall <jtrosvall@gmail.com>
Sent: Friday, May 20, 2016 6:54 PM
To: Smith, Marisa
Subject: County Surveying of Sugarbush Drive

Hi Marisa

I understand the surveying of Oro Avo for the Jaoudi project, but why was the public portion of Sugarbush Drive surveyed and marked up? Thanks.

Jim Rosvall

From: The Good Stuff <ourgoodstuff@me.com>
Sent: Wednesday, March 30, 2016 3:29 PM
To: Smith, Marisa
Subject: Deeb Dr project / 55 homesites

Hello Marisa,

I got your name & number from a project map for 55 homesites proposed to go in at the end of our street (Deeb Drive, off Ora Avo in Vista, CA).

I believe this is the same project that the neighbors fought & stopped in the early 00's. I wanted to write to see if there is any information on the project & to voice my opposition to the proposal.

There are numerous reasons I can write about in detail if you'd like but my main concerns are safety if there's an emergency (exiting Ora Avo onto Buena creek is difficult as it is, adding more traffic would be a catastrophe in a wildfire situation), the existing zoning (I don't believe it's anywhere near .5ac lots) and all the other projects which are already in the works in the area (sagewood hills, sugarbush, tomlinson, lone oak, etc).

Anyways, If you have any more information, I'd appreciate it.

Thank you,
Scott Hultgren

2970 Deeb Dr
Vista, CA 92084

From: Chuck Fiebke <cfiebke@att.net>
Sent: Friday, May 20, 2016 9:31 AM
To: Smith, Marisa
Subject: Deeb/Ora Avo project

Marisa Smith

The Deeb/Ora Avo project, TM4700 TE 2 is a poorly, and potentially dangerous design. Please look closely into it before letting it move forward.

Thank you
Charles Fiebke
3527 Camino De Las Lomas
Vista ,Ca. 92084
760 201 9419
cfiebke@att.net

 Virus-free. www.avast.com

From: davalbga@cox.net
Sent: Monday, May 23, 2016 1:57 PM
To: Smith, Marisa
Subject: Development at the end of Deeb Road off Buena Creek Road

Ms. Smith, I write simply to register my voice regarding the proposed project. I am a homeowner on Buena Creek Road and have lived in the area for over fifteen years.

In that time the road has seen traffic volume rise to what appears to be capacity. I am concerned about the impact of additional traffic and the attendant safety and fire issues that would arise with the proposed development without any improvements to the infrastructure and accordingly, I request that any development without any additional and prudent improvement of the streets be denied unless and until there is a equal commitment to safety. Thank you. David Garcia, 2134 Buena Creek Road Vista 92084.

From: carol <c1941@aol.com>
Sent: Sunday, May 22, 2016 10:58 PM
To: Smith, Marisa
Subject: DO NOT WANT 55 HOME DEVELOPMENT

Good morning,

My name is Carol Thompson I have family that live in the area of Sugarbush as well as myself and I am completely against the development of the 55 homes off of Oro Avo. Please add my email to the ones that are against the development of the 55 homes. We have a lovely quite area and that's the way we want it. We do not need any more cars on any more of the existing streets. There are already to many accidents on Buena creek as well as the traffic is terrible through out the day. Your already adding 47 homes x3 cars per home Sugarbush. Really, doesn't anyone think this through. The crime is the area is rising and the the country feel of the neighbor hood will be gone. No more will our kids be able to ride there bikes in the street and not worry about being ran over. WE DO NOT NEED THESE HOMES. Sorry about being frustrated but we just bought here under the influence that this wouldn't happen.

Thank you,

Carol Thompson

Sent from my iPad

From: Richard Oliver <rwo@cox.net>
Sent: Tuesday, May 24, 2016 3:07 PM
To: Smith, Marisa
Subject: edited letter re: Country Estates project in Vista
Attachments: marisa.smith@sdcounty.ca.gov-05.22.16.pdf

Hi Marisa:

This is a followup to the voice message I just left for you.

The e-mail I sent to you May 23, 2016 at 1:39:33 AM PDT was completed at a *very* late hour when I was exhausted, and was poorly edited. I have spent a good deal of time today editing that correspondence and would greatly appreciate if you would replace the original e-mail with the attached PDF in the public record and (re-)distribution to planning commissioners, etc.

Thanks in advance for your assistance.

=====

--=*Richard Oliver*
1285 Hidden Oaks Trail
Vista CA 92084-7316

760-604-0262

From: Thomprose <dee@thomprose.com>
Sent: Monday, May 23, 2016 11:59 PM
To: Smith, Marisa
Subject: TM 4700 Te2

Hi Marisa

Hate to be a broken record but I was contacted by FOX and William is next door neighbor.

<http://fox5sandiego.com/2016/05/23/accident-victim-sees-only-danger-in-new-vista-developments/>

Take Care,

Dee

(760) 889-BIKE (2453)

Sent from my iPhone

We only get so many trips around the Sun...

"Make a Difference today"

Sign up on our Team Site,

<http://team-shoebacca.ning.com/?xgi=0uxctr9J13kxwD>

From: Sibbet, David
Sent: Friday, May 27, 2016 7:27 AM
To: Smith, Marisa
Subject: FW: Project TM 4700 TE 2 / Deeb Dr & Palm Hill intersection

David Sibbet, Planning Manager
COUNTY OF SAN DIEGO, Planning and Development Services Office (858) 694-3091

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

From: The Good Stuff [<mailto:ourgoodstuff@me.com>]
Sent: Thursday, May 26, 2016 6:35 PM
To: Sibbet, David
Subject: Project TM 4700 TE 2 / Deeb Dr & Palm Hill intersection

County of San Diego County Planning & Development Services,

My home is on the corner of Palm Hill & Deeb Drive at 2970 Deeb Drive. APN 17823033

Regarding this project, in reading the Conditions for Final Map approval, Specific Conditions, on page 5, Number 2, section m, states:

m. Intersectional sight distance along Deeb Drive from Palm Hill Drive shall be two hundred feet (200') to the satisfaction of the Director of Public Works. The existing cut slopes at the northwest and southwest corners of this intersection shall be excavated to provide the necessary sight distance. Prior to the issuance of improvement plans and the commencement of excavation at the Deeb Drive/Palm Hill Drive intersection, a geologic report shall be provided to verify the stability of the slopes and to outline the methods and procedures for the proposed excavation.

To my knowledge, I have never granted any rights or easements on our property for future projects. I don't believe that he has the legal right to come on our property to excavate or generate a soil report for any excavation. I am unaware of any easement(s) and will refuse to grant permission to do so. If Jaoudi provided such a document pertaining to these easments, I would like a copy to review with my lawyer.

We feel that this, in addition to numerous other reasons (fire safety, Buena Creek Road overcrowding, zone compliance, etc), is yet another reason to deny this project.

Thank you,

Ed Chocholek
2970 Deeb Drive
Vista, CA 92084

From: Janet Arnold <janetarnold66@yahoo.com>
Sent: Sunday, May 22, 2016 7:08 PM
To: Smith, Marisa
Subject: Fw: Project TM-4700TE2

----- Forwarded Message -----

From: Janet Arnold <janetarnold66@yahoo.com>
To: "Marisa.Smith@sdcounty.ca.gov" <Marissa.Smith@sdcounty.ca.gov>
Sent: Sunday, May 22, 2016 7:05 PM
Subject: Project TM-4700TE2

This is to inform you that I am opposed to the Jaoudi 55 Home proposed Development in our area. I have lived in and raised my family in Vista for 40 years. I live on Valley Crest Drive. This is an urgent appeal for the County to deny this development of homes.

Buena Creek Road has already become a dangerous traffic nightmare. There has been a continued and growing number of accidents due to the increased traffic that speeds thru this area every day, and it is just not SAFE to allow more development that will certainly exacerbate this problem.

Every morning and evening, at the intersection of Buena Creek and Santa Fe, by the train station, it is not uncommon to sit at that signal for 2-3 sequences before getting through the signal. I believe this is illegal.

If we were to have a serious fire, the residents along the Deer Springs-Buena Creek corridor would be placed at great risk of not being to escape due to the inadequacy of our roads and safe outlets. In addition to this, this area of Vista has never been zoned for the density of housing that this project would allow.

We simply do not have the infrastructure in place. Our roads are narrow and not well maintained. Our fire Department is overwhelmed. And how can our County justify more residential building with the serious drought condition already impacting San Diego?

PLEASE DO NOT VOTE TO ALLOW THIS 55 HOME DEVELOPMENT!!

Janet Arnold
922 Valley Crest Drive
Vista, Ca 92084

From: Sibbet, David
Sent: Friday, May 27, 2016 12:07 PM
To: Smith, Marisa
Subject: FW: Proposed 55 Home Subdivision off Ora Avo/Deeb

DAVID SIBBET, Planning Manager
COUNTY OF SAN DIEGO, Planning and Development Services
Office (858) 694-3091

From: Todd Landers [<mailto:tlandersusa@gmail.com>]
Sent: Friday, May 27, 2016 8:53 AM
To: Sibbet, David
Subject: Fwd: Proposed 55 Home Subdivision off Ora Avo/Deeb

David,

I'm forwarding this to you as requested by Marisa's out of office notice.

Todd

----- Forwarded message -----

From: **Todd Landers** <tlandersusa@gmail.com>
Date: Fri, May 27, 2016 at 8:50 AM
Subject: Proposed 55 Home Subdivision off Ora Avo/Deeb
To: Marisa.Smith@sdcountry.ca.gov
Cc: Betsy Landers <blanders@cox.net>, Debbie Lightner <Debbie@prana.com>

Marisa,

I'm the president of the HOA for a small community off of Buena Creek called Walnut Cove. I would like to request that you deny the proposed 55 home development off of Ora Avo drive and Deeb until the county has widened Buena Creek road to accommodate the additional traffic that will be thrust into our community by the new developments that have been proposed or built in our area.

Traffic along Buena Creek has been worsening over the past 20 years to the point that it is seriously impacting the residents safety and livelihood. I recognize that the new developments are in line with the county plan but that same county plan also assumes that Buena Creek is a four lane community connector, not the quit country road that it is today and has been for the past 40 to 50 years.

I ask, as a resident and a voter in the county of San Diego, that you take mercy on the current residents of the Buena Creek Valley area and deny any further development proposals until the county has solved the gridlock traffic along Buena Creek.

Thank you,

Todd Landers

From: Sibbet, David
Sent: Wednesday, June 01, 2016 12:43 PM
To: Smith, Marisa
Subject: FW: TM-4700TE2

See below

DAVID SIBBET, Planning Manager
COUNTY OF SAN DIEGO, Planning and Development Services
Office (858) 694-3091

From: Coach Lipinski [<mailto:coachlipinski@gmail.com>]
Sent: Tuesday, May 31, 2016 11:55 PM
To: Sibbet, David
Subject: Fwd: TM-4700TE2

Sending this to you since Marisa is out of office...

Thanks

----- Forwarded message -----
From: "Coach Lipinski" <coachlipinski@gmail.com>
Date: May 31, 2016 11:53 PM
Subject: TM-4700TE2
To: <Marisa.Smith@sdcounty.ca.gov>
Cc:

Dear Marisa,

I am writing you to let you know of my opposition to the proposed Jaoudi 55 home development off Oro Avo. I just returned from a trip to Redmond Washington where we used to live until 2002. When we moved, the building code limited the tallest building in this sleepy family-oriented community to 4 stories tall. The area had a village feeling with plenty of open space and a main street much like our current city of Vista. Now, it has changed completely with a 9 story height limit, high density housing, and a claustrophobic feeling to the area. Traffic is terrible as the city has not required the developers to pay for sufficient road infrastructure improvements to support the additional car trips. I use this story as a way of illustrating the danger of incrementalism that has, in my opinion, destroyed the character of Redmond Washington. By allowing the 55 home development in an area that should hold 1 to 2 acre homesites in order to be homogenous with the rest of the area, and to require existing roads to choke-down the additional car trips each day without sufficient improvements, the city planners are contributing to dangerous traffic situations and the "Redmond-ization" of our beautiful city of Vista. I urge you to prevent this from happening, once you proceed with this, the clock cannot be turned back

Respectfully,

From: jim smith <bennyshe@gmail.com>
Sent: Tuesday, May 24, 2016 1:45 PM
To: Smith, Marisa
Subject: HUGE DISLIKE OF CRAMMING MORE HOMES AND VEHICLES IN THIS COUNTRY AREA!!!!!!!!!!!!!!

thanks for putting the fox 5 link on this email!! are there any more, I tried searching yesterday late and this am and could not find a thing+ until your latest email came thru! I sure wish the tv truck could come back when there would /could be hundreds of us all who want this huge subdivision to stop++ also they should film the horrible traffic lines, ams and anytime after 2ish each day!! put in traffic counters?? why do they get away with 55 when only 4 were approved?? How do they get away with 1/2 acre los, crammmming more and more people in+++why couldn't they put in nice large country homes on acreage?? Its all about greed and money!!!!!!!!!!!!!! We should go to Joe Jaoudi's neighbor hood and ruin his peace and quiet. Is it too late? thanks

From: Kristopher Houger <KristopherH@westernspecialtycontractors.com>
Sent: Monday, May 23, 2016 4:20 PM
To: Smith, Marisa
Subject: 4700TE2 New Development

Marisa,

My wife and I currently are residents of 736 Valley Crest Drive. We were recently informed of a new project involving 50 plus homes being built in off Ora Avo and **highly we do not approve** of such a development.

It is noted that we live at the upper turn of Valley Crest on the North end. Valley Crest would be one of the new roads to support traffic flow to this new development. It is noted that this road is not wide enough to support any more development in the neighborhood. Valley crest is barely wide enough for one vehicle traffic. If two opposing cars get close to Each other then each needs to slow to 5 miles an hour to pass each other so one does not hit the other car. There are no sidewalks on Valley Crest and many walkers and dogs.

It is also noted if there is a fire in the area there is not a clear exit roadway that can handle 2 way traffic of exiting home owners and entering fire safety. This is valid for Valley Crest. This neighborhood is on high fire danger and we barely were able to find insurance for our home. Some insurance companies will not insure the area.

Me and my wife have moved here 4 years ago and Valley Crest is a low traffic Road barely capably of the current loads with it's narrow width.

As we back out of our drive lane we also have to watch as cars come around the North turn on Valley crest to quickly. We have almost been hit several times.

It is noted your team has not completed a traffic study that is current with current codes as Valley Crest and Buena Creek are not able to handle the additional traffic. It is also noted there has not been a proper fire evacuation analysis for this project.

If this project is approved without proper studies and proper approval of residents effected on Valley Crest and Oro Avo will hold the County of SD supervisors personally liable for any injuries due to the above concerns. We also hold you accountable for any public nuisances this new project causes to our beloved neighborhood.

Thank you,

Kristopher and Hanni Houger
736 Valley Crest Drive
Vista, CA
92084

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From: Janis Arendsen <arendsen@mac.com>
Sent: Sunday, May 22, 2016 10:19 AM
To: Smith, Marisa
Subject: 55 Home Subdivision off Ora Avo/Deeb

Dear Marisa:

I have lived on the Ora Avo surrounding area since 1981. Let me preface this by saying my husband and I are general contractors and I personally come from a developer background, therefore I am generally an advocate of residential enrichment. And with 4 adult children struggling to find housing in San Diego county, I see the benefits of responsibly adding to our home population. The fact that Vista is a wonderful place to raise families makes more housing even more desirable.

The Jaoudi team has provided no opportunity for community input, therefore tainting the project in the minds of local residents. My Dad was Vice President of Macco, a company in its day who developed many of the early residential tracts in Studio City, Corona del Mar and Newport Beach. Dad was responsible for acquiring and developing the Porter Ranch (now known as Coto de Caza) and acquiring and developing the Vail Ranch, (formerly known as Rancho California and now known as Temecula), and many others. I grew up listening to him face adversaries at city councils, planning departments, school districts and concerned citizens, and witnessing the win-win that can happen with community interaction. Therefore, I sympathize with the many residents who are raising the flag of sculduggery. Dad would have approached this project with months or years of community outreach instead of what has been perceived as a back alley deal.

My concerns about this project are pragmatic, focusing strictly on infrastructure, vulnerability in the event of fire or hazard emergency, danger to frequent walkers and bikers along Ora Avo during prime school and work drive-time, the precariousness of Ora Avo Drive ingress and egress, and the subsequent traffic burden to both Buena Creek, Monte Vista Drive, Twin Oaks as well as the blockage created at the intersection of Buena Creek and South Santa Fe by the Sprinter. A visit on Buena going west to South Santa Fe at 8:00 AM or vice versa at 5:00 PM would shed a glaring light on roads and arteries that are taxed to their limits. Since Buena Creek is a thoroughfare for Temecula workers, the statistical resident numbers will never accurately depict how Riverside County adds exponentially to our own local inadequate infrastructure load and traffic delays. And once Quintessa comes to full development, the local count will mushroom.

Emperically speaking, Buena Creek is one of the most dangerous transit roads in San Diego. During a rainy afternoon, our daughter Kari hydroplaned into an electrical pole, totalling the car, costing our insurance company over \$50,000, and turning off power in the area for over 7 hours. The accident occurred about 100 feet from the intersection of Ora Avo and Buena Creek. Our son Chad when returning home from work late at night, swerved to miss an object causing his jeep flipped over, almost severing the hand of the passenger with him. The flip-over occurred about 200 feet from the intersection of Ora Avo and Buena Creek. Thank God it was 1:00 in the morning and there were no other cars on the road (but that was 18 years ago). Our neighbor's son was killed coming home from a Friday night high school football game on Buena Creek, another little boy was killed in a hit and run on Buena Creek, and the former head of Building and Safety at City of San Marcos was almost killed in a late night accident when he swerved into a truck. Steve was hospitalized for months and it was a miracle he lived. I haven't even begun to delineate the number of local accidents that have occurred between residents on Ora Avo Terrace, Overhill, Ora Avo Drive, Palm Hill and Deeb. Our quaint country road of Ora Avo Drive (which can barely accommodate two way traffic) is a nightmare for early morning exercisers and dog-walkers. I guess the fact that VUSD budget eliminated busing in the area can be considered a big

plus since this reduced the string of parents and children walking to the corner of Monte Vista and Buena Creek, but that translates to more morning Moms, Dads and young teens scurrying to get to school in addition to those heading to work.

And having been the victims of a house fire in 1993, my husband and I have had a unique peek at how poorly Monte Vista could potentially serve emergency vehicles or fleeing residents in the event of a catastrophic situation. Many of us could be landlocked and sitting ducks in the event of a fire on the overgrown dead foliage along Buena Creek.

Frankly Jaoudi's development could eventually have merit and add a new robust community to our area **but** without a significant widening of Buena Creek, three way stops at the intersection of the artery streets, renovation Ora Avo Drive to include a walking or bicycle path, and community involvement, a decision to move forward on this project should be considered hasty and would be figurative and literal collision course to danger.

I am frequently at the County of San Diego pulling permits, so I welcome an opportunity to meet face to face with you on this subject.

Janis Arendsen

760-415-1982 | Direct

760-452-7702 | Fax

From: John DL Arendsen <surferjohnarendsen@gmail.com>
Sent: Sunday, May 22, 2016 9:31 AM
To: Smith, Marisa
Subject: 55 home Jaoudi Development at the end of Deeb Rd.

I just want to surface the issue of facilitating the infrastructure necessary to provide services to the 55 home development being proposed.

- What is the plan for sewage?
 1. Will it be serviced by pumping stations at the low points as it certainly can't be gravity driven all the way and connected to the existing aging and overburdened sewer system.
 2. Or will it be septic? If so will the predominantly granite topography even perc?
 3. Or will it be cess-pooled and serviced by vacuum service trucks on a regular basis further exacerbating the traffic issues?

- Same question for power. Please provide a specific plan.
 1. Will it be underground?
 2. Or will it be overhead?

- Water.
 1. Will it be well or VID?
 2. If VID please delineate the delivery methodology i.e. underground pipeline or large water well exclusively servicing this development.

- Obviously like most of us household and water heating will be propane or possibly solar.

Unless this project is being designed and developed totally off the grid I just can't wrap my arms around how the developer plans to provide these

services and the respective logistics thereupon. I can't begin to fathom going underground all the way from Buena Creek up Ora Avo Drive and Deeb Road to the site.

There is a Resolution of San Diego County for this Tentative Map approved by the Board of Supervisors dated February 2, 2005 detailing improvements to Ora Avo Drive and Buena Creek Road, offsite mitigations, etc. Do all these conditions still apply for the final map to be approved and recorded?

Can we get a copy of this Resolution or if it's been amended in any way unbenonced to the residents in our community can we obtain any of these changes?

Additionally and more importantly, how does the developer plan to facilitate traffic control during construction and how will ingress and egress on Ora Avo Drive be impacted?

From: Jim Rosvall <jtrosvall@gmail.com>
Sent: Friday, May 20, 2016 6:54 PM
To: Smith, Marisa
Subject: County Surveying of Sugarbush Drive

Hi Marisa

I understand the surveying of Oro Avo for the Jaoudi project, but why was the public portion of Sugarbush Drive surveyed and marked up? Thanks.

Jim Rosvall

From: The Good Stuff <ourgoodstuff@me.com>
Sent: Wednesday, March 30, 2016 3:29 PM
To: Smith, Marisa
Subject: Deeb Dr project / 55 homesites

Hello Marisa,

I got your name & number from a project map for 55 homesites proposed to go in at the end of our street (Deeb Drive, off Ora Avo in Vista, CA).

I believe this is the same project that the neighbors fought & stopped in the early 00's. I wanted to write to see if there is any information on the project & to voice my opposition to the proposal.

There are numerous reasons I can write about in detail if you'd like but my main concerns are safety if there's an emergency (exiting Ora Avo onto Buena creek is difficult as it is, adding more traffic would be a catastrophe in a wildfire situation), the existing zoning (I don't believe it's anywhere near .5ac lots) and all the other projects which are already in the works in the area (sagewood hills, sugarbush, tomlinson, lone oak, etc).

Anyways, If you have any more information, I'd appreciate it.

Thank you,
Scott Hultgren

2970 Deeb Dr
Vista, CA 92084

From: Chuck Fiebke <cfiebke@att.net>
Sent: Friday, May 20, 2016 9:31 AM
To: Smith, Marisa
Subject: Deeb/Ora Avo project

Marisa Smith

The Deeb/Ora Avo project, TM4700 TE 2 is a poorly, and potentially dangerous design. Please look closely into it before letting it move forward.

Thank you
Charles Fiebke
3527 Camino De Las Lomas
Vista ,Ca. 92084
760 201 9419
cfiebke@att.net

 Virus-free. www.avast.com

From: davalbga@cox.net
Sent: Monday, May 23, 2016 1:57 PM
To: Smith, Marisa
Subject: Development at the end of Deeb Road off Buena Creek Road

Ms. Smith, I write simply to register my voice regarding the proposed project. I am a homeowner on Buena Creek Road and have lived in the area for over fifteen years. In that time the road has seen traffic volume rise to what appears to be capacity. I am concerned about the impact of additional traffic and the attendant safety and fire issues that would arise with the proposed development without any improvements to the infrastructure and accordingly, I request that any development without any additional and prudent improvement of the streets be denied unless and until there is a equal commitment to safety. Thank you. David Garcia, 2134 Buena Creek Road Vista 92084.

