

I-238 Tom and Mary Kumura

I-238-1 The comment states that a letter in response to the NOP is attached to the Draft EIR comment letter. The commenter asks that the County respond to all NOP comments and questions. The comment states that the Draft EIR states that NOP comments were presented in Appendix A of the Draft EIR, but it is impossible to track down a specific answer to each question.

The County has responded to the attached NOP comment letter referenced in this comment (see **Response to Comments I-238-28 through I-238-56**).

CEQA Guidelines Section 15084 (c) states, “Any person, including the applicant, may submit information or comments to the lead agency to assist in the preparation of the draft EIR. The submittal may be presented in any format, including the form of a draft EIR. The lead agency must consider all information and comments received. The information or comments may be included in the draft EIR in whole or in part.

NOP comments were presented in Appendix A of the Draft EIR and were considered in the analysis. Responses were not provided to NOP comments, as this is not required per CEQA Guidelines Section 15084 (c).

I-238-2 The comment states that the Draft EIR does not present basic background information regarding the Twin Oaks Valley Community Sponsor Group area. The comment states that the Draft EIR should have a discussion of the current population, number of housing units, density, age breakdown, and household income trends for the Twin Oaks Valley Community Sponsor Group area for 2000, 2010, 2017. The comment states that a lack of information regarding the Twin Oaks Valley Community Sponsor Group neighborhood will not allow decision makers to understand how the area is different from San Marcos.

Section 2.12-2, Population and Housing provides population and household data for the North County Metropolitan Subregional Plan area, which the project belongs to. The North County Metropolitan Subregional Plan area is composed of non-contiguous “island” areas interspersed among the cities of Escondido, San Diego, San Marcos, Vista, Oceanside, and Valley Center, and includes the communities of Hidden Meadows and Twin Oaks Valley. The majority of the project is located in the community of Twin Oaks Valley. While population and household data for the Unincorporated County and the North County Metropolitan Subregional Plan area is available, this information is not available specifically for the Twin Oaks Valley community.

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I-238-3 The comment provides an excerpt from the Draft EIR, which states that the project would be consistent with the Twin Oaks Valley Community Plan. The comment states that the Draft EIR provides the Bonsall Community Plan as an Appendix, but does not include the Twin Oaks Valley Community Plan; therefore the public cannot verify if the project is consistent with the plan.

The Draft TOVCSG Community Plan is draft and not an approved plan required to be analyzed under CEQA as part of the Regulatory Setting. The Draft EIR has analyzed the proposed Project's consistency with applicable plans as required by CEQA. Please refer to Section 3.3.

I-238-4 The comment states that the project would not be consistent with the Twin Oaks Valley Community Plan.

Please refer to **Response to Comment I-238-3**.

I-238-5 The comment states that the Twin Oaks Valley Community Plan discourages leap frog development, which the project has characteristics of.

The County agrees that the General Plan discourages leapfrog development, as is outlined in Guiding Principle LU-1.2.

LU-1.2 Leapfrog Development. Prohibit leapfrog development which is inconsistent with the Community Development Model. Leapfrog Development restrictions do not apply to new villages that are designed to be consistent with the Community Development Model, that provide necessary services and facilities, and that are designed to meet the LEED-Neighborhood Development Certification or an equivalent. For purposes of this policy, leapfrog development is defined as Village densities located away from established Villages or outside established water and sewer service boundaries. [See applicable community plan for possible relevant policies.]

However, as described in Appendix DD of the Draft EIR, Land Use Consistency Analysis:

“The Community Development Model is implemented by three Regional Categories: Village, Semi-Rural, and Rural lands. The project as proposed is consistent with the Community Development Model, because the Community Development Model has already applied an established Village Regional Category designation to a portion of the project Site. The project does not propose to create a new Village, or expand or reconfigure the existing Village area. The project is also within the established boundaries of the Vallecitos Water District.”

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Therefore, the Project is not considered leapfrog development, and would be consistent with the County General Plan, in that regard.

- I-238-6** The comment states that the discussion of open space is extremely weak and should be reworded to explain why off-site and on-site open space are required. The commenter asks why only a 212 acre site is needed as a PAMA.

The amount of open space was partially determined by the Conservation Subdivision Ordinance as well as biological resources identified on the Project site. As described in Section 2.4 of the Draft EIR:

“The biological open space for the proposed project would include three large, interconnected, open space blocks within the project Site, as well as a large off-site biological open space parcel...The proposed on-site open space design consists of two large, continuous blocks of key biological resources (approximately 1,025 acres) situated within the northern half and along the eastern boundary of the project Site, and a third large block of open space in the center of the Site that connects the abovementioned blocks of open space to open space located east and south of the project Site (Figure 2.4-1, Proposed Open Space Design and MSCP Preserves). These connected blocks of habitat create an on-site biological open space preserve of approximately 1,209.1 acres, which has been designated as a proposed hardline area in the draft North County Plan of the County of San Diego MSCP (North County Plan; County of San Diego 2016).”

The majority of the proposed open space design would be located within the northern half of the project Site to form a contiguous block of habitat that is roughly 10,600 feet by 4,300 feet (870.2 acres, Block 1). The northern half of the Site has previously been described as having the greatest potential to support wildlife due to the east/west connection with the San Marcos Mountains (PSBS 2003). In addition, the northern half of the project Site is positioned to take maximum advantage of interconnected blocks of habitat. The northern portion of the proposed open space design provides a diverse representation of the natural and environmental conditions that occur within the larger project vicinity. The northern portion of the Site also contains existing dirt trails, an abandoned airstrip, and the old rock quarry. To protect the open space, and control human encroachment, designated public access trails will need to be established using signage and designated trail routes. It is also important to protect large patches of habitat that do not currently contain trails. The proposed trails, are located along pre-existing dirt roads and trails. The use of these trails would be monitored and reinforced by a preserve manager who would visit the Site on a semi-weekly basis to document and subsequently reinforce these efforts. Draft North County Plan pre-approved mitigation area (PAMA)-designated lands are located to

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the west and north of the proposed on-site biological open space, which signifies that the lands adjacent to the proposed biological open space also support biological conservation value. As described in the draft North County Plan, '[t]he PAMA represents areas that the County and the Wildlife Agencies recognize as important to preserve in order to meet the Plan's conservation goals.' The PAMA area has been 'pre-approved for mitigation because [it] had (1) high composite habitat value, (2) critical core and linkages, or (3) helped meet the conservation goals.'

Biological open space is also proposed along the eastern boundary of the project Site adjacent to Interstate (I) 15, which serves as important habitat for coastal California gnatcatcher (*Polioptila californica californica*) and many other wildlife species, as further described under "Environmental Setting," below. This provides a contiguous on-site block of habitat that is roughly 7,000 feet by 1,000 feet (153.9 acres) (Block 2). This block of habitat facilitates wildlife movement through the project Site to open space to the north and south as well as providing cover for wildlife crossing I-15 and live-in habitat for many species. Block 3 open space would be located in the south-central portion of the Site. Segments of proposed development would occur to the east, west, and north, and natural habitat and avocado groves occur to the south. This block of habitat is approximately 7,000 feet by 1,200 feet (185.0 acres) and serves as live-in habitat for smaller species and some birds, and movement habitat for larger wildlife species. The area links the northern and eastern blocks to undeveloped lands south and east of the project Site through three corridors (Figure 2.4-1).

The proposed on-site open space design includes an array of environmental features, including ridgetops, hill tops, and rocky outcrops, which allow for a variety of potential nest, roost, and other resources for raptors, bats, and granite-associated reptiles such as granite spiny lizard (*Sceloporus orcuttii*) and granite night lizard (*Xantusia henshawi*). The majority of this area primarily consists of dense chaparral, and contains a diverse representation of the vegetation communities that occur on Site and in the vicinity, including riparian forest and scrub, coastal sage scrub, non-native grassland, and oak woodland. The two largest riparian areas located within the project Site would be included in the open space: the South Fork of Gopher Canyon and the South Fork of Moosa Canyon (Figure 2.4-1). The South Fork of Gopher Canyon, which is located along Twin Oaks Valley Road, holds water part of the year. The topography in this area of the open space is highly diverse and includes elevations from approximately 700 feet above mean sea level (AMSL) to 1,750 feet AMSL.

Overall, the entire proposed on-site biological open space contains a diversity of environmental characteristics that are present in the vicinity, including representative populations of special-status plant and animal species observed on Site; existing dirt trails and canyon bottoms currently used by wildlife for

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movement across the Site; and the north/south-trending tributary to Gopher Canyon along Twin Oaks Valley Road, which provides linkage opportunities to the San Marcos Mountains.

A portion of Twin Oaks Valley Road currently crosses the northwestern section of the project Site. Twin Oaks Valley Road serves as a major roadway used by the public, and would serve as secondary access to the Community through the extension of Camino Mayor. The proposed project would provide access to Twin Oaks Valley Road off of Camino Mayor. As designated public roadways, these road segments would not be included within designated open space (Figure 2.4-2, Proposed Project).