From: carol <c1941@aol.com>
Sent: Sunday, May 22, 2016 10:58 PM
To: Smith, Marisa
Subject: DO NOT WANT 55 HOME DEVELOPMENT

Good morning,

My name is Carol Thompson I have family that live in the area of Sugarbush as well as myself and I am completely against the development of the 55 homes off of Oro Avo. Please add my email to the ones that are against the development of the 55 homes. We have a lovely quite area and that's the way we want it. We do not need any more cars on any more of the existing streets. There are already to many accidents on Buena creek as well as the traffic is terrible through out the day. Your already adding 47 homes x3 cars per home Sugarbush. Really, doesn't anyone think this through. The crime is the area is rising and the the country feel of the neighbor hood will be gone. No more will our kids be able to ride there bikes in the street and not worry about being ran over. WE DO NOT NEED THESE HOMES. Sorry about being frustrated but we just bought here under the influence that this wouldn't happen.

Thank you,

Carol Thompson

Sent from my iPad

From: Kaye Dodson <kdodson@cox.net>
Sent: Monday, May 23, 2016 6:47 PM
To: Smith, Marisa
Subject: Buena Creek

PLEASE.....stop the insanity. Big money in the developers pocket, big headache for residence of Buena Creek area. Why is it ok to destroy open spaces and beautiful tranquil space? We need stricter regulations on developing our beautiful area. Can we please put some common sense in place and stop the wild eyed developers from ruining Vista?!!!

From: Jim Rosvall <jtrosvall@hotmail.com>
Sent: Thursday, May 19, 2016 1:32 PM
To: Smith, Marisa
Subject: Jaoudi development TM-4700 TE 2

DO NOT ALLOW ANOTHER EXTENSION OF TENTATIVE MAP TM-4700 TE 2. It is totally flawed and its environmental report is fraudulent. It maintains there are no endangered species on the property. In reality there are at least THREE endangered populations: Coastal Horned Lizard (*Phrynosoma coronatum*), Western Whiptail Lizard (*Cnemidophorus tigris*) and Western Spade Footed Toad (*Scaphiopus bomifrons*). I have seen all of these on the site within the last nine months. I am a retired biologist with Master's work in herpatology. I have been hiking regularly in this box canyon for over twelve years. There are a number of other hikers who have seen them as well. There could be other endangered populations at this location as well. I plan to research that possibility. Thanks for your consideration and action.

Jim Rosvall
3286 Sugarbush Terrace
Vista, CA 92084

From: bob wojcik <mail4bobw@yahoo.com>
Sent: Monday, May 23, 2016 5:12 PM
To: Smith, Marisa
Cc: Dee and Ana
Subject: Jaoudi Final Map

I was able to review a set of grading plans for the proposed subdivision. As a Registered Civil Engineer, I am familiar with the Storm Water requirements. I could not see any facilities that would accomplish the current hydro-modification requirements. In a previous e-mail you informed me that the developer had submitted a storm water plan that was under review. Has that storm water plan been approved? Or has there been a decision that the project can proceed under some grandfathering of prior standards?

For the record, I object to approval of the final map for the Jaoudi property for the following reasons;

- the wrong traffic designation of Ora Avo Drive in the initial environmental review was used. The incorrect designation then showed that the project did not have a significant impact. Additional street improvements should have been required to mitigate the true impact to Ora Avo.
- if the correct designation was used, it would have shown that the project significantly adds to the the current failure of Ora Avo Drive
- Securities for the construction of the sewer improvements have not been posted with the sewer district as required by the condition of approval.
- The project does not appear to be in compliance with current storm water standards and may require significant design changes which would not be in substantial conformance with the approved tentative map.

Bob Wojcik

From: Lea Voight <lea@jahfamilylaw.com>
Sent: Thursday, March 31, 2016 2:13 PM
To: Smith, Marisa
Cc: Lea Voight; James Hennenhoefer
Subject: Jaoudi TM map extension of Project/Case No: TM 4700RPL3, P87-059

Hi, Marisa. My husband, James A. Hennenhoefer, and I have lived at 3007 Deeb Court, Vista, CA 92084 since 1994. We strongly oppose any extension of Jaoudi's application dated 03/07/1995, with time extension approved in 2005. We ask that you keep us fully informed on any and all actions on this matter and as to your formal response to Jaoudi. Please forward all communications to the address below. Thank you. Lea Hennenhoefer

Lea Voight Hennenhoefer
Legal Administrator
James A. Hennenhoefer, A.P.C.
316 S. Melrose Drive, Ste. 200
Vista, CA 92081
(760) 941-2260
(760) 945-1806 (fax)
lea@jahfamilylaw.com
www.jahfamilylaw.com

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From: Steven Nowak <mitsn@gmail.com>
Sent: Tuesday, May 31, 2016 9:56 AM
To: Smith, Marisa
Subject: Jauodi Map on Ora Avo

Good Morning Marisa,

Can you please give me an update as to the status of the Jauodi Final Map? The TM expired back in March and the 60 day "automatic extension" has also expired. If the map was not deemed timely filed on that date, I don't believe the County can continue to drag this out...Everyone involved is anxious for the County's decision which was expected on May 23 when the 60 days was over.

Also, how can the County still be even entertaining approving this Final Map when it is not consistent with the General Plan zoning that was adopted in 2011? There are no provisions in the General Plan update that allow old projects to be vested under the old zoning. This is not a Vested Tentative Map and there is no development agreement.

Lastly, what is the name and title of the decision maker that will ultimately approve or deny the Final Map?

This is my second time (at least) requesting an answer to these questions. I anxiously look forward to your answers.

Sincerely,
Steven Nowak
760-214-4828

From: Kathie Rosvall <kbrosvall@gmail.com>
Sent: Saturday, May 21, 2016 2:32 PM
To: Smith, Marisa
Subject: Joudi Development T-4700 TE 2

Joudi Development T-4700 TE 2

I am very concerned about the Joudi Development, T-4700 TE 2, and its ramifications for traffic and fire safety and water and flood control in our community.

Very truly yours,

Kathie Rosvall, Sugarbush Terrace

May 21, 2016

Marisa Smith, County of San Diego, Planning and Development Services
Marisa.Smith@sdcounty.ca.gov

RE: Country Estates Project /Traffic Generation and Other Relevant Impact of the Proposed Project

Dear Ms. Smith,

We have lived in the Walnut Cove community since 1995. Since then the County has approved several new housing developments in the local area without any infrastructure upgrades to our roads and surrounding area. Buena Creek, the only access to the area, is a two lane country road. In recent years, with the growth of Riverside County and the business parks in Vista and Carlsbad, Buena Creek has become the favored east-west corridor causing major backups during rush hour. Not only has there been a noticeable increase in noise and cars using Buena Creek as a cut-through during morning and evening rush hour, but also a rise in the number of cars speeding down the street with no traffic calming measures in place.

Last September, a car was east bound on Buena Creek Road when he suddenly veered sharply to the right and crashed head on into the power pole. The pole was severed and the wires swayed and caused a tree in the area to burn. The road had to be shut down in order to replace the pole.



Sadly, a fatality occurred just 3 weeks ago, when a speeding car traveling east bound on Buena Creek crossed into oncoming traffic. These are both examples of people driving too fast in unsafe conditions.



Unfortunately in the County's General Plan Buena Creek is categorized as a Major Road. Although the General plan doesn't prescribe an actual amount of traffic to be carried on Buena Creek, the Department of Transportation road design guides set expectations for a Major Road or Arterial road at between 400 and 2000 trips per hour at speeds up to 70mph. In the County plan it is slated to be a four lane highway with Class II bike lanes and sidewalks. We have had several traffic studies done on our segment of road showing that at peak hours Buena Creek begins to back up at less than 400 trips per hour and is completely backed for nearly ½ mile as traffic reaches its peak at 800 trips per hour.

In addition, the Sprinter station at Buena Creek and South Santa Fe (SSF) has caused tremendous traffic backups, has no safe access for pedestrians, nor left turn vehicle access from SSF. Further, if Country Estates is approved, it will add an insurmountable amount of cars on Buena Creek.

The final concern is the complete lack of emergency access in the event of a fire. According to CALFIRE much of the area surrounding Buena Creek Road is classified as a very high fire hazard severity zone. In the event of a wild fire like the recent Coco's fire, hundreds of residents would be trapped as they sat in traffic, attempting to escape while going against the flow of emergency responders attempting to access the area to fight the fires.

Some of the issues that need to be addressed prior to the approval of the Country Oaks Project are:

1. Implement traffic calming measures including a traffic circle at Monte Vista and Buena Creek, (not a street light), stop signs and other suitable measures along the corridor. *As a side note, the County is currently considering installing roundabouts in Rancho Santa Fe.*
2. Create safe access to the Sprinter station for pedestrians traveling on Buena Creek between Monte Vista and South Santa Fe such as a DG trail on one side of Buena Creek like that on Twin Oaks Valley Road by the golf course. – *Implement the current County trails map plan.*
3. Address fire safety and evacuation plans.

4. **Reclassify Buena Creek from its current designation as a Major Road on the County Mobility Element.**
5. Limit access from Twin Oaks Valley Road to Buena Creek during rush hour by installing a no left or right turn access sign.
6. Impose weight and length restrictions on large vehicles.
7. **Do not allow** the builder to substitute an instrument of credit as opposed to making actual improvements to the area.
8. Implement noise abatement measures along Buena Creek.
9. **Create additional emergency vehicle access and evacuation routes.**
10. **Allow the residents along Buena Creek and other designated areas to be represented by the Twin Oaks Valley Sponsor Group.**

Item #7 is critical. In the past, the County has allowed builders to substitute a letter of credit instead of making actual improvements to the area. **These funds need to be specifically earmarked and dedicated to our local area.** I believe this practice has been allowed due to the fact we've never had a Community Sponsor Group representing our interests to the County.

Attached is a recent picture showing the traffic back up in the morning between 7-710 AM on Buena Creek to Walnut Cove.



To conclude, we are not against smart growth but we want the County to represent our interests, and the interests of the current residents by making the necessary safety and infrastructure upgrades in our neighborhood.

Regards,
Todd and Betsy Landers

Hello Marisa:

We are writing to express strong opposition to the “Country Estates” (CE) development off of Ora Avo/Deeb Dr. in Vista. There are numerous reasons for this objection. Here are the categories, many of which relate to Buena Creek Road (hereinafter, BCR), the primary access to the proposed development. These objections must be considered as a unit with consideration of the development as they are *inextricably* linked to one another:

1. Traffic speed (BCR)
2. Traffic volume/ingress-egress wait time (BCR/CE)
3. Safe access to public transportation (BCR/CE)
4. Fire safety (CE/Ora Avo area and Buena Creek Valley)
5. Community character (Buena Creek Valley)
6. Lack of compliance with current state and county regulations (CE)

Traffic Speed - BCR

We have lived at the corner of Hidden Oaks Trail and BCR since Nov 1, 1995. During that period of time we have observed a *dramatic* increase in commuter traffic on this windy country road. There have been over 100 accidents at our corner in the last 20+ years. There have been 2 deaths within 25 yards of our property and several others along BCR, including recently (see attached belowⁱ). And dismemberments (another recent accident that caused amputationⁱⁱ of the leg below the knee of a Deeb Dr. neighbor within the last four months).



As traffic accident records will testify (for those that are actually reported), speed and traffic volume are the primary causes. All this on what might otherwise appear to be a quiet country road. You *must* consider the lack of traffic speed control on BCR before considering CE or any other development along the Buena Creek valley. This is not a request, it is a DEMAND!

Traffic Volume - BCR

Prior to any discussion of traffic on BCR it is important to point out that BCR is the hypotenuse of the Highway 15/Highway 78/Sycamore triangle and is heavily utilized by commuters headed back and forth from points north, including the Temecula Valley. Temecula auto dealer license plate frames are a dead giveaway to a significant amount of our “drive time” traffic – something your traffic studies will never show.

Getting in and out of our street (Hidden Oaks Trail) is extraordinarily challenging (and dangerous) in both morning and afternoon drive times; Ora Avo already experiences this same challenge and CE will only exacerbate the problem with another 550 ADTs. Trying to reach the 78 freeway in the morning or evening means waiting through a 4-6 traffic light queue at the failed Sprinter/South Santa Fe intersection. The evening queue of eastbound commuters backs up from Monte Vista Dr. past Hidden Oaks Trail and around the corner at the end our property every weekday evening. When it doesn't reach the bend we often hear screeching tires as speeding cars blaze through the eastbound bend just before our street and realize they are about to rear-end the Monte Vista queue. It's like having highway 78 right in your side yard. Not something we planned for or ever imagined when we moved here. You need to come see it for yourself, not just rely on some statistics that staff traffic engineers provide – seeing is believing.

Monte Vista Dr., just east of us, is itself also under duress because of the heavy traffic load on BCR. Because of the long queues at the Sprinter station (I waited through 5 westbound light cycles at about 4:00 pm Friday evening, May 20th) many of us in the area get into downtown Vista via Monte Vista to avoid the CA state-defined *failed* South Santa Fe intersection. We also sometimes get to the 78 via Monte Vista to South Santa Fe to Mar Vista Dr., again because of the mess at South Santa Fe. Last year a near-tragedy took out a young child and his dad in the crosswalk at Valley Dr. and Monte Vista Elementary School and precipitated narrowing that road and installation of a fenced center median. All of these things, like “the knee bone connected to thigh bone” are interrelated. The mess on BCR radiates out into and threatens the safety of our *entire* community. You need to come see it for yourself, not just rely on some statistics that staff traffic engineers provide – seeing is believing.

The increasing problems on Buena Creek Road without relief from the County of San Diego are unthinkable. The county's lack of a plan to resolve it is even more unthinkable. **THIS IS NOT NEW INFORMATION TO THE PLANNING DEPARTMENT OR COUNTY SUPERVISORS!** As a group you have chosen to rely on what might be instead of what is. As a community we are sick and tired of your neglect. We're paying your salaries, but you are not doing your job(s) effectively.

The concept, oft-cited by county planning staff, that BCR will become a 4-lane thoroughfare is absolutely fictitious. Eminent domain costs alone preclude any serious consideration of its widening. And widening of this country road would also completely change/damage the character of our community. You know, the planning commission knows, and the supervisors know that widening BCR will *never* happen. County planners should immediately desist using its “4-lane future status” as a basis for *any* planning purposes and reclassify BCR back to 2-lane status. Add the failed intersection at South Santa Fe to that mix. And, add a wildfire coming out of the east, as is most common, and you have a recipe for a significant loss of not only property, but lives. We don't think you would want to live here under these circumstances. But we do, and we need you to stand up and fight for our interests, not just roll over for every developer who comes along. The 550 ADT of the proposed CE development will only add to the existing strangulation. Place a moratorium on Buena Creek Valley development!

Safe Access to Public Transportation

In addition to the heavy traffic load on BCR, there is no safe way for either pedestrians or bicyclists to safely access the public transportation (Sprinter or NCTD bus) that is only .8 mi from our home. All along the Buena Creek corridor there is limited walking space, many areas less than 12 inches wide (TWELVE INCHES OR LESS OF WALKWAY ON A TWO-LANE ROAD WITH PEOPLE TRAVELING AT SILLY SPEEDS). Anyone who walks or bikes along BCR is literally taking their life in their hands. Add the speed and traffic volume challenges to that observation, and the probability of a pedestrian death increases dramatically. And we still can't get to the Sprinter without a vehicle to protect us in the .8 mi trip. Is that what you had in mind when you approved the huge expense of the Sprinter development – that people nearby would still have to drive to it to utilize its service? Really?

There is a gentleman who lives further west along Buena Creek Road and who is confined to an electric wheelchair. The electric wheelchair is his sole means of transportation to either the Sprinter or, all the way down Buena Creek, then via Robelini/Sycamore to the North County Square where his life necessities may be purchased. He has to risk his life just to go buy a roll of toilet paper! I personally spoke with him prior to a Twin Oaks Valley Sponsor Group Meeting that he was unable to attend and his plea was simply, "Help me!" Are you listening?

In spite of all this, the planning commission and the supervisors keep approving adding more heat to the burner instead of realizing the pot is already boiling over. That begs the question about who in our community will be burned next. Please note that this community is riled up and watching your actions closely, while still holding out hope that you will put yourself in our position prior to considering any potential renewal on the CE extension.

Fire Safety

The "big one" is coming. We all know that. It will likely start east of Highway 15, fueled by dry chaparral and powered by heavy Santa Ana winds. Cars at the east end of this valley will not exit the valley via Deer Springs (including the soon-to-be resurrected/renamed Merriam Mountains / Newland project). People do not drive *toward* a fire, they flee in the *opposite* direction which, in this case, will take them either to Twin Oaks Valley Road or west on BCR. It is a disaster waiting to happen. Continued dense development along the BCR corridor without remediation of the road problems will only exacerbate the exposure for us all. And there is no real potential for remediation of this road except cessation of development. We know it, you know it, so why keep pouring fuel onto the fire?

If one looks closely at Ora Avo Dr., you will see that it is what people in Baltimore, for example, would call an "alley street". At present it is an *extremely* narrow road that, when events are held at individual homes with cars lining both sides of the road, hardly allows for passage of a wide vehicle. The road already presents a significant fire safety challenge to existing residents. Adding 55 dwelling units *way* up the hill and into the canyon at its crest is like tempting fire fate. People will be trapped not only trying to get out via BCR, but the people on Ora Avo may well be trapped and not even be able to access BCR because of road size and, for lack of a better term, "clogging". Getting out the "back way" via Hardell Ln. and multi-switchbacked Catalina Heights Way to Catalina to Foothill is a looming recipe for loss of human life. We know it, you know it, so why keep pouring fuel onto the fire? Look at the map, drive the road – it's crystal clear!

Our valley is at high fire risk. And the people on Ora Avo (and in the new Sugarbush/Quintessa development-in-a-boxed-in-canyon) are at *extreme* risk. These facts can't be "averaged away" by planners or supervisors. They must be dealt with before consideration of any additional

development along the BCR corridor. Now is your opportunity to step up and really do the right thing, regardless of political or developer pressure. This CE development simply does not make practical sense.

And, regardless of the fire district saying, "Well, we'll tweak this or that and it will be 'ok'," is simply to turn one's back on the obvious danger that is being added to the community by even considering, let alone approving, the extension map for CE.

Community Character

The planning department, the planning commission, and the supervisors continue to ignore the "MiraMesafication" of our rural community by approving dense development that is not at all in character with our community. Most recently the Lone Oak project, where planning staff used some ridiculous "lot-averaging" as an excuse for density. Planning staff were not pleased at the Lone Oak project public hearing to have to admit to disgruntled planning commissioners that they included the micro-lot modular home Verona Hills development as part of our community's average lot size. And now before them is a plan to put 55 homes on a property that was previously approved for 4 homes at the end of an "alley street" with no reasonable plan for fire safety and emergency vehicle access, etc. Are you kidding me? When does the planning department and commission stand up and say, "Enough, already, these people in this community are our constituents and we are not looking out for their best interests!"?

What is the average/appropriate lot size in the Buena Creek Valley? Certainly it is not half an acre. Excluding Verona Hills, which apparently came into being/approval because of some very shady back room dealings between county and developers, we want to know, "What is the average lot size in the Buena Creek Valley?" No dancing around on this, please. Just give us the facts ma'am! They will surely speak for themselves. The continued use of "lot-averaging" as was done with the Quintessa/Lone Oak developments must not be allowed to continue where useless land is factored into the mix to justify cramming houses together; this is so very much in sync with Malvina Reynolds 1962 song, "Little Boxes"ⁱⁱⁱ. That does not match the character of our Buena Creek Valley. You need to come see it for yourself, not just rely on some statistics that staff traffic provides – seeing is believing.

Lack of compliance with current state and county regulations (CE)

While we are not land-use experts or civil engineers, there was more than adequate testimony at the Twin Oaks Valley Sponsor Group (TOVSG) meeting on May 18 by numerous licensed civil engineers who testified to the myriad of non-compliances of this 16 year-old project to current state and local codes. To allow this CE developer to be "grandfathered" in under laws that have been radically changed since the initial inception of this project is illegal, plain and simple. And, if the planning department or supervisors approve it, they should get sign off from county counsel first as they will be headed into a protracted, un-winable lawsuit with the community. You simply cannot continue to railroad nonsensical projects down our community's throat and expect there will be no well-funded significant push-back.

There were approximately 150 people at the TOVSG meeting on May 18th. They were not happy campers about the entire situation, from traffic to fire safety to this pending break with community character. There is a landslide of resistance to this project in the greater community. It is time for the planning department and planning commission (and supervisors, for that matter) to sit up and listen to us. "We're mad as hell and we're not gonna take it any more!" There is another TOVSG meeting on June 15th that needs to be attended by senior planning staff who will be prepared to defend their department's position. The alternative will not likely be pretty.

In conclusion

We know from personal conversation with planning commissioners that they have only “map familiarity” with our community, not firsthand knowledge. They cannot continue to make long-term decisions without personal knowledge of, and experience in, the community. Sorry, but they also cannot depend on your department to be their eyes and ears. They *must* personally get involved here to protect the integrity of our community. As this road situation continues to deteriorate, it will take property values with it. This is a real threat to us, not only in quality of life, but in our individual investments in our homes.

The planning commission *claims* it has no control over Buena Creek Road and any future availability of funds for things like a 4-way light at the Monte Vista/Buena Creek intersection. But that is like claiming ignorance when a set of encyclopedias and a big dictionary are on the table in front of you, and a myriad of expert witnesses are sitting at the side (and that refers to the community, not your department’s employees)!

The planning commission *does* have power over the situation: it can stop approving all mass development along the Buena Creek corridor, including CE, until such time as the practical safety and egress limitations have been remediated. And, it can stop the urban sprawl that is not in character with this community. Such action, though unpopular with developers and at least one supervisor, would demonstrate that the planning commission is actually doing its job, not just preserving jobs in the planning department and construction industries. The entire character of a community is at risk here. The physical safety of a large rural community is at risk here.

The “Country Estates” project is just the latest in a string of developments, with the resurrection of Merriam Mountains looming on horizon and threatening to literally bring down the whole Buena Creek Valley. It is high time that the planning commission stands up and says, “Enough!”

We expect you to deny the project extension for “Country Estates” and then to come back to our community to sit down and make a plan to get us *all* out of this mess.

We would be pleased to host any staff or commission members (or supervisors) who will invest the personal time to come and visit and see what all this hoopla is all about. Come sit in our driveway in morning and afternoon commute times and see for yourself (we’ll provide sustenance). Leave our house headed east at 5:00-5:30pm. Leave our house at 7:30-8:30 am headed west; or try it at 4:30-6:00pm. Or, if you have nerves of steel, try walking from our home to the Sprinter station at just about any time of day. Bring your Depends, you will need them!