Although FMZs would not be counted as mitigation or open space, they do contribute to wildlife movement and live-in habitat for many species, particularly when the surrounding habitat is very dense and when the areas are thinned 50 percent or less. These areas would add an additional 63 acres to Block 1, 52 acres to Block 2, and 100 acres to Block 3. These additional acres are not included in the approximately 1,209 acres of open space preserve.

Block 3 would be situated in the southern portion of the project Site, which includes coastal sage scrub at the northern end, but is predominantly composed of chaparral. This block includes four peaks, boulders, steep slopes, valleys, and moderate slopes. At its narrowest, the southern slope portion of Block 3 is approximately 295 feet wide, but averages approximately 650 to 700 feet wide. This portion of Block 3 abuts other PAMA lands that are composed of coastal sage scrub, chaparral, and general agriculture. Orchards have been shown to convey larger wildlife (Nogeire et al. 2013), and, as a result, all wildlife movement for all classes of wildlife (e.g., mammalian, avian, reptilian, air-based, ground-based, generalists, sage scrub specialists) are expected to use the connection and habitats present.”

I-238-7 The commenter asks if off-site space outside of California or the United States could be used. The commenter asks how open space in Ramona offsets the impact of development in the Twin Oaks Valley Community Plan area.

The County acknowledges the comment and refers the reader to **Topical Response BIO-1** regarding the proposed project’s consistency with the Draft NC MSCP. As described in the Newland Sierra Off-Site Mitigation Memorandum (Appendix K to Appendix H of the Draft EIR), the mitigation site is comparable to or better than the habitat that is being impacted on the Newland Sierra site. The mitigation site includes a variety of topographic relief, a comparable suite of vegetation communities, and rock resources. Therefore, it contributes to the vegetation community mitigation requirements described in Table 2.4-27, pgs. 2.4-172 and 2.4-173 of the Draft EIR. The County will include the comment as part of the Final EIR for review and

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consideration by the decision-makers prior to a final decision on the project. No further response is required or necessary.

I-238-8 The commenter asks who would own the land that are part of onsite and offsite open space.

As explained in the updated Specific Plan, Appendix C of the Draft EIR, Section 4.4.1.7:

The project will include on-site native habitat preserve areas totaling 1,209 acres in size. The preserve areas will be protected with permanent conservation easements. The project's preserve areas will be subject to an RMP²²⁸ that requires the preserve to managed in perpetuity by a preserve manager. The RMPs contain detailed maintenance, monitoring, and species management requirements that will be funded by the project through either an endowment or a Maintenance Community Facilities District (CFD) to ensure sufficient funding persists in perpetuity to meet the preserve management requirements of the RMPs.

As explained in the updated Specific Plan, Appendix C of the Draft EIR, Section 4.4.2:

The public facilities and services required to support the Community will be available and financed as needed using various sources and methods of public and private financing. Table 13, Maintenance Financing Mechanisms and Responsible Parties, summarizes on-Site and off-Site services required to be available at the time of need, as well as a description of the recommended financing options(s) for their implementation. The recommended financing mechanisms are provided as guidelines and should not be considered as final recommendations. Actual implementation of a specific financing mechanism will be accomplished pursuant to proceedings as established by special districts, the County of San Diego, and relevant state and federal laws.

Table 13
Public Facilities Maintenance and Public Services Financing Mechanisms and Responsible Parties

| Public Facility or Service | Financing Mechanism(s) | Responsible Party |
|--|------------------------|-------------------|
| Public Roads (Off-Site) | County General Fund | County |
| Parkways, Medians, and Pathways Improved by the Project (Off-Site) | County General Fund | County |

²²⁸ Reserve Management Plan

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Public Facilities Maintenance and Public Services Financing Mechanisms and
Responsible Parties**

| Public Facility or Service | Financing Mechanism(s) | Responsible Party |
|--|-------------------------------|---------------------------------------|
| Public Roads (On-Site) | County General Fund | County |
| Parkways, Medians, Swales, Pathways (On-Site) | HOA Dues/Maintenance CFD | HOA/County |
| New Storm Drain & Water Quality/Detention Basin Improvements (Off-Site) | Maintenance CFD | County |
| Drainage/SW Management (On-Site)-Cat. II | HOA Dues | HOA |
| Drainage/SW Management (On-Site)-Cat. III | Maintenance CFD | County |
| Water Facilities | User Fees | VWD |
| Wastewater Facilities | User Fees | VWD |
| Fuel Modification Zone 1 (Private Lot) | None | Private Homeowner/Property Owner |
| Fuel Modification Zone 1 (HOA Lot), Zone 2, and Special Management Areas | HOA Dues | HOA |
| Fire Service* | Property Taxes, State Funding | Deer Springs Fire Protection District |
| Schools | Property Taxes, State Funding | SMUSD, EUSD, and EUHSD |
| Preserve Areas | Endowment or Maintenance CFD | Preserve Manager |
| Public Parks | HOA Dues or Maintenance CFD | County |
| Private Parks, Rec. Facilities, and Trails | HOA Dues | HOA |

SW = stormwater; HOA = homeowner’s association; VWD = Vallecitos Water District; SMUSD = San Marcos Unified School District EUSD = Escondido Union School District; EUHSD = Escondido Union High School District; CFD = Community Facilities District

* Fire service to the Sierra Farms Park will be provided by San Marcos Fire Department.

As explained above, the Preserve Manager would be responsible for maintaining the Preserve Areas. The Preserve Manager cannot be identified at this point in time. This level of detail is not required to be included as part of a CEQA document.

As explained in the updated Specific Plan, Appendix C of the Draft EIR, Section 4.4.2:

The public facilities and services required to support the Community will be available and financed as needed using various sources and methods of public and private financing. Table 13, Maintenance Financing Mechanisms and Responsible Parties, summarizes on-Site and off-Site services required to be available at the time of need, as well as a description of the recommended financing options(s) for their implementation. The recommended financing mechanisms are provided as guidelines and should not be considered as final recommendations. Actual implementation of a specific financing mechanism will be accomplished pursuant to proceedings as established by special districts, the County of San Diego, and relevant state and federal laws.

I-238-9 The commenter asks who would be financially responsible for the upkeep of the open space and how much money would be set it trust for the upkeep.

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Please refer to **Response to Comment I-238-8**.

I-238-10 The commenter asks if the signage in the open space will ask people to notify the County Department of Planning and Development regarding issues. The commenter asks why the contact information would not be included on the signs. The comment states that currently calls into the County Department regarding code enforcement goes unanswered for weeks.

Mitigation Measure M-BIO-8E, in Section 2.4 of the Draft EIR describes the signage requirements of open space areas. As shown in MM-BIO-8E, the signs would direct people to notify the County Department of Planning and Development:

M-BIO-8E **BIOLOGICAL OPEN SPACE FENCING AND SIGNAGE:** To protect the proposed open space easement from unauthorized entry or disturbance, permanent post and rail fencing, or similar permeable fence, shall be installed along the boundaries of the biological open space. Open space signage shall be placed approximately every 200 feet along the fencing (see Figure 2.4-11, Proposed Biological Open Space/Conceptual Signage and Fencing).

DESCRIPTION OF REQUIREMENT: Open space fencing or walls shall be placed adjacent to residential uses and roads as shown on figure 2.4-11. Open space signage shall be installed as shown on Figure 2.4-11, Proposed Biological Open Space/Conceptual Signage and Fencing, and shall be corrosion resistant, a minimum of 6 inches by 9 inches, on posts not less than 3 feet in height from the ground surface, and must state the following:

Sensitive Environmental Resources Area Restricted by Easement Entry without express written permission from the County of San Diego is prohibited. To report a violation or for more information about easement restrictions and exceptions, contact the County of San Diego, Planning & Development Services (Reference: PDS2015-ER-15-08-001)

Documentation: The applicant shall install the fencing or walls as indicated on Figure 2.4-11, Proposed Biological Open Space/Conceptual Signage and Fencing Plan, and include them on the building plans. The applicant shall install the signage as indicated on the Proposed Biological Open Space/Conceptual

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Signage and Fencing Plan, and have them photographed and verified by a California Registered Engineer or licensed surveyor.

Timing: Prior to occupancy, the fencing or walls and signs shall be in place.

Monitoring: The Department of Planning & Development Services shall verify compliance of the fencing or walls through review of the building permits and this condition. Evidence of the signage shall be photos and a statement from a California Registered Engineer or licensed surveyor that the biological open space signs have been installed in accordance with the Open Space Fencing and Signage Plan.

- I-238-11** The commenter asks what resources would be available to provide necessary services for the maintenance of the open space easement. The commenter asks what the annual maintenance costs would be for the 1,209 acre and 212 acre open space sites. The commenter asks who would be responsible for these costs.