If you have questions and would like to talk about this with us, please contact Richard Oliver. Please know that this is not simply a NIMBY request. We greatly respect the concept of use of private property, but not at the safety, integrity and cost of convenience of people who already live in a proposed-to-be developed area. Richard’s brother heads a very large, well-known San Diego-based center-city re-development company doing major projects from downtown San Diego west to Hawaii, north to Tustin and Oakland, east to Chicago, through Nashville, Houston and Atlanta. We have observed them win accolade after accolade not only because of design, but because they seriously consider the surrounding communities prior to embarking on a project. As a result, they have 35+ years of success that elude developers like CE, who move forward simply by bullying their way through the process and without regard for the community in which they propose to build and create a significant income stream for themselves.

It’s time the county put an end to all development along the Buena Creek Corridor and focus instead on how to solve the tremendous (apparently county-sanctioned) mess that already exists.

Thank you for your consideration,

Richard & Margie Oliver
1285 Hidden Oaks Trail
Vista CA 92084-7316

rwo@cox.net

ⁱ (see below)

ⁱⁱ <http://fox5sandiego.com/2016/05/23/accident-victim-sees-only-danger-in-new-vista-developments/>

ⁱⁱⁱ <https://www.youtube.com/watch?v=VUoXtddNPAM>

Driver crashes, dies after trying to pass truck in San Marcos

SAN MARCOS

A driver who tried to illegally pass a truck was killed Sunday evening after his car slammed into three vehicles in a chain-reaction crash in San Marcos.

Witnesses said a Toyota Corolla Sport was speeding east on Buena Creek Road when it crossed over a double yellow line to try to pass a Dodge Ram about 8 p.m., California Highway Patrol Officer Jim Bettencourt said.

The car collided head-on with a westbound Kia Rondo, and then with the pickup the driver had tried to pass near Country Creek Road. The Toyota was propelled back into westbound traffic, where it hit a Toyota Tundra.

The Corolla's driver, a 29-year-old Oceanside man, was killed. His passenger, a 30-year-old Escondido man, suffered major injuries, Bettencourt said.

The driver and the passenger in the Kia suffered moderate injuries. Neither pickup driver was injured.

Officials did not say whether alcohol or drugs were factors in the crash.

Name Steve and Shelby Nowak
 Address 3008 Shale Rock Rd.
 Vista, CA 92084

County of San Diego, Planning & Development Services
 Attn: Marisa Smith
 5510 Overland Ave Ste 310
 San Diego, CA
 92123

Dear County of San Diego, Planning and Development Services,

We as citizens of the Buena Creek Area and surrounding neighborhood, are extremely concerned about Tentative Map TM-4700 TE 2 being possibly granted yet another extension.

Our primary concern is safety caused by inadequate existing infrastructure. Since the original Tentative Map was drawn up in 1999/2005 the area has exploded in both population growth and commuter traffic, Buena Creek Road has become very congested and dangerous. Very little, if any, improvements have been made to the road or other area infrastructure (Sewer, Public Utilities, etc)

Fire safety and first responder access are already a major concern for area residents. In an emergency, ingress/egress from Ora Avo Drive or Hollyberry Drive onto Buena Creek Road will be extremely difficult. The addition of homes from this TM to the end of these streets could make an already dangerous situation catastrophic.

The past 11+ years since this project was proposed numerous multi-home developments have been introduced and commuter traffic on Buena Creek Road has skyrocketed, yet the road itself has remained the same. The infrastructure simply isn't there to safely support such a development.

Please take all these things into careful consideration when making the decision to grant or deny yet another extension of Tentative Map TM-4700 TE 2.

Sincerely,

Signature
 Name Steve and Shelby Nowak
 Address 3008 Shale Rock Rd.
 Vista, CA 92084

Name Marvin Toyer
 Address 820 Sugarbush Dr
Vista CA 92084

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 Attn: Marisa Smith
 5510 Overland Ave Ste 310
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 92123

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Sincerely, 

Signature _____
 Name Marvin Toyer
 Address 820 Sugarbush Dr
Vista CA 92084

Richard W. Oliver, Jr.
1285 Hidden Oaks Trail
Vista CA 92084-7316
rwo@cox.net

PLANNING
MAR 24 2016

Planning and
Development Services

March 18, 2016

Michael Beck, Chairman
San Diego County Planning Commission
Planning & Development Services
5510 Overland Avenue, Suite 110
San Diego, CA 92123

Dear Michael:

On behalf of my neighbors here in the Buena Creek area of Vista (Temecula Freeway/Indianapolis West), I would like to personally thank you for your consideration of our presentations last week regarding the Lone Oak project and for taking time to talk with us afterward. While not agreeing with the board's conclusion, I do appreciate that you and some of the commissioners paid close attention to our plight with Buena Creek Road and projects that do not match the character of our community or capacity of our roadway. We trust you will not forget this information.

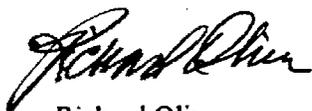
Today I received notice that yet another development in our neighborhood is starting to wend its way through the planning process (PDS2016-TM-4700TE2 Tentative Map). In addition to the Sugarbush/ Quintessa and Lone Oak Ranch approved developments, which already will add 780 ADTs to Buena Creek Road, this new proposal will add yet another 550 ADT, for a net increase of 1,330 ADTs.

That planners at the county apparently use the never-will-happen proposed 4-lane "future status" of Buena Creek Road as a planning guide is unthinkable. That this road has not been reclassified is also unthinkable. In addition, as was pointed out by our neighbors and only answered by planners under duress, for purposes of getting the Lone Oak development approved, the micro-lot, factory-home Verona Hills development was used in calculating average lot size for this area. That development is, at the very least, a statistical aberration. Long-term residents in our community believe its original approval was accomplished via "back door", illegal manipulations which only intensifies the sting.

Please take time to both visit our community at "drive time" and to study an aerial view map to better understand the situation. Come sit with me in our driveway and see for yourself. We have a very unsafe road and the simultaneous "MiraMesafication" of a rural community with seemingly no consideration for either the character of the community or the road that services it. To quote Peter, Paul and Mary, my question for you and your fellow supervisors is this: "When will they ever learn?"

Though some of this is beyond your control, allowing continued out-of-character development in a rural neighborhood that cannot support the existing traffic *is* within your realm of control. Please take this into consideration prior to bringing yet another project to what feels like a foregone-conclusion approval process.

Sincerely,



Richard Oliver

From: Michael Molony <molonys@cox.net>
Sent: Tuesday, May 03, 2016 7:35 PM
To: Smith, Marisa
Subject: Opposed to development

As a resident of the Buena Creek area I am opposed to the 55 home track development planned. The impact on traffic on Buena Creek would make it unsafe and unbearable for the current residents

Please consider rejecting this Builders proposal. You can contact me at any time for further questions or for an interview based on my experiences with Buena Creek traffic safety problems.

From: Diane Kocheran <dkocheran@cox.net>
Sent: Saturday, May 21, 2016 9:40 AM
To: Smith, Marisa
Subject: Opposing building 55 more homes off Buena creek

Dear Marisa

I am opposing building more homes along Buena creek rd. We already have more traffic than we can handle. We are getting traffic from Temecula cutting through from deer springs rd, large trucks cutting through and the areas homeowners. I live off Buena creek and work in Encinitas Inland. Every morning I take Buena creek to sycamore. Because of the sprinter train station located on Buena creek and S Sante Fe, the traffic, gets backed up even worse. That was a horrible decision to put a train station at that corner. It's not close to anything. I have to wait for at least 4 lights before I get through.

This is a mess. Buena Creek rd needs to add double lanes on each side to accommodate the traffic now before anymore homes can be added. At 55 more homes, at least 2 cars per household, we are added at least 110 more cars on that single lane rd. Before the county should allow more homes, you need to accommodate for the road. Make the builders add more road if the county can't afford it. Buena creek rd has become dangerous because of the all cars. Buena creek rd has become a major thorough fare to the surrounding communities. We need to widen Buena creek rd before anymore homes be built. Diane Kocheran and Kevin Swartz, Royal rd, vista CA. Thank you.

Sent from my iPad

From: Raymond D. Aller <raller@usc.edu>
Sent: Sunday, May 22, 2016 11:16 AM
To: Smith, Marisa
Subject: Opposition to Project Number TM-4700TE2

Ms. Smith -

I am firmly opposed to **Project Number TM-4700TE2--the proposed 55 home subdivision off Ora Avo Drive/Deeb, Vista, CA.**

To build additional housing up Ora Avo will make Buena Creek Road even more of a death trap than it already is.

I live at 850 Ora Avo. In 2008, when the Sprinter was being constructed, I wrote to Supervisor Horn, and to the leadership of the NCTD, pointing out that pedestrian access to the Sprinter required that people risk great bodily harm. Supervisor Horn wrote back, assuring me that pedestrian safety on Buena Creek would be addressed in the next general plan, about 2012. As best I can determine, this has not occurred.

Both day and night, people walk and bike along Buena Creek. Because this road has no shoulder, because there are no sidewalks and because the road has blind curves, there is a constant risk of hitting a pedestrian or another vehicle. With the additional traffic from all the 55 new homes that are proposed, the situation will become an absolute nightmare.

No more daily auto trips should be added to Buena Creek until the County takes substantive action to add walking paths, or sidewalks, along Buena Creek from Ora Avo to S. Santa Fe -- and especially from Monte Vista to S. Santa Fe.

Every day, we drive past the memorial erected by parents of a child who was killed by traffic on Buena Creek. Please, before you permit another daily trip, and before there is another memorial to a pedestrian fatality please create pedestrian-safe walkways on Buena Creek.

And until that happens, certainly do not approve projects that are going to increase daily trips, such as Project Number TM-4700TE2

Sincerely,

Raymond D. Aller, MD
Clinical Professor, University of Southern California

From: glhampton@cox.net
Sent: Monday, May 23, 2016 9:22 AM
To: Smith, Marisa
Subject: Opposition to TM-4700 TE 2

Dear County of San Diego, Planning and Development Services

I am a citizen and resident of the Buena Creek Area. I am extremely concerned about and opposed to TM-4700 TE 2 being granted yet another extension.

My primary concern is safety caused by the inadequate existing infrastructure. Since the original Tentative Map was drawn up in 1999/2005 the area has exploded in both population growth and commuter traffic. Buena Creek Road has become very congested and dangerous. Very little, if any, improvements have been made to the road and particularly the intersection at Buena Creek Road and Ora Avo Drive. It is an extremely dangerous intersection.

Fire safety and first responder access are already a major concern for the area residents. The addition of homes from this TM would make an already dangerous situation catastrophic.

In the past 11+ years since this project was proposed numerous multi-home developments have been introduced and commuter traffic on Buena Creek Road has skyrocketed, yet the road itself has remained the same. The infrastructure isn't there to safely support such a development.

Please take all these things into careful consideration when making the decision to grant or deny yet another extension of Tentative Map TM-4700 TE 2.

Glen L. Hampton
Judith M. Hampton
3060 Overhill Drive
Vista, CA 92084-6551
760-727-0062

From: Joy Davis <quilterqueen10@gmail.com>
Sent: Saturday, May 21, 2016 8:47 PM
To: Smith, Marisa
Cc: SaveBuenaCreek@Gmail.com
Subject: In opposition of TM-4700TE2 proposed housing development

MS Smith and Planning department,

This is to inform you that I am in opposition of the proposed development at tentative map TM-4700 TE 2 for the following reasons:

1) Traffic, Buena Creek Road is unable to accommodate the current traffic safely. The narrow two lane roadway starts to back up around 5:30AM Southbound and continues through the morning commute. The traffic is so heavy at times, and driving faster than posted limits that I have trouble getting out of my driveway and have nearly been hit numerous times by cars that speed around the blind curves. In the late afternoon traffic is heavy in the North and South bound lanes and continues until around 7:30PM.

There has been a substantial increase in large semi trucks. I have been forced to the very edge of the roadway by semis crossing the centerline at least 3 times in the past month. There is NO way that a trailer truck of that size can safely negotiate that roadway. In the event of an accident caused by a tractor trailer I will make it known to the injured party that the county is fully aware of this danger and has chosen to do nothing. It is not a matter of IF there is an accident but WHEN. The further development off Buena Creek Road increases the traffic of heavy equipment and increases the risks of a fatal roadway accident. Is it still considered an accident when it is so blatantly predictable? Buena Creek Rd needs to be reclassified, it needs to prohibit large trucks and impose weight restrictions on vehicles.

It is my understanding that the roadways involved in the proposed development are not sufficient to support either the heavy equipment to build the project or the estimated trips that the development will generate. The roads are too narrow and cannot be widened to meet current standards. The steep terrain, winding narrow roads and insufficient sight lines do not meet today's standards.

2) Fire Safety, with Buena Creek RD being the main access road, and unable to safely accommodate current traffic it would be negligent on the county to allow this situation to be worsened by additional developments.

3) Utilities, The proposed project doesn't meet current standards for utilities and sewer. In particular the wastewater. How can this be permitted to proceed if there is no way it can meet current standards?

This is a rural community of large lots and farm animals. I moved here for the flavor of the country. I came here to get away from the street lights, and city. We have owls that nest in our trees, raccoons, fox, opossums, coyote and weasels. There has even been a mountain lion spotted jumping my neighbors fences. I sit in my yard at night and listen to the frogs serenade one another. The recent development with HOA is changing the flavor of our community and do not allow for the keeping of farm animals. How could you pass the developments that do not meet the current zoning?

I hope that you make the decision to deny this project because it simply is not safe.

Thank You,

1 - 311

Joy Davis
2190 Buena Creek Road
Vista, CA 92084

From: Jim Rosvall <jtrosvall@gmail.com>
Sent: Tuesday, May 10, 2016 6:33 PM
To: Smith, Marisa
Subject: Jaoudi Development TM-4700 TE 2

TO: Marisa Smith, San Diego County Planning and Development Services

RE: Jaoudi Project off Buena Creek (TM4700TE2)

I am not opposed to development, HOWEVER, there must be infrastructure to support it. The county has allowed development after development with NO infrastructure to support it. Mr. Jaoudi developed Palm Hill Estates off Ora Avo, but he has never had to make any improvements to the intersection of Ora Avo and Buena Creek Road. Now he wants to put 55 more homes off of the same intersection. The intersection is already extremely dangerous, and accidents are occurring there constantly. You recently approved, Quintessa, a 45 home development on the south side of Buena Creek. As usual the developer did not have to make any improvements to Buena Creek Road. There are a number of reasons this project should not be approved:

1. There is no infrastructure to support it.
2. We are in a continuing drought; where is the water coming from?
3. Our sewage system is already over stressed
4. The environmental damage would be catastrophic. It is old growth chaparral with unique endangered flora and fauna. It is home to the western spadefoot toad, coastal horned lizard, orange throated whiptail, Parry's Tetracoccus and several other endangered species.
5. Traffic congestion, particularly at the very poorly designed intersection of Buena Creek and South Santa Fe, where waiting times can be as long as 15 minutes, is egregious.
6. The quarter-acre lots do not conform to all the surrounding properties that are an acre or more. This is a rural environment, not suburban.
7. This proposed development is located in a box canyon and has been designated as an extremely hazardous fire area. It is over a mile from Buena Creek and has only one way in and out.
8. It is perfect mitigation property. It is not some weed-infested, abandoned golf course.
9. At present, this proposed project doesn't have to conform to present day grading, infrastructure, or building codes.

It is unconscionable that you would approve this development. We have lived in the area for 28 years. There has been no improvement to Buena Creek Road in that time. It is a narrow, winding road (with speed limits up to 50 mph) that allows large trailered trucks of that continually cross over the double center dividing line. Just last week a four car collision resulted in the death of an individual.

The county has never improved its section of South Santa Fe, thus creating a dangerous bottle neck. The cities of Vista and San Marcos have completed their four lane sections of South Santa Fe, while the county section remains two lanes. Sycamore Avenue should go straight through to Buena Creek. That improvement should have been done when the Sprinter station went in. We pay the same property tax as residents of those cities, yet we get very few of the services that those cities provide for their residents.

Stop treating your Buena Creek electorate as step children. You were elected and hired to support the residents, not greedy developers with outrageous projects. I repeat, I am not against development, but it needs to be balanced and conform to the community.

Thank you for your time and consideration.

Very Truly Yours,

Jim Rosvall

3286 Sugarbush Terrace

Vista, CA 92084-6650

jtrosvall@gmail.com

760-598-5685

From: Lorenzo Cavalletti <info@ecoarbordesigns.com>
Sent: Tuesday, May 03, 2016 12:17 PM
To: Smith, Marisa
Subject: Im a lcoal resident taking action against Tentative Map TM-4700 TE 2

Hello Marisa,

My name is Lorenzo Cavalletti, I, included with the entire Vista foothill community am very disappointed that plans are being considered to build 2100 homes off of Deer Springs Road, and 55 homes behind Oro Avo in Vista, in this semi-rural community that has no way of supporting such developments without ruining both the 15 freeway and our local roads with snarled traffic, IE Buena Creek Road and Oro Avo. I moved to Vista 2 years ago to enjoy what we have here, and I simply see this as a threat to take it all away. I will be moving back to the city of San Diego if this development does forward and I brought my tax dollars and business to this neighborhood in hopes of staying for many years. I hear all the time from Carlsbad residents that the 5 has gotten so bad that it is very hard to live in Carlsbad. Now the 15 will be all but ruined by adding 2100 homes right in a section that at the moment is passable (Twin oaks Rd to Deer Springs to the 15)

We will have no choice but to fight this development any way we can with a lawsuit. If our attempts fail hopefully we will have caused the developers or the county, or whomever allows it to go forward a considerable amount of legal fees. Our only goal would be to create a financial headwind for all those involved in trying to get this passed. I know for sure that the 55 homes that are being considered for Oro Avo, will ruin the last retreat in this area for the local wildlife. We are currently in discussions Fish and Game as we have personally seen and photographed several California Gnatcatchers on this land where the proposed 55 home development is taking place. This is a protected and endangered California bird. We have taken several live action photos of the birds and will be presenting them to Fish and Game and the Audubon Society for registration.

I included with many will be very disappointed in our county if either of these developments are approved.

Best Regards,

Lorenzo Cavalletti

County of San Diego, Planning & Development Services
Attention: Marisa Smith
5510 Overland Ave Ste. 310
San Diego, CA 92123

Dear County of San Diego, Planning & Development Services,

We as citizens of the Buena Creek Area and surrounding neighborhood, are extremely concerned about Tentative Map TM-4700 TE 2 being possibly granted yet another extension.

Our primary concern is safety caused by inadequate existing infrastructure. Since the original Tentative Map was drawn up in 1999/2005 the area has exploded in both population growth and commuter traffic, Buena Creek Road has become very congested and dangerous. Very little, if any, improvements have been made to the road or other area infrastructure (Sewer, Public Utilities, etc.).

Fire safety and first responder access are already a major concern for area residents. In an emergency, ingress/egress from Ora Avo Drive or Hollyberry Drive onto Buena Creek Road will be extremely difficult. The addition of homes from this TM to the end of these streets could make an already dangerous situation catastrophic.

The past 11+ years since this project was proposed numerous multi-home developments have been introduced and commuter traffic on Buena Creek Road has skyrocketed, yet the road itself has remained the same. The infrastructure simply isn't there to safely support such a development.

Please take all these things into careful consideration when making the decision to grant or deny yet another extension of tentative map TM-4700 TE 2.

Best Regards,

Lorenzo Cavalletti
Eco Deck Tiles by Eco Arbor Designs
US Distribution and Import
Toll Free 1 888 335 8453 ext 1002
Direct Line 858 914 2423
Fax: (831) 515 5054
www.ecoarbordesigns.com
Lorenzo@ecoarbordesigns.com



E C O A R B O R D E S I G N

From: Mason Esposito <masonaesposito@gmail.com>
Sent: Wednesday, May 18, 2016 10:15 PM
To: Smith, Marisa
Subject: PLEASE HELP!

Dear, Marisa Smith

As a resident of Lone Oak Road, a direct side street off of Buena Creek Road, I urge you to stop TM-4700 TE2 from being approved to build 55 houses at the end of Deeb Dr/ Ora Avo. Your support in the opposition of this bogus development plan would be a huge help and big step in stopping this from irresponsible plan from going through. Please consider the safety hazards caused by already growing traffic issues, the inability of emergency vehicles to freely enter any neighborhood off Buena Creek, or even Buena Creek itself. Not only are there safety hazards, but consider the character of Buena Creek, a quaint, quiet, peaceful, open, countryside type area. The addition of modernized, cramped, housing would look out of place, and ruin the character of the beautiful place so many call home. Once again I urge you, Marisa Smith, County Project Manager, stand up for whats right and makes sense! I'd like to thank you for reading my message and considering my point of view.

Sincerely,
Mason Esposito

From: LGK <rkjr2@yahoo.com>
Sent: Sunday, May 22, 2016 1:12 PM
To: Smith, Marisa
Subject: Project # TM-4700TE2 A TERRIBLE IDEA!!!

In all due respect there are so many things that are wrong with this development I don't know where to start. First of all why no public hearing on this development? That doesn't pass the smell test. Secondly the traffic situation has gotten to be a nightmare. When the sprinter was put on line traffic was dramatically impacted. Buena Creek Road has become a traffic clog. Many commuters use Buena Creek for a thoroughfare for travel between the 78 and I 15, and the speeds they travel is quite fast. Getting on to Buena Creek from Ora Avo is an dangerous exercise. Ora Avo is basically a dead end street, only one way in and out, furthermore it a small 2 lane street which is in disrepair, and deteriorating rapidly with the current traffic load. Ora Avo is also the only road that emergency fire trucks can use to go over the hill to get to east vista during a fire situation. A wildfire in this "high fire danger" area, which is already a dire situation could become a catastrophe. Why in the world would you approve another 600+ trips a day to an already dire situation? Let me move on to some environmental issues. When it rains heavily Ora Avo becomes a river, making it dangerous to drive on. Major storm drain improvements & construction at the top of the street would be mandatory. Water drainage from the proposed development would severely impact the homes in the San Clemente area of vista, resulting in flooding. Speaking of water, we are all being instructed to only water on certain days, and certain hours due to water shortage. Many of our plants and grass have died due to water shortage. Tell me how we have enough water for 55 large homes on half acre lots?

The county has not done the job the citizens have paid you to with our taxes for your salaries by not requiring the project to conform to today's standards, and address traffic, fire & environmental concerns. This is not acceptable to the folks who pay your salaries.