Please refer to **Response to Comment I-238-8**.

- I-238-12** The comment describes Table 2.4-27 of the Draft EIR, and asks how large the deficit would be if the project is deemed significantly impacted.

As noted, the deficits of mitigation and open space for vegetation communities and jurisdictional areas is described in Table 2.4-27 of the Draft EIR, which describes the project with significant impacts.

- I-238-13** The comment states that 212 acres in Ramona is unlike the 1,985.6 acres where the project is located. The comment states that such a different vegetation community could mean that different wildlife occupy the area. The commenter asks why the offsite mitigation site does not have to be similar in vegetation.

The County acknowledges the comment and refers the reader to **Topical Response BIO-1** regarding the proposed project's consistency with the Draft NC MSCP. As described in the Newland Sierra Off-Site Mitigation Memorandum (Appendix K to Appendix H of the Draft EIR), the mitigation site is comparable to or better than the habitat that is being impacted on the Newland Sierra site. The mitigation site includes a variety of topographic relief, a comparable suite of vegetation communities, and rock resources. Therefore, it contributes to the vegetation community mitigation requirements described in Table 2.4-27, pgs. 2.4-172 and 2.4-173 of the Draft EIR. The County will include the comment as part of the Final EIR for review and

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consideration by the decision-makers prior to a final decision on the project. No further response is required or necessary.

- I-238-14** The commenter asks why the offsite open space is not an attempt to justify a project that is reduced in size.

Please refer to Section 4, Alternatives, of the Draft EIR, which describes project alternatives as recommended by the California Department of Fish and Wildlife. These alternatives include reduced residential units and an increase in open space. A description of why these alternatives were determined to not be feasible is provided in the analysis.

- I-238-15** The commenter asks why the project should not be adjusted so there are no mitigation deficits. The commenter asks where these deficits occur and if these areas should be preserved as open space.

Please refer to Section 4, Alternatives, of the Draft EIR, which describes project alternatives as recommended by the California Department of Fish and Wildlife. These alternatives include reduced residential units and an increase in open space. A description of why these alternatives were determined to not be feasible is provided in the analysis.

- I-238-16** The comment states that Table 2.4-28, which provides the cumulative project list does not include the Quintessa/Meritage project and San Marcos Highlands.

The cumulative projects are shown in Figure 1-46, Cumulative Projects Map, and listed in Table 1-10. All projects are generally located in northern San Diego County, encompassing the North County Metropolitan Plan area, Bonsall Community Plan area, Fallbrook Community Plan area, Pala-Pauma Community Plan area, Valley Center Community Plan area, and the City of San Marcos. Because the Quintessa/Meritage project is located in Vista, it was not included in the cumulative project list.

The County acknowledges the comment; however, the San Marcos Highlands development project in the City of San Marcos was not omitted from the cumulative impacts analysis. The County refers the commenter to Table 1-10 of the Draft EIR, specifically, Project ID #103 for North County Metro (NC22). The Final EIR Table 1-10 has been revised to clarify that this project (San Marcos Highlands) would add an additional 44 single-family rural residential units, for a total of 189 units.

- I-238-17** The comment states that the City of San Marcos indicated that the number of parks per housing unit is below the required amount and this deficit is handled by

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mitigation fees. The comment asks what steps would be implemented to ensure that the funds remain in the Twin Oaks Valley Community Sponsor Group area.

As described in Section 3.4 of the Draft EIR,

“Implementation of the proposed project would include construction of multiple recreational facilities that would provide recreational opportunities for use by future Community residents. Specifically, at buildout, the proposed project is expected to house a population of approximately 6,036 people in 2,135 units. To avoid substantial physical deterioration of local recreation facilities, the proposed project would dedicate land for local parks to the County pursuant to the PLDO. As described previously, the PLDO is the mechanism that enables the funding or dedication of local park land in the County. The PLDO establishes several methods by which developers may satisfy their park requirements.

Options include the payment of park fees, the dedication of a public park, and/or the provision of private recreational facilities upon approval by the DPR Director and Board of Supervisors. PLDO funds must be used for the acquisition, planning, and/or development of local park land and recreation facilities. Local parks are intended to serve the recreational needs of the communities in which they are located. The proposed project would be required to meet the requirements set forth by the PLDO for adequate park land dedication to reduce impacts, including cumulative impacts to local recreational facilities. The project proposes to include all parkland dedication on-site to comply with the PLDO. Refer to Table 3.4-1, Park Summary, for public and private park designations. The project would result in the provision of approximately 36 acres of parks on-site.”

Additionally, as described in Section 3.4 of the Draft EIR,

“Park amenities have been placed to serve each neighborhood, the Community, and the public at large. Open space for active recreation is included at the Peaks Park and at the future joint-use school field. Several neighborhood-scale parks and pocket parks, including both public and private, are proposed and include amenities such as open lawn areas, multi-use courts, picnic areas, children’s play areas, pools, a Community garden, and an equestrian staging area (amenities provided at each proposed park can be found in the project’s Specific Plan – Appendix C of this EIR). The proposed parks details are outlined in Table 3.4-1, and are identified in Figure 1-3, Park and Trail Plan, in Chapter 1.”

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I-238-18 The commenter asks who would own the private parks and who would be responsible for the maintenance of them. The commenter asks who would be responsible for the maintenance costs.

Please refer to **Response to Comment I-238-8**.

I-238-19 The comment states that the current General Plan allows 99 residential dwelling units and 2,009,116 square feet of commercial space on the project site. The comment states that it is more accurate to say the current General Plan allows 99 residential dwelling units and 46 acres of commercial space on the project site.

Regarding the calculation of existing yields, Section 1.6.1, Existing Land Use Designations, of the Specific Plan (Appendix C to the EIR) outlines how the residential, office, and commercial yields were calculated for the project Site based on the existing General Plan land use designations and existing zoning. Table 1, Commercial and Residential Yield Analysis (Existing Land Use Regulations), of the Specific Plan shows that, based on a floor area ratio of 0.70 for 4.6 acres of the area designated as C-1 and 0.80 for the 53.6 acres of the area designated as C-2 under the County's General Plan, up to 2,008,116 square feet of commercial and office space are permitted on the project Site. These calculations are based on the gross acreage and the maximum allowable floor area ratio of the land within these two zones.

I-238-20 The commenter asks why the calculation of density of the project is using space set aside for open space. The comment states it is more accurate to state that density would be 2.79 dwelling units per acre, not 1.08 dwelling units per acre. The comment states that the proposed density would be 55 times more than what the General Plan would allow.

As stated in Chapter 1, Project Description of the Draft EIR, the project would include a residential component consisting of 2,135 single-family and multi-family dwelling units, which equates to an overall density of 1.08 dwelling units per acre over the entire 1,985 acres. The commenter does not explain why open space should not be considered in this calculation.

The County acknowledges the comment and notes it expresses the opinions of the commentator, and does not raise an issue related to the adequacy of any specific section or analysis of the Draft EIR. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required or necessary.

I-238-21 The commenter asks how the water needed for 99 homes and commercial and office space could be enough to supply 2,135 dwelling units.

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Please refer to Table 3-2 and 3-3 of the Water Supply Assessment, Appendix S of the Draft EIR. Proposed project water use is determined by the proposed acres per land use and the water demand factors (by land use) per acre as defined by the Vallecitos Water District.

- I-238-22** The comment states that the project would use more water and require sewer system improvements, when compared to what is proposed in the General Plan, and asks why there is not more of a discussion of this in the Draft EIR.

Please refer to GR-UTL-1 (Water Shortage/Drought). The comment addresses utilities and service systems, which received extensive analysis in the Draft EIR, specifically in Section 2.14 Utilities and Service Systems. The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be provided or is required. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project.

- I-238-23** The comment states that one answer to the above question is that the residents on a 20 acre site could be using their home for agricultural uses. The comment states that this assumption should be revisited. The comment states that the Draft EIR should consider the latest water fees and calculate the average monthly bill for a house located on 20 acres.

Please refer to Table 3-2 and 3-3 of the Water Supply Assessment, Appendix S of the Draft EIR. The 2015 UWMP and the WSA account for the Newland Sierra project's projected water demand based on County-approved General Plan land uses and zoning maps and VWD's water demand factors in compliance with Water Code Sections 10910(c)(2) (see, e.g., 2015 UWMP, pages 4-2 through 4-3). The County, as lead agency, may use the 2015 UWMP and the project's WSA (see Draft EIR, Appendix S).

- I-238-24** The comment states that Vallecitos Water District studies should be revisited. The comment states that the assumption that the RL-20 land would use 800 gallons per day is an overestimate.

Please refer to Table 3-2 and 3-3 of the Water Supply Assessment, Appendix S of the Draft EIR. The 2015 UWMP and the WSA account for the Newland Sierra project's projected water demand based on County-approved General Plan land uses and zoning maps and VWD's water demand factors in compliance with Water Code Sections 10910(c)(2) (see, e.g., 2015 UWMP, pages 4-2 through 4-3). The County, as lead agency, may use the 2015 UWMP and the project's WSA (see Draft EIR, Appendix S).