Sincerely,
L Kagel

From: charles van woert <2onbirdhill@gmail.com>
Sent: Sunday, May 22, 2016 1:31 PM
To: Smith, Marisa
Subject: Project #™-4700TE2

Dear Ms. Smith,

I'm writing to let you know that I'm opposed to this project. I've lived in this area for 37 years and know the area intimately. I walk there daily. There are locations that have rare chocolate lilies and shooting stars. This precious habitat has among the last of our coastal sage; it supports bobcat, coyote, quail, roadrunners, occasional mountain lion, rabbits, least bell viro, rufus sided towhee, california towhee, woodpeckers, hawks, owls flickers, lizards, snakes, squirrels, raccoons and possum and many other creatures. It is a place that many families enjoy with their families and dogs. It is one of last places to walk and meditate and enjoy the natural world in our community. I would be happy to take you on a walk and I am sure that if you visited this place you would see the great value this area has for all of us. The sorrow created by it's destruction will affect every future generation. Please take me up on my offer of a walk with me; I suggest early morning or early evening.

Sincerely, Kim Hunt

From: brittany.c.olive@gmail.com
Sent: Sunday, May 22, 2016 8:05 AM
To: Smith, Marisa
Subject: Project number TM-4700TE2 opposition

Marisa,

I am a resident of Sugarbush Drive and I want to formally write my opposition to project number TM-4700TE2. This project is not adequate for evacuation in case of a fire and will undoubtedly cause an increase in traffic in this area.

Again, I strongly oppose this project and request that you take into consideration the concerns of the residents living in this area.

Thank you,
Brittany Olive

From: Suzanne Falk <suzannefalk@cox.net>
Sent: Sunday, May 22, 2016 10:05 PM
To: Smith, Marisa
Subject: project number TM-4700TE2

To Whom It May Concern:

We are writing today, on behalf of ourselves and our 6 children, to plead with you to not move forward with the proposed 55 home development off Ora Avo. We are very opposed to this for a number of reasons, like all the traffic, pollution, noise, and danger to our children's safety and well-being. Right now, we can allow our children to go outside and play, not worried that there will be cars constantly driving up and down the street, possibly putting our kids' lives in danger. Our street is quiet, peaceful, and safe. We would like to keep it that way. Also, we have a beautiful surrounding which would be ruined with the addition of all those homes! Thank you for stopping this proposal and putting an end to it.

Sincerely,
Scott and Suzanne Falk
912 Sugarbush Drive

From: Gary Marchetti <marchetticlassics@gmail.com>
Sent: Sunday, May 22, 2016 8:36 AM
To: Smith, Marisa
Subject: project number TM-4700TE2

Hi Maria,
My name is Gary Marchetti, I am a home owner at 238 Buena Creek Trail, Vista, CA 92084.

I have been attending some of the local meetings about the proposed project and have many concerns about this project. I am mostly concerned about the additional traffic and safety for those who would be in these new homes. The parcel in question is only approved for 3 homes according to the regulations but it is slated for 55 homes. The road in that area cannot meet the requirements and will become a death trap if there is a wild fire in that development. Also the traffic on Buena Creek is beyond the capacity for the type of road that is in place and there is no way a 4 lane road can be built to handle the additional traffic flow. I am also concerned about the environmental impact in the area as there are no current studies. It seems that the developer has not followed the proper course of action in getting this development approved and has gone to the Supervisors to get exemptions when all the governing authorities have not approved this in the past. I would hope that this time the voice of the people is heard and that the development is permitted only for the 3 homes that should be built and not for any more.

Tanks,
Gary Marchetti
760-207-0449

From: Cynthia Hoselton <cindy.hoselton@yahoo.com>
Sent: Sunday, May 22, 2016 8:46 PM
To: Smith, Marisa
Subject: Project Number TM-4700TE2

Dear Marisa Smith,

We are Jamie and Cindy Powers at 3426 Royal Rd. We have lived in the area around the project TM-4700TE2 for five years. The introduction of this number of homes being built in the area without proper infrastructure upgrades concerns us greatly. We are writing you today to let you know we vehemently oppose the continuation of this development. We ask that you consider the wishes of the community and stop further progress on this development which will cause extreme inconvenience to the people of the community and ultimately cause our roads to be unsafe for our families.

Concerned and upset,
Jamie & Cindy Powers

From: Jan Aller <jan.aller@yahoo.com>
Sent: Sunday, May 22, 2016 7:58 AM
To: Smith, Marisa
Subject: Project Number TM-4700TE2

Ms Smith,

This email is to indicate my **strong opposition to Project Number TM-4700TE2--the proposed 55 home subdivision off Ora Avo Drive/Deeb, Vista, CA.**

I live at 850 Ora Avo Drive. I am already alarmed about my safety and the safety of others living in my neighborhood even before any additional proposed housing project. These are a few of my concerns:

1. Driver & Pedestrian Safety. During daylight hours, and especially after dark, people walk and bike along Buena Creek. Because this road has no shoulder, because there are no sidewalks and because the road has blind curves, I am forever fearful of hitting a pedestrian or another vehicle. With the additional traffic from all the 55 new homes that are proposed, the situation will become an absolute nightmare.

2. Emergency egress by residents. The area is surrounded by dense creek vegetation which poses a fire hazard. Ora Avo has no other outlet than Buena Creek. In case of a fire, additional residents (who would live in the area if the proposed project is approved) who would be trying to evacuate in an emergency would be easily bottle-necked and

3. Access by emergency vehicles. Fire trucks and ambulances vehicles, even without having the road jammed up by escaping residents already have a difficult time squeezing through parked cars at the curbs.

4. Traffic on Ora Avo. Even without additional traffic, the situation now is precarious for drivers pulling out of their driveways onto Ora Avo and for pedestrians walking on Ora Avo. The hill slopes sharply and drivers accelerate to dangerous speeds. Additional volume to this traffic destruction derby.

5. I am a retired teacher. I am concerned about whether or not the school system would be prepared to accommodate the additional school age population. How would this project affect classroom size?

Please reject Project TM-4700TE2 .

the proposed 55 Home Subdivision off Ora Avo/Deeb

Thank you,
Jan Aller
760-936-1119

From: Robb Milley <robb.milley@gmail.com>
Sent: Sunday, May 22, 2016 8:31 PM
To: Smith, Marisa
Subject: project number TM-4700TE2

Hello Ms. Smith,

I am a resident on Overhill Drive, off Ora Avo and Buena Creek in Vista. On my daily commute I witness accidents and near-collisions all too frequently. The nature of Buena Creek is such that it is not suitable for the volume of traffic and the speeds that currently exist (hence the accidents and near-collisions). There has been effort to band-aid the problem in the last 12 months, but my daily commute tells me it is not making an improvement. Further, two evenings a week I attend class at Palomar college, and the intersection at Buena Creek and Vista Way is so congested I wait 3 to 7 cycles of the traffic light to get through.

I am opposed to any further development along Buena Creek until the road is brought up to safety standards for the expected expansion of traffic.

Thank you,
Robb Milley
3005 Overhill Drive
Vista

From: Lisa Bales <lisamariébales@gmail.com>
Sent: Sunday, May 22, 2016 11:22 AM
To: Smith, Marisa
Subject: Project number TM-4700TE2

Re: Project number TM-4700TE2

Dear Ms. Smith,

Please do NOT go ahead with this project. Our surrounding streets could not handle the additional traffic. Right now the cars and big trucks zoom down Buena Creek Rd at an alarming speed! We can barely turn left off of my street Sugarbush Drive .

Also, Ora Avo drive is way too narrow and not designed to handle any additional traffic.

Thank you,
Lisa Bales

From: The Good Stuff <ourgoodstuff@me.com>
Sent: Thursday, May 26, 2016 6:33 PM
To: Smith, Marisa
Subject: Project TM 4700 TE 2 / Deeb Dr & Palm Hill intersection

County of San Diego County Planning & Development Services,

My home is on the corner of Palm Hill & Deeb Drive at 2970 Deeb Drive. APN 17823033

Regarding this project, in reading the Conditions for Final Map approval, Specific Conditions, on page 5, Number 2, section m, states:

m. Intersectional sight distance along Deeb Drive from Palm Hill Drive shall be two hundred feet (200') to the satisfaction of the Director of Public Works. The existing cut slopes at the northwest and southwest corners of this intersection shall be excavated to provide the necessary sight distance. Prior to the issuance of improvement plans and the commencement of excavation at the Deeb Drive/Palm Hill Drive intersection, a geologic report shall be provided to verify the stability of the slopes and to outline the methods and procedures for the proposed excavation.

To my knowledge, I have never granted any rights or easements on our property for future projects. I don't believe that he has the legal right to come on our property to excavate or generate a soil report for any excavation. I am unaware of any easement(s) and will refuse to grant permission to do so. If Jaoudi provided such a document pertaining to these easements, I would like a copy to review with my lawyer.

We feel that this, in addition to numerous other reasons (fire safety, Buena Creek Road overcrowding, zone compliance, etc), is yet another reason to deny this project.

Thank you,

Ed Chocholek
2970 Deeb Drive
Vista, CA 92084

From: Tom Overbaugh <tomowat@pacbell.net>
Sent: Sunday, May 22, 2016 11:17 PM
To: Smith, Marisa
Subject: Project TM-4700TE2

Dear Ms. Smith,

Please do everything you can to stop the approval of Project TM-4700TE2.

If this application is approved it will cause many problems for this area of the county. They are proposing to construct 55 single family residences on this 77 acre parcel. This is far too many homes for this area. All of Buena Creek will be negatively impacted.

I thank you for your support.

Sincerely,

Thomas Overbaugh
2252 Elevado Rd
Vista, CA 92084

From: Kathleen Doran <sdoranco@aol.com>
Sent: Sunday, May 22, 2016 8:38 PM
To: Smith, Marisa
Subject: Project TM-4700TE2

Dear Ms Smith-

I am writing to voice my opposition to the proposed 55 home development off Oro Avo in Vista. The infrastructure does not exist to support such a development. Buena Creek is already backed up horribly. Putting more cars would be unsafe! During a time of having to cut back on our water -- it doesn't make any sense to add 55 more homes!

There are many more reasons why this development must be stopped! Please listen to the people of this community!

Thank you!

Kathleen Doran
828 Vista Point Circle
Vista, CA 92084

Sent from my iPhone

From: Julie Wassenaar <Jrw0854@hotmail.com>
Sent: Sunday, May 22, 2016 4:29 PM
To: Smith, Marisa
Subject: Project TM-4700TE2

I live at 1029 Ora Avo Dr. which is the main access road for this project.

I have lived here for 35 years. I can't believe that we are even having to do this the way this area would be affected with a wildfire. I'm glad at live close to Buena Creek even though that possibly wouldn't make a difference at 4:45 PM.

We are asking a new traffic study be done with all of the new homes being built and Ora Avo being the main access road. What happen to having 1 house to 20 acres or at least 1 home to every acre?

Julie Wassenaar

Sent from my iPhone

From: mike shutt <mike_shutt@hotmail.com>
Sent: Saturday, May 21, 2016 3:24 PM
To: Smith, Marisa
Subject: Project TM-4700TE2

Ms Smith

I am deeply opposed to this project, it is completely inconsistent with the traffic usage of the area. This is deeply concerning to me because I see everyday how the area overbuilding puts children at risk. When you create situations where the traffic far exceeds the planned/appropriate usage it is always pedestrians that are most put in harms way. In our society that is mostly children walking to school or to bus stops. The narrow roads throughout this are dangerous and represent a death just looking for a place to happen, unfortunately in these situations it is us taxpayers that must pay for the law suits and related cost created by poor planning such as this project. I am deeply opposed to this project, I don't want to put children at risk because of poor planning and I as a tax payer certainly do not want to assume this liability.

Sincerely
Mike Shutt
2120 Catalina Ave
Vista Ca
Sent from Windows Mail

From: Darryl Barney <dlbarney@cox.net>
Sent: Saturday, May 21, 2016 7:30 AM
To: Smith, Marisa
Subject: Project Number TM-4700TE2

Greetings,

I would like to register a concern over the referenced development project off of Ora Avo. The traffic on Buena Creek and Monte Vista is already congested to say the least. Buena Creek is often backed up from Sante Fe to Verona. It is routinely very difficult to leave Pod Dr. onto Monte Vista as traffic between Buena Creek and Foot hill is often stopped in both directions. Both Monte Vista and Buena Creek are narrow single lane roads not designed or intended for this level of traffic. There have been numerous incidents on Buena Creek including a fatal accident on May 1st. I don't feel safe walking on Buena Creek as it is. This project coupled with the Quintessa project off of Sugarbush have the very real potential for challenging the safety of residents and others.

Please consider the effect on the existing neighborhoods and residents before allowing this project to move forward.

Darryl Barney

2316 Pod Dr

Vista, CA 92084

dlbarney@cox.net (home)

Darryl.Barney@gmail.com (mobile)

[760-727-8859](tel:760-727-8859) (home)

[760-727-8870](tel:760-727-8870) (fax)

[760-519-6640](tel:760-519-6640) (cell)

From: Jim Bauder <vistabauders@gmail.com>
Sent: Monday, May 23, 2016 7:31 AM
To: Smith, Marisa
Subject: PROPOSED 55 HOME SUBDIVISION DEEB DRIVE/ORAVO / BUENA CREEK

Dear Ms. Marisa Smith

My wife and I live at 752 Valley Crest Drive. We are concerned about the proposed 55 home subdivision because of the traffic impacts on already congested Buena Creek, and the surrounding road network, and the ability of the community to safely and effectively evacuate in the event of a wildfire.

As it is now, a vehicle accident on Buena Creek quickly turns the road network into gridlock; a wildfire will most certainly have significant similar consequences. Most of the residential roads are narrow, so large emergency vehicles will be slowed as private vehicles try to exit. Valley most certainly will be used by emergency vehicles to access this development; otherwise, there would not be a locked gate on Hardell LN.

Is there an evacuation plan? What will be done to curb the daily commuters that use Buena Creek as a cut through from I15 to the 78 and points South and West, so residences can safely evacuate. Has this been taken into account in the approval process? Please advise.

Lastly, we understand that the vehicle traffic counts caused by 55 new homes may not be significant; however, the cumulative impacts associated with all the proposed and future infill development certainly will, particularly if taking into account development in the nearby incorporated cities of Vista and San Marcos.

We respectfully request that these concerns be addressed prior to the approval of this development. Furthermore, we suggest that you and the folks responsible for approval of this development spend some time, during peak commute times, navigating the roadways in this area. You will quickly see that the roadways are not designed for the existing volume of traffic let alone traffic generated by new development.

Thank you,

Jim and Julie Bauder
752 Valley Crest Drive
Vista CA 92084
760-518-8867

From: Todd Landers <tlandersusa@gmail.com>
Sent: Friday, May 27, 2016 8:51 AM
To: Smith, Marisa
Cc: Betsy Landers; Debbie Lightner
Subject: Proposed 55 Home Subdivision off Ora Avo/Deeb

Marisa,

I'm the president of the HOA for a small community off of Buena Creek called Walnut Cove. I would like to request that you deny the proposed 55 home development off of Ora Avo drive and Deeb until the county has widened Buena Creek road to accommodate the additional traffic that will be thrust into our community by the new developments that have been proposed or built in our area.

Traffic along Buena Creek has been worsening over the past 20 years to the point that it is seriously impacting the residents safety and livelihood. I recognize that the new developments are in line with the county plan but that same county plan also assumes that Buena Creek is a four lane community connector, not the quit country road that it is today and has been for the past 40 to 50 years.

I ask, as a resident and a voter in the county of San Diego, that you take mercy on the current residents of the Buena Creek Valley area and deny any further development proposals until the county has solved the gridlock traffic along Buena Creek.

Thank you,

Todd Landers
2120 Walnut Lane,
Vista, CA

From: Charlene Melville <charlene.melville@me.com>
Sent: Monday, May 23, 2016 9:41 AM
To: Smith, Marisa
Subject: proposed 55 lot Single Family Residential Subdivision

Good morning Ms. Smith,

I am a resident of Vista and live off of Buena Creek Rd. I OPPOSE this development for several reasons: safety (fire @ traffic), the lots are less than 1 acre lots (4 homes were originally planned), sewer & water availability as well as emergency access. We make a left hand turn every morning on our way to work via the 15 and have difficulty at this time getting out. Coming from the 78 there is often traffic backed up to University toward the railroad tracks. The stop sign at Buena Creek and Monte Vista has traffic backed up every morning and evening. How is this area suppose to support another development when we don't know yet the impact of the one already being built? Absent for our area meeting last week was a representative from both ehe developer and your office. We all were looking for substantial answers to these as well as other questions.

Regards,
Charlene R. Melville
2629 Crowthorne Ct.
Vista, CA 92084

From: Errol Melville <errol@qtaasales.com>
Sent: Monday, May 23, 2016 10:16 AM
To: Smith, Marisa
Subject: proposed 55 unit home development

Hi Marisa,

We live at 2629 Crowthorne Ct. in Vista, Corner of Buena Creek and Monte Vista. We would like to voice our opposition to this proposed development due to the fact that the streets can not handle the traffic and also streets leading to this development can not support emergency vehicles if a fire should occur the residents would be trapped with no way to drive to safety due to the narrow streets being blocked with vehicles.

Errol Melville

From: Lou Carson <lacarson1234@gmail.com>
Sent: Friday, May 20, 2016 4:54 PM
To: Smith, Marisa
Subject: Proposed project off Deeb Road and Ora Avo Terrace in Vista

I urge you to please not consider approving this project of 55 homes proposed by Jaoudi/Barakat. They have had ample time to do the necessary work on this and never did. Deeb is a private road and they do not have access deeds to widen it. This project does not comply with the storm water standards, there is no traffic study and the environmental study is out of date. It also does not comply with the current general plan adopted by the County. After the hearing this week where over 100 concerned residents attended and no one from the County attended, it is clear that if this passes, the Board of Supervisors is in the pocket of the developer. The people in this area will not accept this and will fight in the courts if necessary since legally, this project should not be granted an extension.

Please hear the people of the Buena Creek area! There is no way we will be able to even get out onto Buena Creek if this rapid development continues.

Thanks you

Louis Carson
2954 Ora Avo Terrace
Vista, 92084

From: Charles Van Woert <woert@sbcglobal.net>
Sent: Sunday, May 22, 2016 1:06 PM
To: Smith, Marisa
Subject: Re: project number TM-4700TE2

I have only recently become aware of this proposed project, which would have an appalling effect on our community. I urge you to oppose this project on the grounds of traffic congestion, particularly with respect to difficulties around safe evacuation due to wildfires. Charles Van Woert, Vista Ca

From: janhaugley@cox.net
Sent: Thursday, May 19, 2016 7:46 PM
To: Smith, Marisa
Subject: Re: record Number TM-4700 TE 2 Jaoudi/Barakat

Dear Marisa,

So sorry to see that no one from the County was there last night at the San Marcos Elementary School, nor no one from the Jaoudi/Barakat development either. Why would they not be there to answer the public's many questions? do they think that this is a done deal, and that they do not need to represent themselves? Just to let you know, this meeting was well represented, so many issues have changed in the last ten years adding to the list of things that would stop this development, environmental, fire issues, traffic issues, flood control, fire and sheriffs response times, and general safety issues. Not only are we having to fight this issue in regards to traffic but the one across from the Golden door and the one closer to Hwy 15 on the frontage Rd. We are highly concerned that the board of supervisors could do what ever it takes to push this through with absolutely no regard to the publics opinion. We live on Ora Avo Terrace (3051) off of Ora Avo Dr. Traffic and speed of traffic alone on this small rd has grown tremendously. There are times when trying to turn left on to Buena Creek I have to turn right and go down to the next street and come back due to the unsafe area at the end of the rd.

We as a community are willing again to stand up to this issue with full force, The last time we were a smaller group, it is now a lot larger with a lot more people willing to do whatever it takes to preserve our lives, and not to spend hours trying to get to our homes. Please represent our concerns as brought to you by the Twin Oaks community group there last night, They all voted against this, They couldn't understand how this is even being brought back up. Thank you for your time and any help you can give in this matter.

Sincerely,

Gary and Jan Haugley

From: Mike Dummer <dummer71@hotmail.com>
Sent: Thursday, May 19, 2016 10:12 AM
To: Sibbet, David; Smith, Marisa; Lacey, Cara; Horn, Bill
Subject: RE: Tentative Map TM-4700 TE 2

Dear County of San Diego, Planning and Development Services,

As a citizen living in the Buena Creek Area I am extremely concerned about Tentative Map TM-4700 TE 2 being possibly granted another extension.

My concerns include public safety, increased traffic and the impact on the environment. The primary concern is safety caused by inadequate existing infrastructure. Since the original Tentative Map was drawn up in 1999/2005 the area has exploded in both population growth and commuter traffic, Buena Creek Road has become very congested and dangerous. Very little, if any, improvements have been made to the road or other area infrastructure (Sewer, Public Utilities, etc.).

Fire safety and first responder access are already a major concern for area residents. In an emergency, ingress/egress from Ora Avo Drive or Hollyberry Drive onto Buena Creek Road will be extremely difficult. The addition of homes from this TM to the end of these streets could make an already dangerous situation catastrophic. The past 11+ years since this project was proposed numerous multi-home developments have been introduced and commuter traffic on Buena Creek Road has skyrocketed, yet the road itself has remained the same. The infrastructure simply isn't there to safely support such a development.

Please take all these things into careful consideration when making the decision to grant or deny yet another extension of tentative map TM-4700 TE 2.

Thank you,
Mike Dummer

From: Gretchen Taylor <gret_ent@yahoo.com>
Sent: Sunday, May 22, 2016 5:19 PM
To: Smith, Marisa
Cc: gret_ent@yahoo.com
Subject: Record ID TM-4700TE2 Deeb/Hardell development

Dear Ms Smith,

I am a resident at 3191 Ora Avo Terrace in Vista, 92084. I am writing to express how very concerned I am about the proposed development at the end of my street.

I attended a Sponsor Group Area meeting yesterday May 18, 2016. Several, very knowledgeable, people attended including engineers and developers, but it was glaringly apparent that there were no representatives from the developer or the county to address many of the concerns of the residents in our Buena Creek area who have legitimate concerns about the safety and legality of such a development.

As I understand it, several issues have not been addressed and the development would not be in compliance with state laws. Additionally, the original plan is outdated and the developer has not made public the plan to address traffic concerns, fire safety and water issues. Despite the recommendation of the advisory group to not approve the original permit and extension, the County Board of Supervisors still approved this in 2005 and the deadline is now here again with no progress made to address previous complaints nor the many new complaints that have plagued the residents and travelers of Buena Creek since 2005 and since the building of other housing developments in the area.

I am urging you to please review all the complaints about this development and use common sense. This project should be rejected once and for all. The long-time residents of the Buena Creek need your help and representation. I know that I will not quit until our voices are heard.

Thank-you for your time and help.

Sincerely,

Gretchen Taylor, MD
(619)787-1525
gret_ent@yahoo.com

From: rkagel@cox.net
Sent: Sunday, May 22, 2016 10:55 AM
To: Smith, Marisa
Subject: Ref: TM-4700TE2

It is my understanding that major decisions will be made Monday may 23 I reference to TM-4700TE2. There has not been a public hearing on this project yet. I have many legitimate concerns which the county has not even come close to addressing. This area is a high fire zone, the Infrastructure & roads are absolutely incompatible with this project, and do not conform with today's current standards. Environmental concerns including but not limited to Buena Creek have not been adequately addresses or vetted. Furthermore the amount of heavy construction vehicles this project would require will most surely further destroy our crumbling streets. I do not need to remind you that the current state of mind for voters is one of disgust because our government is not doing their jobs, and you have not done yours. Do the right thing and don't let the builders money cloud your decisions.