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The County acknowledges the comment and notes it expresses the opinions of the commentator, and does not raise an issue related to the adequacy of any specific section or analysis of the Draft EIR. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required or necessary.

- I-238-25** The comment states that Draft EIR should consider the Twin Oaks Valley Community Plan and cannot make the argument that the plan is not complete, because the Draft EIR considered the unapproved MCSP and GHG plans.

The Draft TOVCSG Community Plan is draft and not an approved plan required to be analyzed under CEQA as part of the Regulatory Setting. The Draft EIR has analyzed the proposed Project's consistency with applicable plans as required by CEQA. Please refer to Section 3.3.

- I-238-26** The comment states that Draft EIR is difficult to read and many items are pushed to the appendix.

As to the placement of technical information in Draft EIR appendices, the CEQA Guidelines provide that highly technical analysis and data should not be placed in the body of the EIR but should instead be included in EIR appendices. (CEQA Guidelines § 15147) Accordingly, the County properly summarized information in the body of the EIR and incorporated this technical supporting data in the Draft EIR's appendices. The remainder of the comment is general in nature and does not raise any specific issue regarding any particular analysis in the Draft EIR. Therefore, no specific response can be provided or is required. (*Paulek v. California Dept. Water Resources* (2014) 231 Cal.App.4th 35, 47 [a general response is all that is required to a general comment]). This comment is included in the Final EIR for review and consideration by the decision-makers prior to a final decision on the project.

- I-238-27** The comment states that the County has stated that NOP comments were addressed in the Draft EIR. The comment states that this is not clear to the reader. The comment states that the NOP letters were placed in Appendix A, but there were no notes in the margins indicating where these answers were provided. The commenter explains that they hope the Draft EIR is recirculated with the answers clearly provided.

The County has responded to the attached NOP comment letter referenced in this comment (see Response to Comments I-238-28 through I-238-56).

CEQA Guidelines Section 15084 (c) states, "Any person, including the applicant, may submit information or comments to the lead agency to assist in the preparation of the draft EIR. The submittal may be presented in any format, including the form of a

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draft EIR. The lead agency must consider all information and comments received. The information or comments may be included in the draft EIR in whole or in part.

NOP comments were presented in Appendix A of the Draft EIR and were considered in the analysis. Responses were not provided to NOP comments, as this is not required per CEQA Guidelines Section 15084 (c).

- I-238-28** The comment states that the Initial Study was incomplete, because the appendices were not made available to the public and urges the County to make the appendices available to the public on the County website. The comment states that during the scoping meeting on March 4, 2015 at the San Marcos Community Services Department, it was stated that nobody was taking notes or comments from the public. The commenter explains that the public was not afforded a proper meeting, because the Lead Agency is required to solicit public agency and individual comments regarding the scope and content of the EIR. The commenter requests that the scoping period be extended beyond the original 30 days to allow for another scoping meeting, because without a note taker present, the County is unintentionally excluding those who cannot write their comments down.

The County does not agree with this comment. A notetaker was present during the scoping meeting. Comments at the scoping meeting were noted and taken into consideration for the Draft EIR.

- I-238-29** The comment requests that the time period of the various studies in the Draft EIR include a period that represents the true characteristics of the community and not only when schools and colleges are in session. The comment states that it is important to note that a new Nursery has changed the traffic and may need to be studied in addition to a new green waste center.

Average daily traffic (ADT) volumes were derived from traffic counts conducted by LLG during April 2015 for all segments except Sycamore Avenue, where counts were conducted in September 2014. AM and PM peak hour volumes were also recorded. These counts occurred while school was in session. Traffic counts associated with the Nursery or green waste center were not studied independently. Rather, the project study area was determined using the San Diego County criteria, which require an analysis of all transportation facilities that would receive 25 or more peak hour trips from the proposed project. The 25 peak-hour trip threshold is based on the combined two-way (i.e., both directions, two-way peak hour total) traffic volume of the roadway segment for either the AM or PM peak period. If the Nursery or green waste center generated trips that occurred in the study area during the traffic counts, these trips were captured in the traffic counts to represent the existing traffic conditions. The commenter does not provide any specific details as to how the

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County could accurately represent the true characteristics of the community in the existing conditions scenario, besides including the Nursery, green waste center, and school counts; therefore, no more specific response can be provided or is required. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project.