Sincerely
R Kagel

From: Peter Clarkson <cptpete@sbcglobal.net>
Sent: Sunday, May 22, 2016 8:26 PM
To: Smith, Marisa
Subject: Ref project TM-4700TE2 Proposed 55 Home Subdivision off Ora Avo/Deeb

Hello Marisa Smith

I am writing this to you and the county to voice my strong opposition to the proposed 55 home development subdivision off Ora Avo/Deeb. I just purchased and moved into our new home at 3115 Via Del Monte Libano in Vista. My house is perhaps 100 ft from Deeb /Ora Avo dr.

There are so many things wrong with this proposed development. Traffic issues and safety related to extra traffic, fire safety, wildlife, environment issues, and noise issues to name a few.

For my family and I with 4 drivers at home it will be near impossible to turn onto Ora Avo dr from Via Del Monte Libano. At the intersection of Ora Avo and Via Del Monte Libano it is very narrow and full of blind spots. With through traffic from the proposed development it will be unsafe to make a turn unless the county puts up traffic lights. Ora Avo at Deeb is not county maintained, but maintained by the homes in the area. Ora Avo has a steep incline and it is very narrow, which contributes to it being unsafe with all the expected traffic that will flow back and forth all day. We live in a fire danger area that is posted on Ora Avo dr. In the event of a fire and an evacuation my family's lives will be in danger just trying to get off our street if we are not one of the first families to evacuate. This is just an unsafe aspect of the proposed development, not to mention the nightmare traffic that already exists on Buena Creek Dr. To turn left or right onto Buena Creek Dr with all the added traffic will just add to the 2 lane commute.

We bought our home to enjoy a peaceful life away from traffic to live in a safe environment. The area we live in has an abundance of wildlife that will be greatly affected. Bobcats, cayotes, rabbits, squirrels, snakes, etc. What a shame to take away another natural area from our local wildlife.

For the families that live in the area this proposed development is a catastrophe that can and should not happen. Please DO NOT approve this and allow it to happen. I appreciate your time in reading my email.

Sincerely

Peter Clarkson

Nilda Clarkson

Nathan Clarkson

Hayden Clarkson

Sent from Yahoo Mail on Android

From: Ann Zevey <annzevely@gmail.com>
Sent: Saturday, May 21, 2016 9:48 PM
To: Smith, Marisa
Subject: Regarding TM-4700TE2

Dear Ms Smith,

We are frequent drivers in the impact zone near where these 55 homes will be built. Our home is off of Monte Vista and Buena Creek Roads on Robin Place. The traffic is so bad on these small country roads that we never plan to leave the area before 10am and try to be out of the way of work folks going home between 4pm and 7pm. I know this almost sounds like planning around freeway traffic in the city. My husband and I have witnessed many near misses with cars and have seen lots of pedestrian traffic on these low to no shoulder roads. You can't fit an elephant threw a straw and that is what we will be trying to do if these 55 homes are built and the residents try to mix with the current traffic flow on the small two lane narrow roads in the Buena Creek valley. This project must not happen. Fifteen homes would be a great compromise and would have much less impact on the already stretched infrastructure. Thank you for your time.

Continued Success,

Ann Zevely

From: stephann1001@yahoo.com
Sent: Saturday, May 21, 2016 9:34 PM
To: Smith, Marisa
Subject: Save Buena Creek TM-4700TE2

My family and I attended the community meeting last night. Given all the safety and logistical problems with Hardell Canyon we hope your agency will not allow this project.

This area cannot support this project safely.

Thank you,

Stephanie Salgado

Sent from my iPhone

From: diana shreves <d.r.shreves@gmail.com>
Sent: Saturday, May 21, 2016 2:26 PM
To: Smith, Marisa
Subject: STOP TM4700TE2

Stop TM4700TE2! It's the right thing to do!
Diana Shreves

From: jmitch2744@cox.net
Sent: Sunday, May 22, 2016 9:05 PM
To: Smith, Marisa
Subject: Subdivision TM-4700TE2

Dear Marisa,

I live at 3008 Palm Hill Dr, Vista CA 92084. I will be adversely impacted in a number of ways if this project goes forward and am strongly opposed to it for the following reasons:

1. All traffic to and from the proposed subdivision will have to pass on Deeb Dr through a narrow cut in the hillside leading to a blind entrance from Palm Hill Dr at the top of the hill. Visibility is extremely limited from the north and south approaches as well as from Palm Hill Dr, and the street is very narrow. One accident on this road would effectively cut all access and egress, which during a fire would be catastrophic.
2. It is my understanding that this project does not comply with current regulations and land use restrictions. My lot is 1 3/4 acres and my understanding is that current restrictions call for a much larger lot size, while this project calls for smaller lot sizes.
3. Deeb Dr is a privately maintained road, and is not wide enough for additional traffic. Construction traffic would severely degrade the condition of the road.
4. A number of other projects loading Buena Creek Rd with additional traffic are already underway (Quintessa among others.) Buena Creek Rd is now used by traffic avoiding the 78/15 interchange and is overcrowded. The intersection at Buena Creek and Santa Fe can require numerous light cycles to get through during and close to rush hour. Adding more homes to the traffic on Buena Creek, a narrow two lane road that there are no plans to widen, is madness.

We residents have many concerns regarding fire season and the impact 55 more homes could have on our ability to get fire equipment in and ourselves out during a fire. My husband is handicapped and on oxygen and it is a particular concern of mine.

I oppose this proposed development and want to be notified of its status.

Thank you,
Jane Mitchell
3008 Palm Hill Dr
Vista, CA 92084
760-586-6632

From: Jeanne Chantelle <jziebold@hotmail.com>
Sent: Thursday, May 19, 2016 4:08 PM
To: Smith, Marisa
Subject: Tentative Map #TM-4700 TE 2 in Vista

Marisa: Please deny another extension to Tentative Map #TM-4700 TE 2 in Vista. We are already overwhelmed with traffic on Buena Creek Road. We don't have enough water to keep our lawns and trees alive. If there was a wildfire in this area (we here all live in a "Wildfire Zone"), we would not even be able to get on to the roads leading to Buena Creek Road, let alone be able to enter Buena Creek Road to evacuate. All of the past proposals for this project were done before we had drought and all the extra traffic on Buena Creek Road that has just happened in the last few years. If this project gets extended or approved there is something very wrong with our system of government. Thank you for representing us. (My husband and I have lived on Hardell Lane for 43 years and raised our family here.)

Mrs. Jeanne

Ziebold

711 Hardell

Lane

Vista, California, 92084

3524

760-727-

(I am a registered Voter)

From: Kelly MacNeal <kellymacneal@hotmail.com>
Sent: Friday, April 29, 2016 10:20 AM
To: Smith, Marisa
Subject: Tentative Map TM-4700 TE 2 Extension

Dear Madame,

I am writing to urge you NOT to grant another extension for the Tentative Map TM-4700 TE 2. I live at 1104 Sugarbush Drive and travel with my children along Buena Creek Road(and other roads surrounding) at least three to four times a day. The traffic is horribly congested and unsafe as it is. More houses equal more cars on these already crowded roads and that causes me great concern. Please take my family into consideration when deciding whether or not to grant or deny another extension.

Respectfully,

Kelly MacNeal
cell: 562-321-0582

From: Cretia Bowman <cretiabowman@gmail.com>
Sent: Wednesday, May 04, 2016 1:35 PM
To: Smith, Marisa
Subject: Tentative Map TM-4700 TE 2

Ms. Smith,

I am writing to voice my concerns and objection to the above-referenced project being granted another extension. I only bought my home in the area approximately two years ago and have been extremely concerned and frustrated with the traffic on Buena Creek Road. I find it simply amazing that the county would consider granting an extension on a project originally proposed 11 years ago without reevaluating the impact.

If there were to be another difficult fire season and an evacuation was forced for the residents in this area, there would likely be casualties with the lack of adequate access due to the growth that has transpired in recent years.

I would ask that you take this into consideration when making the decision to grant or deny the extension of Tentative Map TM-4700 TE 2..

Sincerely,

Cretia Bowman

From: Mike Dummer <dummer71@hotmail.com>
Sent: Tuesday, May 03, 2016 12:10 PM
To: Smith, Marisa
Subject: Tentative Map TM-4700 TE 2

County of San Diego, Planning & Development Services
Attention: Marisa Smith
5510 Overland Ave Ste. 310
San Diego, CA 92123

Dear County of San Diego, Planning & Development Services,

We as citizens of the Buena Creek Area and surrounding neighborhood, are extremely concerned about Tentative Map TM-4700 TE 2 being possibly granted yet another extension.

Our primary concern is safety caused by inadequate existing infrastructure. Since the original Tentative Map was drawn up in 1999/2005 the area has exploded in both population growth and commuter traffic, Buena Creek Road has become very congested and dangerous. Very little, if any, improvements have been made to the road or other area infrastructure (Sewer, Public Utilities, etc.).

Fire safety and first responder access are already a major concern for area residents. In an emergency, ingress/egress from Ora Avo Drive or Hollyberry Drive onto Buena Creek Road will be extremely difficult. The addition of homes from this TM to the end of these streets could make an already dangerous situation catastrophic. The past 11+ years since this project was proposed numerous multi-home developments have been introduced and commuter traffic on Buena Creek Road has skyrocketed, yet the road itself has remained the same. The infrastructure simply isn't there to safely support such a development.

Please take all these things into careful consideration when making the decision to grant or deny yet another extension of tentative map TM-4700 TE 2

Thank you,

Mike Dummer
2014 BCR

From: Robert Morton <nccabling@att.net>
Sent: Wednesday, May 18, 2016 8:39 PM
To: Smith, Marisa
Subject: Tentative map TM-4700 TE 2

Please do not approve this project per the recommendation of Buena creek advisory group.

Thank you

Bob Morton

1017 hardell ln

Vista ca 92084

760 822-0631

Nccabling@att.net

Sent from my iPhone

From: Dave Bales <dbales@imageoptions.net>
Sent: Tuesday, May 10, 2016 5:12 PM
To: Smith, Marisa
Subject: Tentative Map TM-4700 TE 2

Dear Marisa,

I want to take the time to voice concern about the potential extension, yet again, for the Tentative Map TM-4700 TE 2. I have lived on Sugarbush Dr in Vista for 19 years. We moved here for the rural nature of the area. Over the past 19 years, Buena Creek Road has become unacceptably congested and can back up for over a mile. This road, and the existing residents simply can not afford more traffic on the road as it is. Just last week there was another fatal accident on Buena Creek Road.

I am not against development in general, but development without proper infrastructure, planning and consideration for quality of life for those affected is unwanted development. If this project is to move ahead, please make sure it meets every and all regulation, code and requirement of **today's** standards. Using decade old plans that have been extended far past a reasonable time frame is simply not fair to the residents of the this county that will be made to suffer.

I hope you will take these words into serious consideration prior to a decision as the decision to go ahead as is will have serious ramifications on my family and my neighbors.

Sincerely,

Dave Bales
878 Sugarbush Dr
Vista, CA 92084



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p: 949.586.7665 | c: 760.518.1967
www.imageoptions.net | dbales@imageoptions.net



3M Certified

From: Dave Soulé <dsoule@gmail.com>
Sent: Thursday, May 19, 2016 8:06 AM
To: Smith, Marisa
Subject: Tentative Map TM-4700 TE 2

Dear County of San Diego, Planning and Development Services,

We as citizens of the Buena Creek Area and surrounding neighborhood, are extremely concerned about Tentative Map TM-4700 TE 2 being possibly granted yet another extension.

Our primary concern is safety caused by inadequate existing infrastructure. Since the original Tentative Map was drawn up in 1999/2005 the area has exploded in both population growth and commuter traffic. Buena Creek Road has become very congested and dangerous. Very little, if any, improvements have been made to the road or other area infrastructure (Sewer, Public Utilities, etc.)

Fire safety and first responder access are already a major concern for area residents. In an emergency, Ingress/Egress from Ora Avo Drive or Hollyberry Drive onto Buena Creek Road will already be extremely difficult. The addition of homes from this TM to the end of these streets could make an already dangerous situation catastrophic.

The past 11+ years since this project was proposed numerous multi-home developments have been introduced and commuter traffic on Buena Creek Road has skyrocketed from these developments as well as from commuters coming from the Southbound I-15 seeking alternate routes. Yet with all of this, Buena Creek Road has stayed the same. The infrastructure simply isn't there to safely support such a development.

Please take all these things into careful consideration when making the decision to grant or deny yet another extension of Tentative Map TM-4700 TE 2.

Sincerely,
David Soulé
1010 Ora Avo Drive
Vista, Ca. 92084

From: Ashley Jones <jones_ashley_m@yahoo.com>
Sent: Thursday, May 19, 2016 7:56 AM
To: Sibbet, David; Smith, Marisa; Lacey, Cara
Subject: Tentative Map TM-4700 TE 2

Dear County of San Diego, Planning and Development Services,

As a citizen living in the Buena Creek Area I am extremely concerned about Tentative Map TM-4700 TE 2 being possibly granted another extension.

My concerns include public safety, increased traffic and the impact on the environment. The primary concern is safety caused by inadequate existing infrastructure. Since the original Tentative Map was drawn up in 1999/2005 the area has exploded in both population growth and commuter traffic, Buena Creek Road has become very congested and dangerous. Very little, if any, improvements have been made to the road or other area infrastructure (Sewer, Public Utilities, etc.).

Fire safety and first responder access are already a major concern for area residents. In an emergency, ingress/egress from Ora Avo Drive or Hollyberry Drive onto Buena Creek Road will be extremely difficult. The addition of homes from this TM to the end of these streets could make an already dangerous situation catastrophic. The past 11+ years since this project was proposed numerous multi-home developments have been introduced and commuter traffic on Buena Creek Road has skyrocketed, yet the road itself has remained the same. The infrastructure simply isn't there to safely support such a development.

Please take all these things into careful consideration when making the decision to grant or deny yet another extension of tentative map TM-4700 TE 2.

Thank you,
Ashley Jones

From: Steven Nowak <mitsn@gmail.com>
Sent: Monday, May 09, 2016 9:30 AM
To: Smith, Marisa
Cc: SaveBuenaCreek@gmail.com
Subject: Tentative_Map_TM-4700_TE_2
Attachments: Nowak Deeb Drive Project.pdf

Mrs. Smith,

Please see the attached letter from my wife and I expressing our profound concern over the potential extension of this over decade old TM approval. I am a Registered Civil Engineer that deals in private land development for a living. I am far from anti-development, but do firmly believe that any development needs to be fully vetted and analyzed for impacts on life safety, environment, and the well being of the community in general.

As I am sure you are aware, there has been a lot of development in the Buena Creek area since the original Traffic Study and CEQA review was completed. The cumulative impact of the past ten years must be reevaluated before entertaining the thought of extending this 55 lot project approval. Our biggest concern is the threat of wildfire and the lack of adequate egress from the Buena Creek area. Buena Creek, especially at the ends is already highly impacted by traffic. During a wildfire, Buena Creek would be a nightmare. The overgrown brush along the road itself is a major fire hazard, and the street would be lined with cars in both directions; there is no doubt that this would result in the loss of life. Regardless of the CEQA impact thresholds, these 55 lots WILL add to the problem and will create an unmitigated impact on the community.

Additionally, the project as proposed IS NOT in compliance with the latest California State MS4 NPDES storm water quality permit R9-2013-00001 and approved variations thereof. In February 2016, the County of San Diego adopted its Best Management Practice Design Manual which is in compliance with the new storm water permit. The MS4 permit as well as Appendix L of the manual dictates that final construction drawings (grading plans, improvement plans, building permits) must have been issued before February of this year to be vested under the previous storm water permit approvals. This project MUST be revised to comply with the new storm water regulations. The MS4 permit and the manual also stipulate that compliance with the permit must be demonstrated at the discretionary phase of development. Extension of the TM approval is discretionary and the provisions of the permit must be met at this time.

I kindly request that you please provide me with the most current Preliminary Grading Plan and TM along with the required Priority Development Project Stormwater Quality management Plan (PDP SWQMP) for review by myself and the community. Also, please provide me the contact information for the Civil Engineer that is reviewing the stormwater quality design and the Fire Marshal that is reviewing the fire safety aspects of this project.

Sincerely,
Steven Nowak, PE
3008 Shale Rock Rd.
Vista, CA 92084

From: Ana Smith <nativegreengardens@gmail.com>
Sent: Tuesday, May 03, 2016 2:11 PM
To: Smith, Marisa
Subject: TM 4600 TE2

Hi Marisa,

My name is Ana Rosvall - I spoke with you on the phone a while back regarding TM 4600 TE2 and I just wanted to note my opposition to giving an extension to the project for all the reasons that have come up, it isn't even close to being up to current code, the environmental damage to some of our last existing natural habitat, our existing infrastructure is at capacity already, it's a fire hazard and Buena Creek Road is already so dangerous - there was another fatality just the other night.

Please put me on the opposition list and if possible, please keep me abreast of any new news, timeline dates and/or changes.

Thank you so much - I really appreciate your attention to this very important matter. I know we all do.

-Ana Rosvall Smith

760-458-3883

From: Bob and Lee Laney <bobandleelaney@cox.net>
Sent: Wednesday, May 04, 2016 10:49 AM
To: Smith, Marisa
Subject: TM 4700 TE 2

County of San Diego, Planning & Development Services
Attention: Marisa Smith
5510 Overland Ave Ste. 310
San Diego, CA 92123

Dear County of San Diego, Planning & Development Services,

We as citizens of the Buena Creek Area and surrounding neighborhood, are extremely concerned about Tentative Map TM-4700 TE 2 being possibly granted yet another extension.

Our primary concern is safety caused by inadequate existing infrastructure. Since the original Tentative Map was drawn up in 1999/2005 the area has exploded in both population growth and commuter traffic, Buena Creek Road has become very congested and dangerous. Very little, if any, improvements have been made to the road or other area infrastructure (Sewer, Public Utilities, etc.).

Fire safety and first responder access are already a major concern for area residents. In an emergency, ingress/egress from Ora Avo Drive or Hollyberry Drive onto Buena Creek Road will be extremely difficult. The addition of homes from this TM to the end of these streets could make an already dangerous situation catastrophic.

The past 11+ years since this project was proposed numerous multi-home developments have been introduced and commuter traffic on Buena Creek Road has skyrocketed, yet the road itself has remained the same. The infrastructure simply isn't there to safely support such a development.

Please take all these things into careful consideration when making the decision to grant or deny yet another extension of tentative map TM-4700 TE 2.

Robert and Leone Laney
870 Ora Avo Drive
Vista, CA 92084

From: Thomprose <dee@thomprose.com>
Sent: Tuesday, May 03, 2016 11:34 AM
To: Smith, Marisa
Subject: TM 4700 TE2

Dear County of San Diego, Planning & Development Services,

We as citizens of the Buena Creek Area and surrounding neighborhood, are extremely concerned about Tentative Map TM-4700 TE 2 being possibly granted yet another extension.

Our primary concern is safety caused by inadequate existing infrastructure. Since the original Tentative Map was drawn up in 1999/2005 the area has exploded in both population growth and commuter traffic, Buena Creek Road has become very congested and dangerous. Very little, if any, improvements have been made to the road or other area infrastructure (Sewer, Public Utilities, etc.).

Fire safety and first responder access are already a major concern for area residents. In an emergency, ingress/egress from Ora Avo Drive or Hollyberry Drive onto Buena Creek Road will be extremely difficult. The addition of homes from this TM to the end of these streets could make an already dangerous situation catastrophic.

The past 11+ years since this project was proposed numerous multi-home developments have been introduced and commuter traffic on Buena Creek Road has skyrocketed, yet the road itself has remained the same. The infrastructure simply isn't there to safely support such a development.

Please take all these things into careful consideration when making the decision to grant or deny yet another extension of tentative map TM-4700 TE 2.

Take Care,
Dee
(760) 889-BIKE (2453)
Sent from my iPhone

We only get so many trips around the Sun...

"Make a Difference today"

Sign up on our Team Site,

<http://team-shoebacca.ning.com/?xgi=0uxctr9J13kxwD>

From: Dave Armstrong <daveideamanarmstrong@gmail.com>
Sent: Thursday, May 19, 2016 11:23 AM
To: Smith, Marisa
Subject: TM 4700 TE2

I am writing to voice my opposition to the proposed project..... TM 4700 TE 2. I live off of Ora Avo Drive which would be the main road for access to this project. It empties on to Buena Creek and the traffic is already a problem. Adding the traffic for 55 homes would create a traffic nightmare and since we are in a fire zone; this would create a serious safety issue for residents in this area. Thank you for your consideration! Have a great day.

--
Dave Armstrong CCO
Bigideas.2020@gmail.com
714-345-0306

From: Kelly <kellyarnold001@gmail.com>
Sent: Sunday, May 22, 2016 11:15 PM
To: Smith, Marisa
Subject: TM 4700TE2

Hi Marisa,

My husband and I and our family live in Vista off Buena Creek and Valley Crest. His family has lived on that street for over 40 years. It is a beautiful rural area of Vista. It is a beautiful area to hike and ride bikes and enjoy nature just outside the city. When I heard that there was a new development going in across Buena Creek it saddened me. Over the past few years traffic in the area at Buena Creek and Monte Vista and especially on Buena Creek approaching Santa Fe by the train tracks is insane! It takes 3-5 turns of the light to get through, it backs up 10-20 cars at times. We end up taking alternate routes out of our way because it ends up being faster than the direct route due to all of the traffic.

When I found out about Jaoudi I was even more devastated, mostly because it's going to be right in our backyard...AND add to the existing traffic issues. The area where the development is planned to be is a BEAUTIFUL hidden part of Vista where many residents exercise, walk, run, hike the trails, walk their dogs, and just enjoy Vista's natural beauty. I would HATE to see a 55 Home eyesore taint and obstruct that beauty. The existing houses in that area are spread out in such a way that doesn't obstruct the views Vista has to offer. It would be very unfortunate and you would end up with a lot of disgruntled residents. Not to mention the amount of traffic that would be added the neighborhood. It's unsafe and if we we faced with a horrible fire season and needed to evacuate the extra traffic could be potentially devastating and detrimental due to the narrow roads.

It's a bad idea all the way around. We hope that you listen to the residents and stop allowing more and more mass housing developments to invade Vista's rural charm.

Thank you,

Kelly Arnold and Family

Sent from my iPhone

From: tristar227@gmail.com
Sent: Friday, May 20, 2016 8:22 PM
To: Smith, Marisa
Subject: TM 4700TE2

Dear Ms. Marissa Smith and To Whom It May Concern,

I am writing to express my concern for the safety of the residents living on or near Buena Creek and to express my opposition to the new 55 home development off Ora Avo. I am a home owner on Sugarbush and I am extremely concerned about the additional traffic and impact of emergency personnel access.

Please consider the residents and the safety of the community by not approving this new housing development.

Thank you,
Tricia Green

Sent from my iPhone

From: Coach Lipinski <coachlipinski@gmail.com>
Sent: Tuesday, May 31, 2016 11:54 PM
To: Smith, Marisa
Subject: TM-4700TE2

Dear Marisa,

I am writing you to let you know of my opposition to the proposed Jaoudi 55 home development off Oro Avo. I just returned from a trip to Redmond Washington where we used to live until 2002. When we moved, the building code limited the tallest building in this sleepy family-oriented community to 4 stories tall. The area had a village feeling with plenty of open space and a main street much like our current city of Vista. Now, it has changed completely with a 9 story height limit, high density housing, and a claustrophobic feeling to the area. Traffic is terrible as the city has not required the developers to pay for sufficient road infrastructure improvements to support the additional car trips. I use this story as a way of illustrating the danger of incrementalism that has, in my opinion, destroyed the character of Redmond Washington. By allowing the 55 home development in an area that should hold 1 to 2 acre homesites in order to be homogenous with the rest of the area, and to require existing roads to choke-down the additional car trips each day without sufficient improvements, the city planners are contributing to dangerous traffic situations and the "Redmond-ization" of our beautiful city of Vista. I urge you to prevent this from happening, once you proceed with this, the clock cannot be turned back

Respectfully,

David Lipinski
405 Sunrise Dr. East
Vista, CA 92084

From: kfreitas1 <kfreitas1@cox.net>
Sent: Friday, May 20, 2016 7:37 PM
To: Smith, Marisa
Subject: Tm-4700TE2

Good Morning,

I want to send my opposition to the proposed Sugarbush housing development. Buena Creek Road is extremely dangerous with too many vehicles going to and from the 15 and all the houses already trying to get home safely.

There are no bike lanes or sidewalk areas and I know of numerous accidents with both cars, bikes and walkers. All this development will do is add to an already dangerous area.

Please either deny this development or make them expand to road to make is safe for everyone.

Thank you,
Karen Freitas
1007 La Rueda Dr.
Vista, CA 92084

Sent from my Verizon Wireless 4G LTE smartphone

From: monsieur franc <mf111865@yahoo.com>
Sent: Monday, May 23, 2016 12:52 AM
To: Smith, Marisa
Subject: TM-4700TE2

As a 43 year resident of Buena Creek road I strenuously oppose this project which failed to win approval years ago. Since then our road now suffers gridlock during the rush hours compounded by the Sprinter which blocks the intersection to and from south Santa Fe 4 times an hour. Ours is a narrow curvy two lane road with no bike lanes, narrow shoulders, and multiple stop signs. There is no logic nor compelling reason to approve this subject project. NO NO NO
Frank Gould

From: Wade Prescott <wwprescott@hotmail.com>
Sent: Thursday, May 19, 2016 2:55 PM
To: Smith, Marisa
Subject: TM-4700 TE 2 Extension

Dear Marisa,

My name is Wade Prescott. My wife, Diana, and I live at 3011 Deeb Ct. in Vista. We attended the May 18 th meeting regarding the planned 55 home development in our neighborhood. We are very concerned about the negative impact that the 55 homes would have on our immediate neighborhood and the entire Buena Creek / Monte Vista area. We are very concerned already about how we could be evacuated when there is a wildfire. The current inadequate roads will create gridlock and a very dangerous situation for us and the emergency responders even without the proposed 55 homes.

We went to the meeting looking for many answers to our multiple concerns and questions regarding the project only to find out that not a single representative of the development bothered to show up. What a joke !

There is a huge public outcry against the approval of the project. Please listen to the public outcry and do not grant yet another extension or approve the project.

Sincerely,

Wade and Diana Prescott
3011 Deeb CT.
Vista CA 92084

(760) 727-8366

From: Odila Enciso <odilaenciso@gmail.com>
Sent: Friday, May 20, 2016 9:34 PM
To: Smith, Marisa
Subject: TM-4700 TE 2./ buenacreek

County of San Diego, Planning & Development Services
Attention: Marisa Smith
5510 Overland Ave Ste. 310
San Diego, CA 92123

Dear County of San Diego, Planning & Development Services,

We as citizens of the Buena Creek Area and surrounding neighborhood, are extremely concerned about Tentative Map TM-4700 TE 2 being possibly granted yet another extension.

Our primary concern is safety caused by inadequate existing infrastructure. Since the original Tentative Map was drawn up in 1999/2005 the area has exploded in both population growth and commuter traffic, Buena Creek Road has become very congested and dangerous. Very little, if any, improvements have been made to the road or other area infrastructure (Sewer, Public Utilities, etc.).

Fire safety and first responder access are already a major concern for area residents. In an emergency, ingress/egress from Ora Avo Drive or Hollyberry Drive onto Buena Creek Road will be extremely difficult. The addition of homes from this TM to the end of these streets could make an already dangerous situation catastrophic.

The past 11+ years since this project was proposed numerous multi-home developments have been introduced and commuter traffic on Buena Creek Road has skyrocketed, yet the road itself has remained the same. The infrastructure simply isn't there to safely support such a development.

Please take all these things into careful consideration when making the decision to grant or deny yet another extension of tentative map TM-4700 TE 2.

Sent from my iPad

From: Debra Rayner <drayner6@gmail.com>
Sent: Sunday, May 15, 2016 8:16 AM
To: Smith, Marisa
Subject: TM-4700 TE 2

Hi Marisa,

I am writing because I am concerned about the large housing development being proposed by the tentative map 4700 TE 2. This area has changed a great deal since the original map was drawn up. I would like to see the developer have to follow all the current guidelines that anyone building in this area would have to do. Fire protection is a huge part of any building that should occur here.

Thank you for your consideration,

Debbie Rayner
3598 Royal Road
Vista, Ca.

Sent from my dog's iPad🐾

From: Leigh Rayner <leighrayner@yahoo.com>
Sent: Thursday, May 05, 2016 1:55 PM
To: Smith, Marisa
Subject: tm4700 TE2 Hardell lane

Hi Marisa,

Could you please add me to the mailing list for the Hardell Lane 55 home subdivision project? I would also like to voice my opposition to this project because it does not conform to the county plan, will create traffic problems, and is inconsistent with the surrounding area. Most of the properties in the immediate vicinity are either undeveloped and zoned 4 acres or larger, or are single family homes on multiple acre lots.

When this project was first proposed, back in the early 1990's I believe, I submitted a declaration in opposition to their EIR as I had seen horned lizards in the area which were not accounted for in the EIR. At that time, I had asked to be on any mailings/notices about the project so I am very surprised that the owner apparently went back and got approval for a TPM at a later date without any notice that I was aware of. I never received any mailings.

In addition to my residence on Royal Road approximately one mile from this project, I now own property at 3245 Vista Pacifica, which is very close to this project so I will be directly impacted if this is allowed to go forward.

Please let me know if there is something else I need to do in order to voice my objections and receive notices of any hearings.

Thank You

Leigh Rayner
3598 Royal Road
Vista, CA
760-586-4869

From: eamantea@lion.lmu.edu
Sent: Thursday, May 19, 2016 1:26 PM
To: Smith, Marisa
Subject: TM-4700 TE2

Dear Ms. Smith,

Please deny the request for extension of TM-4700-TE2, Country Estates, at least until further review. Thank you for your consideration.

Sincerely,
Eva Amantea

Sent from my iPhone

From: Lisa Amantea <laa42@cox.net>
Sent: Thursday, May 19, 2016 1:27 PM
To: Smith, Marisa
Subject: TM-4700 TE2

Dear Ms. Smith,

I am writing to request that you deny the extension of TM 4700 TE 2. Due to significant building in the area, in addition to changes in environmental laws, not grandfathered in, at the very least I respectfully ask that it is denied until further review can be performed.

Thank you for your time and consideration,

Lisa Amantea
760.415.8221

From: Zachary Seech <zseech@gmail.com>
Sent: Friday, May 20, 2016 11:07 PM
To: Smith, Marisa
Subject: TM-4700 TE 2

I am a 35 year resident of the Buena Creek valley, and I am concerned about the possible extension to the developer. You have undoubtedly heard of the near-insoluble existing traffic problems on Buena Creek Road. Fire evacuation and adequacy of infrastructure are among the concerns of our community. At the recent Twin Oaks Valley Community Sponsor Group, we had about 120 well-informed and concerned citizens looking to make our voices heard. No complete traffic study has been done, and conditions in the valley, with additional developments and increased traffic, have changed greatly since the original plans were drawn up.

Thank you.

Dr. Zachary Seech
1545 Lone Oak Road
Vista, CA 92084

760-224-8054

From: Ana Rosvall <ana.c.rosvall@gmail.com>
Sent: Monday, May 09, 2016 11:15 AM
To: Smith, Marisa
Subject: TM-4700_TE_2

Hi Marisa,

How are you? I know you are being inundated with correspondence regarding TM-4700_TE_2 so I'll make this quick.

First I wanted to thank you again for your attentiveness to the matter. I, as well as our community, really appreciates this more than I can say.

Secondly, I wanted to make sure Dee Folse mentioned me as the secondary point of contact with the community. I believe he already gave you my contact information, but if he didn't, my email address is ana.c.rosvall@gmail.com.

Dee is my partner and we're working on this together, and so if you could send me, as well as Dee any updates or changes to the matter as they come up, that would be great, as well as would eliminate extra emailing back and forth between us as to which of us got what information.

If you can only have one designated point of contact and not two, that's fine as well, not a big deal, I'll just get the info from him as it comes in.

Thanks again and hope you have a wonderful day!

-Ana

From: Rach Gmail <rahlebian@gmail.com>
Sent: Sunday, May 22, 2016 11:36 PM
To: Smith, Marisa
Subject: TM-4700TE2

We our reaching out to you as homeowners in the Buena Creek subdivision.

We are vehemently opposed to this proposed housing project. We are afraid it will create fire, traffic and many other hazards which will hurt the community in a profound matter.

Property values will be negatively impaired hurting all involved. More importantly though we worry about the life threatening consequences of over- population and insufficient access that could hurt the whole community. Any significant fire could threaten the lives of many who would not have adequate routes or time to evacuate the area in a proficient and time sensitive manner. On top of that, due to the foreseeable nature of this problem, lawsuits will occur diverting more resources from our community.

We hope the voices of the majority of homeowners in this area can be heard and that this project will not move forward. This is an important issue for our community and we appreciate your time and attention listening to us.

Thanks again!

John and Rachel LeBihan
616 Ora Avo Dr
Vista Ca 92084

Sent from my iPhone

From: Marty Ullrich <martyullrich@gmail.com>
Sent: Saturday, May 21, 2016 7:41 AM
To: Smith, Marisa
Subject: TM-4700TE2

I am against this project. I have been a home owner in the area for 41 years.
In the last few years the traffic is impossible. To make a left-hand turn onto my street during high traffic time is so dangerous. I am constantly afraid of getting rear-ended any time of the day.
The roads in this area cannot support this project.
I can go on and on about this project and others in the area. But I know your time is important.
I am against this project.
Marty Ullrich

From: SBurnand (BASV) <sburnand@bodyandsoulvista.com>
Sent: Sunday, May 22, 2016 9:07 AM
To: Smith, Marisa
Subject: TM-4700TE2 / No More Cars on Buena Creek Road / Major Safety Hazard

Dear Ms. Smith,

I live on Buena Creek Trail and it often takes me over 10 minutes crawling through backed up traffic to cross to South Santa Fe.

Things will become unmanageable for residence of Buena Creek road and surrounding neighborhoods if more traffic is allowed on this street.

Please don't let that happen!!

Thank you for helping the residence of our valley...

Kind regards,

Sonja Burnand
2305 Buena Creek Trail
Vista CA 92084

From: sb <sb2010@cox.net>
Sent: Sunday, May 22, 2016 9:18 AM
To: Smith, Marisa
Subject: TM-4700TE2 / No More Cars on Buena Creek Road / Major Safety Hazard

Dear Ms. Smith,

there is so much traffic on Buena Creek Road now, it has become an ordeal to get out of my community onto the road and to attempt to access South Santa Fe (often a 10-minute backup). I am starting to feel trapped in my neighborhood with no way out. And now there are plans for another community feeding onto the same road?! Where are the cars going to go?

WHAT HAPPENS WHEN THERE IS A FIRE! WE WILL BE TRAPPED!

Two years ago I saw the light of the flames right across the mountain. 10 minutes more of a strong wind and the fire would have swept across our valley. How do all the residence evacuate? Can you imagine everybody from the many new planned developments getting stuck here and burning? Would you want to live here under those circumstances?

I am very surprised that there are no provisions in the planing code that prevents such potential disasters from the get go, and that several building projects have made it so far in our valley with one small road.

PLEASE HELP STOP NEW PROJECTS.

Thank you

Sonja Burnand
2305 Buena Creek Trail
Vista CA 92084

From: sb <sb@cafethat.com>
Sent: Sunday, May 22, 2016 9:19 AM
To: Smith, Marisa
Subject: TM-4700TE2 - NO MORE CARS ON BUENA CREEK ROAD! MAJOR FIRE HAZARD

Dear Ms. Smith,

there is so much traffic on Buena Creek Road now, it has become an ordeal to get out of my community onto the road and to attempt to access South Santa Fe (often a 10-minute backup). I am starting to feel trapped in my neighborhood with no way out. And now there are plans for another community feeding onto the same road?! Where are the cars going to go?

WHAT HAPPENS WHEN THERE IS A FIRE! WE WILL BE TRAPPED!

Two years ago I saw the light of the flames right across the mountain. 10 minutes more of a strong wind and the fire would have swept across our valley. How do all the residence evacuate? Can you imagine everybody from the many new planned developments getting stuck here and burning? Would you want to live here under those circumstances?

I am very surprised that there are no provisions in the planing code that prevents such potential disasters from the get go, and that several building projects have made it so far in our valley with one small road.

PLEASE HELP STOP NEW PROJECTS.

Thank you

Sonja Burnand
2305 Buena Creek Trail
Vista CA 92084

From: Admin (BASV) <admin@bodyandsoulvista.com>
Sent: Sunday, May 22, 2016 9:03 AM
To: Smith, Marisa
Subject: TM-4700TE2 - NO MORE CARS ON BUENA CREEK ROAD!

Dear Ms. Smith,

I live on Buena Creek trail, and leaving my community to simply get onto Buena Creek Road has become an ordeal and a SAFETY HAZARD since so many cars are already backed up to the stop light with Monte Vista.

If there are more cars on Buena Creek Road, how will get I get out of our common driveway?

Thank you for listening to the residence of Buena Creek Road.

Kind regards,

Sonja Burnand
2305 Buena Creek Trail
Vista CA 92084

From: Gerald <gerald@burnand-family.com>
Sent: Sunday, May 22, 2016 10:10 AM
To: Smith, Marisa
Subject: TM-4700TE2 - NO MORE CARS ON BUENA CREEK ROAD!

Dear Ms. Smith,

I live on Buena Creek trail, and the dense traffic has become a nuisance and a source of danger on Buena Creek Road.
Will it take more accidents before San Diego County start paying attention to the traffic on this small road and plans realistic traffic management to manage the congestion?

Thank you for listening to the residence of Buena Creek Road.
Sincerely,

Gerald Burnand
2305 Buena Creek Trail
Vista CA 92084

From: Sara Armstrong <s.armstrong1@att.net>
Sent: Sunday, May 22, 2016 12:58 PM
To: Smith, Marisa
Subject: TM-4700TE2 Proposed Hosuing Development near Deeb Dr. unincorp.North S.D.County

Ms. Smith,

We would like to join with the large & growing number of other residents in the surrounding area to express our opposition to the residential project TM-4700TE2 and the method in which is seems to have been handled so far.

We attended a meeting Weds. evening in which neither the developer nor a County representative had the professional courtesy to attend or send someone in their place. The people representing Vista seemed to not be prepared to answer questions. If the intent of that "meeting" was to just provide a place for the residents to talk to themselves then it was successful.

One could draw from that either a total disregard/disrespect for residents in this area or that that County had already made their deal with the developer so neither saw any reason to attend.

I believe that the developers do have a right as business persons to investigate the possibly of developing the land for houses but it seems like they should have done more up front research *BEFORE* they bought the land with regard to issues of not only egress of emergency & fire vehicles, evacuation in case of fire but the daily impact of the added traffic during construction and after occupancy on existing small roads and streets. Buena Creek is already very busy especially during peak times of the day. It is daily a shortcut for many between the Deer Springs Exit of the 15 FWY. and the 78 FWY. The railroad stop at Santa Fe & Buena Creek has also added to the back up on that end as well. Since we have moved here we have seen or learned about a quite number accidents (some fatal) on Buena Creek. Obviously many might have been caused by the bad judgment of impatient drivers since traffic is frequently slow. There seems to be no other way for all of the potential new residents and those traveling to their homes to travel except on Buena Creek. Please don not consider this just another email from an existing home owner objecting to the project but rather one of great concern about this potential *COUNTY* problem with regard to traffic and life safety issues.

The developers possible bad judgment on a land deal they made should not have to become a bad deal for the residents of this area, San Diego County or the already- hundreds of people who have to travel on Buena Creek daily to work, to school or moving goods and services to people in other parts of our county or state.

Thank you,
Sara Armstrong
resident of Palm Hill Drive, Vista.

From: David Floren <dfloren1@gmail.com>
Sent: Sunday, May 22, 2016 1:03 PM
To: Smith, Marisa
Subject: TM-4700TE2 - public opposition

Dear Ms. Smith,

The above-referenced proposed project threatens the immediate area and surrounding residential areas.

I am aware that support is gathering for an effort to oppose this project and you should therefore be aware of the possibility of your decisions being subject to scrutiny in the public fora, and take care to ensure that the project will safely satisfy all the current relevant codes and regulations.

If you feel pressured to approve it at a time when there is any question in your mind of whether the project is safely compliant, you may want to provide a detailed written explanation (that is guaranteed to survive court scrutiny) showing how all apparent code violations are in fact instances of legally cognizable exceptions.

Best Regards,
David Floren
2808 Catalina Heights Way
Vista, CA

From: Gloria Floren <glo.floren@gmail.com>
Sent: Monday, May 23, 2016 12:55 AM
To: Smith, Marisa
Subject: TM-4700TE2 I oppose this project!

RE: TM-4700TE2 (Joseph Jaoudi request for extension of tentative map for 55 homes in a high wildfire zoned canyon in San Diego County just west of Vista)

To the Planning Commission:

I live just northwest of the proposed development of Joseph Jaoudi in the high wildfire zone canyon served by the Vista Fire Protection District.

Frankly, I am appalled that such a project is even being considered in this environmentally sensitive area that has for many years been considered a rural area of low density. I am also confused about why the Board of Supervisors granted an extension of the tentative map when the Planning Commission recommended no extension. Further, I am enraged that a building project is being proposed that does not obey current code law regarding building materials, fire safety, water requirements, etc.

This project is located in an area that will impact traffic in an area already experiencing congestion and accidents and where 55 additional homes will pose serious problems for safety of the citizens, where fire danger is increasing each year and where 55 additional homes will pose serious problems for the life and safety of the citizens who reside in the fire zone, and where water quality and pressure is at its max capacity given the size and age of the main, especially when you add in the impact of developments currently in process or planned for this area--which will pose serious danger to the thousands of neighbors whose properties and lives will be impacted by this proposed development.

I urge you to deny any extension of this foolhardy and dangerous development project.

Gloria Floren
Catalina Heights Way
Vista, CA 92084

From: Patty Sliney <hoosierquilt@aol.com>
Sent: Friday, May 27, 2016 4:45 PM
To: Smith, Marisa
Subject: TM-4700TE2 Objection

Marisa, We would like to voice our extreme concern for this very large sub-division slated for the Ora Avo area. We are extremely concerned about the significant number of homes this will add to our area, and that the main artery street (Buena Creek) simply cannot support this additional traffic in either normal circumstances, or more importantly, during an emergency situation. Buena Creek Drive is already taxed with traffic, and there are no plans for the county to expand this street to two lanes with a middle turn lane out to Twin Valley Oaks Road and on the other end, Santa Fe. We simply cannot support this additional traffic, especially considering there is already a very large sub division going up (Quintessa - 47 homes) that also dumps directly onto Buena Creek in both directions, in a "lollipop" fashion, with no other means of egress in some other direction to another street. This is very puzzling to us, as we here in Vista Grove Estates were told last year, when the property directly due east of Vista Grove Estates (Merriam Ranch) was trying to get their development approved, that they HAD to have two opposite egress means, and the means of egress could not lollipop to the same street (in this case, that would have been Twin Valley Oaks Rd, which further down is at least 2 lanes and a boulevard). The county refused to approve that development until the egress was resolved. So, we here in Vista Grove Estates are dismayed to see that Quintessa was approved with ALL the traffic dumping out onto Buena Creek Rd., and now, the possibility of yet another very large development doing the same thing. We simply cannot sustain this amount of every day traffic on Buena Creek, and it is frightening to think how we would all be able to evacuate in the event of an emergency, such as a wildfire. Please do not approve this development. We feel the developer waited until the 11th hour, in order to avoid having to meet reasonable improvements, and we urge the county to protect its citizens who already reside in this area.

David & Patricia Sliney
782 Vista Point Cir, Vista, CA

From: Jim Bauder <vistabauders@gmail.com>
Sent: Monday, May 23, 2016 10:33 AM
To: Smith, Marisa
Subject: TM-4700TE2: PROPOSED 55 HOME SUBDIVISION DEEB DRIVE/ORAVO

Dear Ms. Marisa Smith,

I am resending with corrected subject line.

My wife and I live at 752 Valley Crest Drive. We are concerned about the proposed 55 home subdivision because of the traffic impacts on already congested Buena Creek, and the surrounding road network, and the ability of the community to safely and effectively evacuate in the event of a wildfire.

As it is now, a vehicle accident on Buena Creek quickly turns the road network into gridlock; a wildfire will most certainly have significant similar consequences. Most of the residential roads are narrow, so large emergency vehicles will be slowed as private vehicles try to exit. Valley most certainly will be used by emergency vehicles to access this development; otherwise, there would not be a locked gate on Hardell LN.

Is there an evacuation plan? What will be done to curb the daily commuters that use Buena Creek as a cut through from I15 to the 78 and points South and West, so residences can safely evacuate. Has this been taken into account in the approval process? Please advise.

Lastly, we understand that the vehicle traffic counts caused by 55 new homes may not be significant; however, the cumulative impacts associated with all the proposed and future infill development certainly will, particularly if taking into account development in the nearby incorporated cities of Vista and San Marcos.

We respectfully request that these concerns be addressed prior to the approval of this development. Furthermore, we suggest that you and the folks responsible for approval of this development spend some time, during peak commute times, navigating the roadways in this area. You will quickly see that the roadways are not designed for the existing volume of traffic let alone traffic generated by new development.

Thank you,

Jim and Julie Bauder
752 Valley Crest Drive
Vista CA 92084
760-518-8867

From: Pauline Brady <bradys4@cox.net>
Sent: Tuesday, May 24, 2016 5:42 AM
To: Smith, Marisa
Subject: TM-4700TE2 -stop the building !!!!!

HELLO -

PLEASE STOP THE BUILDING OFF BUENA CREEK VISTA – IT IS GOING TO BE A NIGHTMARE! WE WOULD LIKE TO KEEP THE COUNTRY FEELING OF WHERE WE LIVE NOT TO MENTION THE HAZARDS THIS IS GOING TO CAUSE FOR ALL PEOPLE INVOLVED!!!!

PAULINE BRADY

From: Tony Bauer <tbamsaw@aol.com>
Sent: Saturday, April 30, 2016 3:44 PM
To: Smith, Marisa
Subject: TM4700TE2

Marisa,

I would like to go on record in opposition to this development. The negative impact of the proposed development would adversely affect all of us who live in the area.

The traffic implications would result in total gridlock on all the surrounding streets.

Thank you,
Tony Bauer
885 Sugarbush Dr
Vista, Ca. 92084

From: Julie Bauer <jewels58@cox.net>
Sent: Sunday, May 01, 2016 5:40 PM
To: Smith, Marisa
Subject: TM-4700TE2

Dear Marisa,

I am sending this letter in opposition to the development in my neighborhood. My family moved out to the Buena Creek area because it was rural, and home are further apart then in a planned developments. By letting them build on this property, the traffic on Buena Creek will get even worse then it is now. It impacts your daily commute from what used to be 5 minutes to the freeway is now 8-10 minutes depending on time of day. Needless to say that with all the homes they want to build, that drive will take even longer. You have to be off that road from 3:00-6:00pm because of all the traffic. It is a horrible mess.

The rural feeling of our area is slowly being built up by greedy developers and I wish it would stop.

Please do not let this happen again to our neighborhood. This development was originally zoned for 4 homes, please keep it to that~ Thank you for your time.

Julie Bauer

Sent from my iPad

From: Gerasimos Santas <gxsantas@uci.edu>
Sent: Sunday, May 22, 2016 9:23 AM
To: Smith, Marisa
Subject: TM-4700TE2

Dear Ms Smith, I am writing to oppose the 55 Home project off Ora Avo. Have lived in the area off Ora Avo for 16 years, and I can testify that the traffic on Buena Creek has become a nightmare during this stretch of time. The additional homes would create disastrous conditions for life and property in a fire emergency. Sincerely yours, Jerry and Ann Santas

From: Diane Hirata <diane.hirata@gmail.com>
Sent: Sunday, May 22, 2016 8:48 AM
To: Smith, Marisa
Subject: TM-4700TE2

Hello Marisa Smith,

I am a resident of Sugarbush Dr. I am strongly opposed to the 55 home building project off of Ora Avo. Buena Creek cannot support the traffic this project would bring to the community.

Recently there was a fatal accident on Buena Creek. I suggest that you and your committee drive Buena Creek during rush hour and at night fall. Anyone that drives Buena Creek during rush hour would have to agree that the small two lane road cannot support more traffic.

The addition, the new housing project would open the city, county, and Cal Trans up to possible litigation when any traffic accident occurs. All the residents would have to agree that it is highly improbable to get any first responders to any emergency that happens.

Please oppose this new housing project.

Thank you for your consideration,
Diane Hirata

From: julia shlemmer <juliashlem@hotmail.com>
Sent: Sunday, May 22, 2016 7:41 AM
To: Smith, Marisa
Subject: TM-4700TE2

This project is a horrible idea to an already crowded area. Buena Creek is a dangerous and curvy road that already has to many fatalities. Added even more home and more traffic is going to just overflow the area.

Why can't we just leave what isis? There are enough people in the area already. When is enough enough? Please, do not allow this project f to happen.

Julia Shlemmer

Sent from my iPhone

From: Karen Thompson <karen@thomprose.com>
Sent: Sunday, May 22, 2016 9:28 AM
To: Smith, Marisa
Subject: TM-4700TE2

Please stop this debacle , you should physically drive on Ora Avo, and Buena Creek, narrow , winding , dangerous roads, with way too much traffic as is. I am a property owner and afraid for my safety, and safety of all who travel this route!
Karen R Thompson

Sent from my iPhone

From: savy2@cox.net
Sent: Sunday, May 22, 2016 10:23 AM
To: Smith, Marisa
Subject: TM-4700TE2

Shameful that the county is not having a public hearing, but being sneaky about deciding this matter behind closed doors without public input.

The county is forgetting who pays their salaries, we the people do!!! You work for us but apparently you are confused because you are not working for us, but seem to beholden the developers, and their agendas. Enough is enough!!! Project TM-4700TE2 does not even come close to conforming to current standards, traffic, fire, environmental concerns.

These very important and potentially dangerous concerns need to be thoroughly vetted, addressed, publically discussed with we the people. Do the job we are paying you to do Sincerely L Gustafson

From: Julie Bauer <jewels58@cox.net>
Sent: Monday, May 02, 2016 11:52 AM
To: Smith, Marisa
Subject: TM-4700TE2

I'm sad to report yet another fatal crash last night on Buena Creek just east of Cassou.

I can't possibly see how another 47 homes, Sugarbush, the threat of 55 off Ora Avo and 2100 off N Twin Oaks will make Our Community safer....

Julie Bauer

From: Ryan Olive <ryanolive13@gmail.com>
Sent: Sunday, May 22, 2016 8:06 AM
To: Smith, Marisa
Subject: TM-4700TE2

Marisa,

I'm in opposition to this project. The plans are not up to current code, this is a safety hazard for the community. I do not believe this will improve an all ready congested community.

Thanks,

Ryan Olive

From: Sherri Pflibsen <spflib@cox.net>
Sent: Sunday, May 22, 2016 12:37 PM
To: Smith, Marisa
Subject: TM-4700TE2

Reference project number TM-4700TE2

I strongly oppose this project moving forward. The in-fracture that would support this project is not sufficient. This project will create traffic hazards, traffic and non sufficient fire escapes. This project will effect already existing homes quality of safety.

Walking in adjoining rural neighborhood will become unsafe with the additional traffic due to lack of lighting, sidewalks, and narrow rural roads.

Sherri Pflibsen
206 Alta Mesa Dr.
Vista, CA 92084
Sent from Sherri

From: Anja Pressler <apressler@yahoo.com>
Sent: Wednesday, May 18, 2016 8:48 PM
To: Smith, Marisa
Subject: twin oaks jeaudi barakat 55

to whom it may concern

Stop this development -it is in total code violation!

We need to have a representative from the county to stop this non sense project -our residential area doesnt have the infrastructure nor willing homeowners to support this indangerment of our area.

Sewer/fire/wildfire/emergency respond

and the list goes on and on.

glad to be living here and being surrounded by neighbors whom care and support one another.

This project was highly flawed then (twice) and even more so with our code restrictions in 2016. Make it stop - we are all counting on you guys.

Regards

Anja Pressler

Sent from Yahoo Mail on Android

From: milo vukovich <mvotb@sbcglobal.net>
Sent: Wednesday, March 30, 2016 11:05 PM
To: Smith, Marisa

Please keep me informed of this TM4700TE2. We have enough traffic problems at Sante Fe and Buena Creek now.

Milo Vukovich

From: Will Talbott <Will.Talbott@madetoorder.com>
Sent: Friday, May 20, 2016 7:39 PM
To: Smith, Marisa

Hello.

I appose the 55 unit development off Ora Avo Dr.

Beauna Creek road is at capacity.

Please consider the impacts on all aspects when reviewing this proposed development.

Will Talbott

p. 760 942 2941
c. 802 598 1469

From: CHIMOHOME@aol.com
Sent: Sunday, May 22, 2016 8:58 PM
To: Smith, Marisa
Cc: chimohome@aol.com
Subject: Opposition to Tentative Map Extension Case No. TM 4700 TE2 PDS2016

To: Marisa Smith, Project Manager,

PDS advisory and decision-making parties:

Opposition to Tentative Map Extension Case No. PDS2016- TM 4700 TE2

- The project needs to be significantly redesigned to meet current codes, and should include preparation of a subsequent updated EIR which properly evaluates and mitigates traffic impacts given the current over-burdened traffic environment on Buena Creek Road, and its connector roads, in conformance with CEQA and County-adopted implementation policies/guidelines.
-
- The project requires significant modifications to conform with current standards including stormwater management. The project is (1) clearly not compliant with the requirements of the County's current MS-4 permit adopted under Ordinance 10410, effective February 26, 2016, and (2) clearly not eligible to be "grandfathered in" under the previous stormwater ordinance.
- the EIR is obsolete and inadequate for reasons including, but not limited to, failure to assess the project traffic impacts as they relate to the current traffic levels and the project's impact in light of those.
- The Buena Creek/S.Santa Fe intersection is now a failing intersection, well beyond the point of failure (LOS F) by any standard, as is recognized by all including County traffic engineering staff. An intersection is considered failing when traffic cannot get through the intersection in one light cycle or 80 seconds delay in the case of the County. It typically requires multiple light cycles and long delays for southbound traffic to get through the intersection in the AM and PM peak hours. At the PM peak hour, due to the priority that must be given to a long northbound left turn green arrow from South Santa Fe Avenue to avoid problematic stacking on Robellini Drive and ultimately Sycamore Ave., the green light for southbound cars on Buena Creek is reduced to where only about 5-6 vehicles can proceed through per cycle. This causes stacking to where it can commonly require 3-5 cycles to get through the

intersection. In the AM peak hour, the southbound green light is longer and many more vehicles get through, but the AM stacking of upwards of $\frac{1}{2}$ mile is such that it still requires multiple cycles to get through.

- The EIR traffic analysis is clearly obsolete and inadequate by virtue of not evaluating cumulative project traffic impacts as required by CEQA and the RFCR in light of the approx. 1,000+ additional ADT's generated by subsequent projects approved by the County and/or under construction along Buena Creek which currently are the 45 homes Quintessa, 24 homes Lone Oak Ranch, 13-lot Sagewood Hills, 8-lots between Starview and Ora Avo, or projects currently under review - most notably the 2,135 home Newland-Sierra project, which would significantly impact Buena Creek Rd.
- The project was not evaluated in the context of the significant increase in peak hour commuter cut-through traffic in recent years as congestion on Interstate 15 has significantly increased, with primarily motorists from the Temecula/Riverside County area.
- There was no assessment of the project's impacts in the context of the impacts from the Sprinter Station, which was constructed after the EIR was certified, and which also did not provide for any improvements to Buena Creek Road with regard to widening, pedestrian walkways and bike lanes.

I ask that the extension request be denied for the above project. If the project was to move forward, it should only do so by following a resubmitted project application, with the project being redesigned to meet current requirements, and by preparation of a subsequent EIR to address the changed project and changed environmental setting. It must go through the proper public review process for the new application and environmental document. The public deserves the right to be informed and be allowed to comment on a new application.

Please forward this letter to all advisory and decision-making individuals/groups involved in the decision-making process for the project. Thank you.

Respectfully submitted,

Ms.Lindsay Townley,

2353 Lone Oak Lane,

Vista, CA 92084

Cell and Text 760-212-5738

chimohome@aol.com

#12, section G of the list of specific conditions to be met before a Final Map is approved, states that the developer must provide deeds showing access rights granted to the owner of this property, from the owners of all parcels through which Deeb Drive passes unless it is shown that such access was acquired prior to the transfer of the lots and remains in effect.

According to a letter written by at least one of the owners of said properties, the developer of the proposed Country Estates has failed to grant himself access to the project in front of their property on Deeb Drive. Therefore he does not have clear title.

Do you have the deeds showing that these access rights were granted?

And if any of these access rights were granted to you, were the people told that the development would be 55 homes, or 14? That's a huge difference, and changes the entire scope of the development and character of the community.

And, along those same lines, when the sewer easements were granted, were the people that granted the easements to the developer told that the development was 55 homes, or were they also assured it would be only 14, in keeping with the character of the community?

Page 9 of the Survey Report of Off-Site Access Roads states Deeb Drive was created as a Private Street Serving One Acre and larger lots. This is the ONLY access road to the Project Site. The cluster of 55 homes on half acre parcels certainly does not meet that criteria.

Also since the development as it is proposed, with 55 homes, will result in an almost 40% increase in traffic in the form of Average Daily Trips along Ora Avo, and because of previous litigation brought against the project, one of the conditions of the 2005 permit is that intersectional sight distance along Deeb Drive from Palm Hill Drive shall be 200 feet to the satisfaction of the Director of Public Works.

The existing slopes at the corners of this intersection must be excavated to provide the necessary sight distance. A significant amount of personal property not just at that intersection, but also at the intersection of Deeb Drive and Via Del Monte Libano would have to be removed in order to facilitate the increased traffic.

Does the developer have deeds showing that he has been granted those properties?

If not, how does the developer propose to acquire this personal property if the owner is not willing to relinquish their rights to that property?

From: Jim Rosvall <jtrosvall@gmail.com>
Sent: Tuesday, May 10, 2016 6:33 PM
To: Smith, Marisa
Subject: Jaoudi Development TM-4700 TE 2

TO: Marisa Smith, San Diego County Planning and Development Services

RE: Jaoudi Project off Buena Creek (TM4700TE2)

I am not opposed to development, HOWEVER, there must be infrastructure to support it. The county has allowed development after development with NO infrastructure to support it. Mr. Jaoudi developed Palm Hill Estates off Ora Avo, but he has never had to make any improvements to the intersection of Ora Avo and Buena Creek Road. Now he wants to put 55 more homes off of the same intersection. The intersection is already extremely dangerous, and accidents are occurring there constantly. You recently approved, Quintessa, a 45 home development on the south side of Buena Creek. As usual the developer did not have to make any improvements to Buena Creek Road. There are a number of reasons this project should not be approved:

1. There is no infrastructure to support it.
2. We are in a continuing drought; where is the water coming from?
3. Our sewage system is already over stressed
4. The environmental damage would be catastrophic. It is old growth chaparral with unique endangered flora and fauna. It is home to the western spadefoot toad, coastal horned lizard, orange throated whiptail, Parry's Tetracoccus and several other endangered species.
5. Traffic congestion, particularly at the very poorly designed intersection of Buena Creek and South Santa Fe, where waiting times can be as long as 15 minutes, is egregious.
6. The quarter-acre lots do not conform to all the surrounding properties that are an acre or more. This is a rural environment, not suburban.
7. This proposed development is located in a box canyon and has been designated as an extremely hazardous fire area. It is over a mile from Buena Creek and has only one way in and out.
8. It is perfect mitigation property. It is not some weed-infested, abandoned golf course.
9. At present, this proposed project doesn't have to conform to present day grading, infrastructure, or building codes.

It is unconscionable that you would approve this development. We have lived in the area for 28 years. There has been no improvement to Buena Creek Road in that time. It is a narrow, winding road (with speed limits up to 50 mph) that allows large trailered trucks of that continually cross over the double center dividing line. Just last week a four car collision resulted in the death of an individual.

The county has never improved its section of South Santa Fe, thus creating a dangerous bottle neck. The cities of Vista and San Marcos have completed their four lane sections of South Santa Fe, while the county section remains two lanes. Sycamore Avenue should go straight through to Buena Creek. That improvement should have been done when the Sprinter station went in. We pay the same property tax as residents of those cities, yet we get very few of the services that those cities provide for their residents.

Stop treating your Buena Creek electorate as step children. You were elected and hired to support the residents, not greedy developers with outrageous projects. I repeat, I am not against development, but it needs to be balanced and conform to the community.

Thank you for your time and consideration.

Very Truly Yours,

Jim Rosvall

3286 Sugarbush Terrace

Vista, CA 92084-6650

jtrosvall@gmail.com

760-598-5685

From: Paul and Sherry Dziuban <hisc146@cox.net>
Sent: Thursday, May 19, 2016 9:56 AM
To: Smith, Marisa
Subject: TM 4700 TE 2

Hi Marisa,

We live on Via Del Monte Libano and we oppose this 55 home development of clustered homes for many reasons. We were at the Monthly meeting last night of the Twin Oaks Valley Sponsor Group. They also oppose this as do the 150 plus people that attended the meeting. It was sad that no one from the County or the Developer were at this meeting to address all the homeowners in the areas concerns.

Reasons,

#1 Safety, regarding fires and increased traffic. (Buena Creek road is already a traffic nightmare) and many traffic accidents already occur on this road and with the 40+ homes coming in off of Sugarbush this will only get worse, then adding another 55 homes is just feasible. Already it takes 5 minutes in the morning to get onto Buena Creek from Ora Avo as the morning commute is horrible and now the evenings are getting just as bad.

#2 Wild Life being displaced

#3. Sewer, storm water and water infrastructure not able to accommodate the homes

#4 This area (Twins Oaks Valley) is meant to be rural area and in this area of Buena Creek, it is supposed to be at least 1 acre lots per home, this proposed development is only ½ acre lots.

All the side roads and driveways cannot support all the extra traffic nor are they wide enough to support this extra traffic this development will create

Please keep North County rural and do not approve this development at its current design.

Also, please do not approve the 2000+ homes and commercial development off of Deer Springs Road. Once again the roads will not support the extra number of vehicles that will be cutting across on Twin Oaks and Buena Creek Roads.

There really needs to be some candid discussions regarding this development and any others as it will greatly impact the health and wellbeing of the residents living in this community.

Thanks,

Paul and Sherry Dziuban
3110 Via Del Monte Libano
Vista, CA 92084



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From: Kevin Glassel <KevinG@nsasearch.com>
Sent: Friday, May 20, 2016 7:17 PM
To: Smith, Marisa
Subject: RE: TM-4700 TE 2

Hi Marissa,

I understand that some major decisions are being made about this development early next week. I also understand that Sugarbush Drive is being surveyed as a possible throughway. This would be absolutely catastrophic to turn this sleepy little cul de sac into a busy road. This is mind-boggling to me and I cannot understand how any rational mind could consider this as a viable option.

We vehemently oppose the development and any changes to the access of Sugarbush Drive!!!!

Regards,

Kevin

Kevin Glassel
1079 Sugarbush Dr.
Vista, CA 92084
760-518-7130

From: Kevin Glassel
Sent: Tuesday, May 03, 2016 10:28 AM
To: Marisa.Smith@sdcounty.ca.gov
Subject: TM-4700 TE 2
Importance: High

County of San Diego, Planning & Development Services
Attention: Marisa Smith
5510 Overland Ave Ste. 310
San Diego, CA 92123

Dear County of San Diego, Planning & Development Services,

We as citizens of the Buena Creek Area and surrounding neighborhood, are extremely concerned about Tentative Map TM-4700 TE 2 being possibly granted yet another extension.

Our primary concern is safety caused by inadequate existing infrastructure. Since the original Tentative Map was drawn up in 1999/2005 the area has exploded in both population growth and commuter traffic, Buena Creek Road has become very congested and dangerous. Very little, if any, improvements have been made to the road or other area infrastructure (Sewer, Public Utilities, etc.).

Fire safety and first responder access are already a major concern for area residents. In an emergency, ingress/egress from Ora Avo Drive or Hollyberry Drive onto Buena Creek Road will be extremely difficult. The addition of homes from this TM to the end of these streets could make an already dangerous situation catastrophic.

The past 11+ years since this project was proposed numerous multi-home developments have been introduced and commuter traffic on Buena Creek Road has skyrocketed, yet the road itself has remained the same. The infrastructure simply isn't there to safely support such a development.

Please take all these things into careful consideration when making the decision to grant or deny yet another extension of tentative map TM-4700 TE 2.

Regards,

Kevin Glassel
1079 Sugarbush Dr.
Vista, CA 92084

From: Richard Oliver <rwo@cox.net>
Sent: Monday, May 23, 2016 1:40 AM
Subject: TM-4700 TE 2 (Buena Creek area)

Hello Marisa:

We are writing to express strong opposition to the “Country Estates” (CE) development off of Ora Avo/Deeb Drive in Vista. There are numerous reasons for this objection. Here are the categories, many of which relate to Buena Creek Road (hereinafter, BCR), the only access to the proposed development. These objections must be considered as a unit with consideration of the development as they are *inextricably* linked to one another:

1. traffic speed (BCR)
2. traffic volume/ingress-egress wait time (BCR/CE)
3. safe access to public transportation (BCR/CE)
4. fire safety (CE/Ora Avo area and Buena Creek Valley)
5. community character (Buena Creek Valley)
6. lack of compliance with current state and county regulations (CE)

Traffic Speed - BCR

We have lived at the corner of Hidden Oaks Trail and BCR since Nov 1, 1995. During that period of time we have observed a *dramatic* increase in commuter traffic on this windy country road. There have been over 100 accidents at our corner in the last 20+ years. There have been 2 deaths within 25 yards of our property and several others along BCR, including recently (see attached below). And dismemberments (another recent accident that caused amputation of the leg below the knee of a Deeb Dr. neighbor within the last four months). As traffic accident records will testify (for those that are actually reported), speed and traffic volume are the primary causes. All this on what might otherwise appear to be a quiet country road. You *must* consider the lack of traffic speed control on BCR before considering CE or any other development along the Buena Creek valley. This is not a request, it is a DEMAND!

Traffic Volume - BCR

Prior to any discussion of traffic on BCR it is important to point out that it BCR is the hypotenuse of the Highway 15/Highway 78/Sycamore triangle and is heavily utilized by commuters headed back and forth from points north, including the Temecula Valley. Temecula auto dealer license plate frames are a dead giveaway as to a significant amount of our traffic – something your traffic studies will never show.

Getting in and out of our street (Hidden Oaks Trail) is extraordinarily challenging (and dangerous) in both morning and afternoon “drive times”; Ora Avo already experiences this same challenge and CE will only exacerbate the problem with another 550 ADTs. Trying to reach the 78 freeway in the morning or evening means waiting through a 4-6 traffic light queue at the failed Sprinter/South Santa Fe intersection. The evening queue of eastbound commuters backs up from Monte Vista Drive past Hidden Oaks Trail and around the corner at the end our property every weekday evening. When it doesn’t reach the bend we often hear screeching tires as speeding cars blaze through the eastbound bend just before our street and realize they are about to rear-end the Monte Vista queue. It’s like having highway 78 right in your side yard. Not something we planned for or ever imagined when we moved here. You need to come see it for yourself, not just rely on some statistics that staff traffic engineers provide – seeing is believing.

Monte Vista Drive, just east of us, is itself also under duress because of the heavy traffic load on BCR. Because of the long queues at the Sprinter station (I waited through five westbound light cycles at about 6pm Friday evening at about 4pm) many of us in the area get into downtown Vista via Monte Vista to avoid the CA state-defined *failed* South Santa Fe intersection. We also sometimes get to the 78 via Monte Vista to South Santa Fe to Mar Vista, again because of the mess at South Santa Fe. Last year a near-tragedy took out a young child and his dad in the crosswalk at Valley Dr and Monte Vista Elementary School and precipitated narrowing that road and installation of a fenced center median. All of these things, like "the knee bone connected to thigh bone" are interrelated. The mess on BCR radiates out into and threatens the safety of our entire community. You need to come see it for yourself, not just rely on some statistics that staff traffic engineers provide – seeing is believing.

The increasing problems on Buena Creek Road without relief from the County of San Diego are unthinkable. The county's lack of a plan to resolve it is even more unthinkable. THIS IS NOT NEW INFORMATION TO THE PLANNING DEPARTMENT OR THE COUNTY SUPERVISORS! As a group you have chosen to rely on what might be instead of what is. As a community we are damned sick and tired of your neglect. We're paying your salaries, but you are not doing your job(s) effectively.

The concept oft-cited by county planning staff that BCR will become a 4-lane thoroughfare is absolutely fictitious. Eminent domain costs alone preclude any serious consideration of its widening. And widening of this country road would also completely change/damage the character of our community. You know, the planning commission knows, and the supervisors know that widening BCR will *never* happen. County planners should immediately desist using its "4-lane future status" as a basis for *any* planning purposes and reclassify BCR back to 2-lane status. Add the failed intersection at South Santa Fe to that mix. And, add a wildfire coming out of the east, as is most common, and you have a recipe for a significant loss of not only property, but lives. We don't think you would want to live here under these circumstances. But we do, and we need you to stand up and fight for our interests, not just roll over for every developer who comes along. The 550 ADT of the proposed CE development will only to the existing strangulation.

Safe Access to Public Transportation

In addition to the heavy traffic load on BCR, there is no safe way for either pedestrians or bicyclists to safely access the public transportation (Sprinter) that is only .8 mi from our home. All along the Buena Creek corridor there is limited walking space, many areas less than 12 inches wide (TWELVE INCHES OR LESS OF WALKWAY ON A TWO-LANE ROAD WITH PEOPLE TRAVELING AT SILLY SPEEDS. Anyone who walks or bikes along BCR is literally taking their life in their hands. Add the speed and traffic volume challenges to that observation, and the probability of a pedestrian death increases dramatically. And we still can't get to the Sprinter without getting into a vehicle to protect us in the .8 mi trip. Is that what you really had in mind when you approved the huge expense of the Sprinter development, that people nearby would still have to drive to it to utilize its service? Really?

There is a gentleman who lives further west along Buena Creek Road and who is confined to an electric wheelchair. His sole means of transportation to either the Sprinter or, all the way down Buena Creek then via Robelini/Sycamore to the North County Square where his life necessities may be purchased, is the electric wheelchair. He has to risk his life just to go buy a roll of toilet paper! I personally spoke with him prior to a Twin Oaks Valley Sponsor Group Meeting that he was unable to attend and his plea was simply, "help me!" Are you listening?

In spite of all this, the planning commission and the supervisors keep approving adding more heat to the burner instead of realizing the pot is already boiling over. That begs the question about who in our community will be burned next. Please note that this community is riled up and watching your actions closely, while still holding out hope that you will put yourself in our position prior to considering any potential renewal on the CE extension.

Fire Safety

The “big one” is coming. We all know that. It will likely start east of highway 15 and, be fueled by dry chapparel, and powered by heavy Santa Ana winds. Cars at the east end of this valley will not exit via Deer Springs (including the soon-to-be resurrected/renamed Merriam Mountains/Newland project). People do not drive toward a fire, they flee in the opposite direction which, in this case, will take them either to Twin Oaks Road or west on BCR. It is a disaster waiting to happen. Continued dense development along the BCR corridor without remediation of the road problems will only exacerbate the exposure for us all. And there is no real potential for remediation of this road except cessation of development. We know it, you know it, so why keep pouring fuel onto the fire?

If one looks closely at Ora Avo Drive, you will see that it is what people in Baltimore, for example, would call an “alley street”. At present it is an *extremely* narrow road that, when events are held at individual homes with cars lining both sides of the road, hardly allows for passage of a wide vehicle. The road already presents a significant fire safety challenge to existing residents. Adding 55 dwelling units *way* up the hill and into the canyon at its crest is like tempting fire fate. People will be trapped not only trying to get out via BCR, but the people on Ora Avo may well be trapped and not even be able to access BCR because of road size and, for lack of a better term, “clogging”. Getting out the “back way” via Hardell Ln and multi-switchbacked Catalina Heights Way to Catalina to Foothill is a looming recipe for loss of human life. We know it, you know it, so why keep pouring fuel onto the fire?

Our valley is at high fire risk. And the people on Ora Avo (and in the new Sugarbush development-in-a-boxed-in-canyon) are at extreme risk. These facts can’t be “averaged away” by planners or supervisors. They must be dealt with before consideration of any additional development along the BCR corridor. Now is your opportunity to step up and really do the right thing, regardless of political or developer pressure. This CE development simply does not make practical sense.

And, regardless of the fire district saying, ‘Well, we’ll change this or that and it will be ‘ok’” is simply to turn one’s back on the obvious danger that is being added to the community by even considering, not alone approving, the extension map for CE.

Community Character

The planning department, the planning commission, and the supervisors continue to ignore the “MiraMesafication” of our rural community by approving dense development that is not at all in character with our community. Most recently, the Lone Oak project where planning staff used some ridiculous “lot-averaging” as an excuse for density. Planning staff were not pleased at the Lone Oak project public hearing to have to admit to disgruntled planning commissioners that they included the micro-lot modular home Verona Hills development as part of our community’s average lot size. And now before them is a plan to put 55 homes on a property that was previously approved for 4 homes at the end of an “alley street” with no plan whatsoever for fire safety and emergency vehicle access, etc.? Are you kidding me? When does the planning department and commission stand up and say, “Enough, already, these people in this community are our constituents and we are not looking out for their best interests.”?

What is the average/appropriate lot size in the Buena Creek Valley? Certainly it is not half an acre. Excluding Verona Hills, which apparently came into being/approval because of some very shady back room dealings between county and developers, we want to know what is the average lot size in the Buena Creek Valley. No dancing around on this, please. Just give us the fact’s ma’am! They will surely speak for themselves. The continued use of “lot-averaging” as was done with the ridiculous Quintessa development must not be allowed to continue where useless land is factored into the mix to justify cramming houses together in sync with Malvina Reynolds song in 1962. That does not match the character of the Buena Creek Valley. You need to come see it for yourself, not just rely on some statistics that staff traffic provides – seeing is believing.

Lack of compliance with current state and county regulations (CE)

While we are not land-use experts or civil engineers, there was more than adequate testimony at the Twin Oaks Valley Sponsor Group (TOVSG) meeting on May 18 by numerous licensed civil engineers who testified to the myriad of non-compliances of this 16 year-old project to current state and local codes. To allow this CE developer to be “grandfathered” in under laws that have been radically changed since the initial inception of this project is illegal, plain and simple. And, if the planning department or supervisors approve it, they should get sign off from county counsel first as they will be headed into a non-winable lawsuit with the community. You simply cannot continue to railroad nonsensical projects down our community’s throat and expect there will be no well-funded significant push-back.

There were approximately 150 people at the TOVSG meeting on May 18th. They were not happy campers about the entire situation, from traffic to fire safety to this pending break with community character. There is a landslide of resistance to this project in the greater community. It is time for the planning department and planning commission (and supervisors, for that matter) to sit up and listen to us. We’re mad as hell and we aren’t gonna take it any more. We’re having another TOVSG meeting on June 15th that needs to be attended by senior planning staff who will be prepared to defend their department’s position. The alternative will not likely be pretty.

In conclusion

We know from personal conversation with planning commissioners that they have only “map familiarity” with our community, not firsthand knowledge. They cannot continue to make long-term decisions without personal knowledge of, and experience in, the community. Sorry, but they cannot depend on your department to be their eyes and ears. They *must* get involved here to protect the integrity of our community. As this road situation continues to deteriorate, it will take property values with it. This is a real threat to us not only in quality of life but in our individual investments in our homes.

The planning commission *claims* it has no control over Buena Creek Road and any future availability of funds for things like a 4-way light at the Monte Vista/Buena Creek intersection. But that is like claiming ignorance when a set of encyclopedias and a big dictionary are on the table in front of you, and a myriad of expert witnesses are sitting at the side (and that refers to the community, not your department’s employees)!

The planning commission *does* have power over the situation: it can stop approving all mass development along the Buena Creek corridor, including CE, until such time as the practical safety and egress limitations have been remediated. And it can stop the urban sprawl that is not in character with this community. Such action, though unpopular with developers and at least one supervisor, would demonstrate that the planning commission is actually doing its job, not just preserving jobs in the planning department and construction industries. The entire character of a community is at risk here. The safety of a large rural community is at risk here.

The “Country Estates” project is just the latest in a string of developments, with the resurrection of Merriam Mountains looming on horizon and threatening to literally bring down the whole Buena Creek valley. It is high time that the planning commission stands up and says, “Enough!”

We expect you to deny the project extension for “Country Estates” and then to come back to our community to sit down and make a plan to get us all out of this mess.

We would be pleased to host any staff or commission members (or supervisors) who will invest the personal time to come and visit and see what all this hoopla is all about. Come sit in our driveway in morning and afternoon commute times and see for your self (we’ll provide sustenance). Leave our house headed east at 5:00-5:30pm. Leave our house at 7:30-8:30 am headed west; or try it at 4:30-6:00pm. Or, if you have nerves of steel, try walking from our home to the sprinter station at just about any time of day. Bring your Depends, you will need them.

If you have questions and would like to talk about this with us, please call Richard Oliver at 760-604-0262. Please know that this is not simply a NIMBY request. We greatly respect the concept of use of private property, but not at the safety and cost of convenience of people who already live in a proposed-to-be developed area. My brother operates a very large, well-known San Diego-based center-city development company doing projects from downtown San Diego west to Hawaii and the Pacific Rim and east to Chicago, through Nashville, Houston and Atlanta. We have observed them win accolade after accolade because they consider the communities around the the specific needs of those communities prior to embarking on a project. As a result, they have had years and years of success that elude developers like CE, who move forward simply by bullying their way through the process and without regard for the community in which they propose to build and create a significant income stream for themselves.

Again, it's time the county put an end to all development along the Buena Creek Corridor and focus instead on how to solve the tremendous apparently county-sanctioned mess that already exists.

Thank you for your consideration,

Richard & Margie Oliver
1285 Hidden Oaks Trail
Vista CA 92084-7316

Driver crashes, dies after trying to pass truck in San Marcos

SAN MARCOS

A driver who tried to illegally pass a truck was killed Sunday evening after his car slammed into three vehicles in a chain-reaction crash in San Marcos.

Witnesses said a Toyota Corolla Sport was speeding east on Buena Creek Road when it crossed over a double yellow line to try to pass a Dodge Ram about 8 p.m., California Highway Patrol Officer Jim Bettencourt said.

The car collided head-on with a westbound Kia Rondo, and then with the pickup the driver had tried to pass near Country Creek Road. The Toyota was propelled back into westbound traffic, where it hit a Toyota Tundra.

The Corolla's driver, a 29-year-old Oceanside man, was killed. His passenger, a 30-year-old Escondido man, suffered major injuries, Bettencourt said.

The driver and the passenger in the Kia suffered moderate injuries. Neither pickup driver was injured.

Officials did not say whether alcohol or drugs were factors in the crash.

 --Richard & Margie Oliver
 1285 Hidden Oaks Trail
 Vista CA 92084-7316

From: Joseph Chirra <josephchirra@gmail.com>
Sent: Sunday, May 22, 2016 10:31 AM
To: Smith, Marisa
Subject: TM-4700TE2 I oppose this project!

Dear Ms. Smith,

I know that the proposed project does not meet current codes and question how it can be built. It will completely destroy the valley and surrounding residential areas. So, besides the question: how can it be built under the current codes?, I have the following questions:

1. If information from the project's traffic analysis was based on the wrong street classification/width, can the tentative, unvested map be found inadequate and require a new analysis?
2. If the 55 home subdivision is built as proposed, will there be adequate water pressure to serve homes that are at the end of the water lines, including water pressure for fire suppression?
3. If the 55 homes are built and the increased traffic causes a bottleneck on fire evacuation routes during a wildfire, resulting in injuries or death, will the County be liable for damages?
4. Given the long time lapse since initial submission of the proposed project, is a new fire protection plan required that addresses changed conditions?
5. How can 55 homes be built in an area that is zoned for 1 home per 20 acres?

6. Have the issues about the EIR that were raised in the Superior Court decision concerning this project been satisfactorily addressed by the project applicant?

7. Has the project applicant mitigated the project's impact on the environment as required by law? If so, how?

It is clear to me that no member of the Board of Supervisors ever did a field inspection of the proposed site when this project was first approved by the Board long ago. If she or he had done so, there is no way it would have been approved as proposed. Under current codes, there is no way this project can be approved. This is obvious even without a field inspection.

If the Board approves this, I have no doubt (based on fervent community opposition) that another lawsuit to block the project will be filed. The failure of the project applicant or his representatives to attend the Twin Oaks Valley Planning Group meeting last Wednesday demonstrates the arrogance and disrespect the project applicant has for the community he seeks to destroy. His actions in trying to get this project approved at the last minute without adequate notice to the surrounding land owners have only strengthened the resolve of the community to make sure this project, as proposed, does not get built.

Please reject this project.

Joe Chirra
Catalina Heights Way
Vista, CA.

From: Wade Prescott <wwprescott@hotmail.com>
Sent: Monday, May 23, 2016 12:49 PM
To: Smith, Marisa; danikasnonna@hotmail.com
Subject: TM-4700TE2 Proposed 55 Housing off of Ora Avo, Vista CA

Dear Marisa and Members of the County Board....

I hope I am not too late to verbalize to you how much we oppose the addition of 55 homes in our area. As you know, the proposed development would be located as an extension of sorts to Ora Avo/ Deeb Drive in a valley area currently filled with brush and wild life. The only access these homes would have to reach a main road(Buena Creek Rd) in case of fire is Deeb Drive which connects to Ora Avo. It has been said that Hardell is another access road but it is one lane and windy so, practically speaking, Ora Avo is the ONLY access.

My husband, Wade Prescott, and I have lived on Deeb Court for 26 years. Deeb Court is the FARTHEST road from Buena Creek Road. Like all of our neighbors, our greatest concern is fire safety and traffic. We have been extremely diligent in keeping our land as clear as possible and are inspected annually by the Fire Department. Ora Avo is our ONLY way in and out to Buena Creek!!!! Ora Avo is a 2 lane country road which is so narrow that it is impossible to have parked cars on the road and have the ability for two cars going opposite directions to pass one another. We have ALWAYS been concerned as to how, in case of fire, emergency crews would be able to get INTO our area and how the people would be able to get OUT effectively with family members, pets, etc.

There are several side streets also that extend off of Ora Avo and branch into other small streets but NONE of these side streets tie into any other road but Ora Avo and, therefore, they also have NO other access to a main road (Buena Creek) accept via Ora Avo. Not only does this pertain to emergencies but also daily traffic.

I became very curious as to how many homes exactly are "hidden" on these side streets and also would be affected so I personally counted ALL of the homes from Buena Creek Road to Deeb Court that depend on Ora Avo Road as their SOLE access. The answer astonished me....159 HOMES (not including a few that I may have missed due to private roads) Let me repeat.....159 HOMES with families and pets and approximately 2 cars each that only have ONE access to Buena Creek (which leads to either 78 or I15) 159 homes PLUS the proposed 55 homes that would be gridlocked on Ora Avo in a fire or other catastrophic emergency. Also may I remind you that Ora Avo is only ONE of the MANY, MANY streets that feed into Buena Creek Road and depend on it for daily traffic and safety.

Also may I respectfully remind you that Buena Creek Road itself is a two lane road with speed limit up to 50 mph and between South Santa Fe and Twin Oaks Valley Road (which lead to 78 and I15) there is only ONE traffic signal which is made up of a 3 way stop at Monte Vista.

Our traffic situation is deplorable s it stands now....work traffic in the mornings and evenings are backed up terribly. It is inconceivable to us how 55 additional homes could even be considered without total disregard for the safety of all the present homes and families and high traffic volume in this area.

We respectfully implore you to turn down the proposed housing development of 55 new homes. Thank you.

Sincerely,

Wade and Diana Prescott
3011 Deeb Court , Vista, CA

To: County Planning and Development Services
Attn: Marisa Smith
858-694-2621
5510 Overland Ave, Ste 310, San Diego, CA 92123

1 May 2016

From: Joe Reiss
2115 Catalina Ave, Vista, CA 92084
760-213-4946

Subject: Proposed Development TM-4700TE2
General Plan Designation RL-20

Dear SD, Planning and Development Services

This letter is in support of preventing the high density residential project that is being pushed by the county. This letter supports all the valid reasons put forth by the Twin Oaks Valley Sponsor Group post card and there is another factor you should be considering.

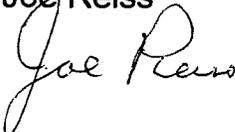
You, the county planners, are forcing us rural residents into a high density life style that is irreversible. I am a resident of Vista, my property line is on the west boundary of the city. It is the last vestige of rural area in the city. The city has chosen to build multiple complexes with multiple stories creating a significant increase in population and structure density, of course the argument is that Vista is a city.

Now my question to you planners is why do you want to destroy the rural / pristine environment that exists? Is not LA a prime example how this kind planning can go bad. When everyone else is trying to improve, save, or restore the beautiful places we have, it seems you planners have turned a blind eye.

I would like to make a humble request that you reconsider and, if necessary, create a far less dense situation.

Respectively

Joe Reiss



Cc : Twin Oaks Valley Sponsor Group

Richard W. Oliver, Jr.
1285 Hidden Oaks Trail
Vista CA 92084-7316
rwo@cox.net

March 18, 2016

Michael Beck, Chairman
San Diego County Planning Commission
Planning & Development Services
5510 Overland Avenue, Suite 110
San Diego, CA 92123

COPY

Dear Michael:

On behalf of my neighbors here in the Buena Creek area of Vista (Temecula Freeway/Indianapolis West), I would like to personally thank you for your consideration of our presentations last week regarding the Lone Oak project and for taking time to talk with us afterward. While not agreeing with the board's conclusion, I do appreciate that you and some of the commissioners paid close attention to our plight with Buena Creek Road and projects that do not match the character of our community or capacity of our roadway. We trust you will not forget this information.

Today I received notice that yet another development in our neighborhood is starting to wend its way through the planning process (PDS2016-TM-4700TE2 Tentative Map). In addition to the Sugarbush/ Quintessa and Lone Oak Ranch approved developments, which already will add 780 ADTs to Buena Creek Road, this new proposal will add yet another 550 ADT, for a net increase of 1,330 ADTs.

That planners at the county apparently use the never-will-happen proposed 4-lane "future status" of Buena Creek Road as a planning guide is unthinkable. That this road has not been reclassified is also unthinkable. In addition, as was pointed out by our neighbors and only answered by planners under duress, for purposes of getting the Lone Oak development approved, the micro-lot, factory-home Verona Hills development was used in calculating average lot size for this area. That development is, at the very least, a statistical aberration. Long-term residents in our community believe its original approval was accomplished via "back door", illegal manipulations which only intensifies the sting.

Please take time to both visit our community at "drive time" and to study an aerial view map to better understand the situation. Come sit with me in our driveway and see for yourself. We have a very unsafe road and the simultaneous "MiraMesafication" of a rural community with seemingly no consideration for either the character of the community or the road that services it. To quote Peter, Paul and Mary, my question for you and your fellow supervisors is this: "When will they ever learn?"

Though some of this is beyond your control, allowing continued out-of-character development in a rural neighborhood that cannot support the existing traffic *is* within your realm of control. Please take this into consideration prior to bringing yet another project to what feels like a foregone-conclusion approval process.

Sincerely,



Richard Oliver

960 Ora Avo Drive
Vista CA 92084
May 12, 2016

Ms. Marisa Smith, Project Manager
County of San Diego Planning and Development Services
5510 Overland Avenue, Suite 310
San Diego CA 92123

RE: TM4700 TE2, known as "Country Estates"

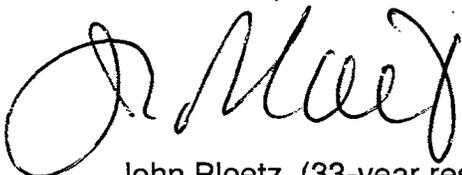
Dear Ms. Smith:

I am writing to express my absolute opposition to any extension or further consideration of this project in its present form. It is long past time that the developer go "back to the drawing board" for a plan that is in keeping with the surrounding area and today's requirements.

As I am sure you are aware, at one time there was an approved map for 14 lots in this high valley. We neighbors had no problem with this; in fact we felt that custom homes on larger lots were appropriate for the highest ground on our dead-end road. In 2005 there was a proposal to change the density requirements and squeeze in 55 homes. County Planning unanimously recommended against this, and yet the Board of Supervisors approved it anyway.

The traffic situation on Buena Creek Road is already out of control. This narrow, winding country road was never designed to be a commuter route from Riverside County to Carlsbad, as it is today. We now have a "rush hour" (actually several hours) at both ends of the day. At times it is very difficult or even dangerous to exit from our own street onto Buena Creek. The chaos of a mass evacuation is unthinkable. Yet new developments are proposed all the time. Those of us who actually live here will be stuck with the consequences long after the developers have moved on.

In conclusion, I hope that, at the least, this project will be held to today's more rigorous standards for such things as storm water runoff control and fire safety, and that professional planners like yourself will not be overruled by politicians. Please keep me advised. Thank you!



John Ploetz (33-year resident of Ora Avo Drive)
e-mail: jploetz@hughes.net cell: 760.801.7760

Attachment I – Ownership Disclosure



County of San Diego, Planning & Development Services
APPLICANT'S DISCLOSURE OF OWNERSHIP INTERESTS ON APPLICATION FOR ZONING PERMITS/ APPROVALS
ZONING DIVISION

Record ID(s) PDS 2016-TM-4700 TE2
Assessor's Parcel Number(s) 178-160-04 & 05

Ordinance No. 4544 (N.S.) requires that the following information must be disclosed at the time of filing of this discretionary permit. The application shall be signed by all owners of the property subject to the application or the authorized agent(s) of the owner(s), pursuant to Section 7017 of the Zoning Ordinance. NOTE: Attach additional pages if necessary.

A. List the names of all persons having any ownership interest in the property involved.

Joseph H. Jaoudi
John Barakat

B. If any person identified pursuant to (A) above is a corporation or partnership, list the names of all individuals owning more than 10% of the shares in the corporation or owning any partnership interest in the partnership.

[Blank lines for B]

C. If any person identified pursuant to (A) above is a non-profit organization or a trust, list the names of any persons serving as director of the non-profit organization or as trustee or beneficiary or trustor of the trust.

[Blank lines for C]

NOTE: Section 1127 of The Zoning Ordinance defines Person as: "Any individual, firm, copartnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver syndicate, this and any other county, city and county, city, municipality, district or other political subdivision, or any other group or combination acting as a unit."

Signature of Applicant: [Handwritten Signature]
Joseph H. Jaoudi
Print Name
Date: 3-5-16

SDC PDS RCVD 03-17-16
TM4700TE2