I-238-30 The comment states that the use of a grape vineyard in a high fire risk area could result in more adverse fire conditions, by providing fuel. The comment states that the density proposed does not fit within the semi-rural setting and that leapfrog development has been looked upon negatively in the County General Plan.

As described in the Newland Sierra Specific Plan, Appendix C of the Draft EIR, vineyards are included as an approved plant palette zone, because of they are a low-water-use crop that provide a productive agricultural use of irrigated open space. They also have a low fuel volume and provide excellent fire resistance. Additionally, the plant palette includes Fuel Modification Zones. These zones shall be based on the Fire Protection Plan's Appendix H-1 (Newland Sierra Fuel Modification Zone Exhibit), and shall be planted with drought-tolerant, fire-resistive plants and conform to the requirements of the Fire Protection Plan's Appendix I (Prohibited Plant List) and Appendix J (Desirable Plant List for Fuel Modification Zones). Therefore, the County does not agree that vineyards would result in adverse fire conditions.

The County agrees that the General Plan discourages leapfrog development, as is outlined in Guiding Principle LU-1.2.

LU-1.2 Leapfrog Development. Prohibit leapfrog development which is inconsistent with the Community Development Model. Leapfrog Development restrictions do not apply to new villages that are designed to be consistent with the Community Development Model, that provide necessary services and facilities, and that are designed to meet the LEED-Neighborhood Development Certification or an equivalent. For purposes of this policy, leapfrog development is defined as Village densities located away from established Villages or outside established water and sewer service boundaries. [See applicable community plan for possible relevant policies.]

However, as described in Appendix DD of the Draft EIR, Land Use Consistency Analysis:

“The Community Development Model is implemented by three Regional Categories: Village, Semi-Rural, and Rural lands. The project as proposed is consistent with the Community Development Model, because the Community Development Model has already applied an established Village Regional

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Category designation to a portion of the project Site. The project does not propose to create a new Village, or expand or reconfigure the existing Village area. The project is also within the established boundaries of the Vallecitos Water District.”

Therefore, the Project is not considered leapfrog development, and would be consistent with the County General Plan, in that regard.

- I-238-31** The comment states that the impact of shade, shadows, and reflection from the sun should be studied in the Draft EIR.

These topics were discussed in Section 2.1.3.3, Light and Glare, of the Draft EIR. It was determined that the proposed project would have a less than significant impact associated with light and glare, and no mitigation would be required.

The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be provided or is required. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project.

- I-238-32** The comment states air quality impacts due to the construction of additional homes and businesses should be studied to ensure that greenhouse gas emissions do not exceed government standards.

It should be noted that air quality and greenhouse emissions were both analyzed in the Draft EIR; although in separate sections. Air quality impacts and greenhouse gas emission impacts were discussed in Sections 2.3 and 2.7, respectively.

The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be provided or is required. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project.

- I-238-33** The comment asks that if artificial grass or non-standard building materials are being used, what testing of any hazardous material will be conducted during the EIR process? The commenter asks what testing of material will be conducted to make sure that the project complies with all Environmental regulations and laws. The commenter provides an example, where 60 Minutes presented a report that the hardwood flooring sold by Lumber Liquidators may have exceed EPA standards.

The Project does not propose the use of artificial turf and it is not clear what the commenter means when referring to “non-standard building materials.” However, neither the applicant, nor the County would not be responsible for testing materials to ensure that materials comply with environmental standards. Rather, that is the

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responsibility of the manufacturer and regulators to determine if building materials meet environmental standards. Additionally, this type of analysis is not required to be included as part of a CEQA document.

The County notes the comment; however, and does not raise an environmental issue within the meaning of CEQA. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required because the comment does not raise an environmental issue.

I-238-34 The comment states: “how does using land that is currently zoned as rural regional category and with its extreme slopes to semi-rural and village core mixed use, a highly dense pocket of leap-frog development.”

It is not clear what the commenter means by this statement. Please refer to Topical Response Land Use and Planning - General Plan Consistency. The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be provided or is required. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project.

The comment states: “The setting aside of 1,202 acres of biological open space to the public, transfer the expense of maintaining and protecting such land away from the developers who will walk away with high profits and putting additional burdens to those who buy into the projects and those who live in the area.”

The County notes the comment; however, and does not raise an environmental issue within the meaning of CEQA. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required because the comment does not raise an environmental issue.

The comment later states that embers can travel for miles and impact a much wider area than the proposed project and asks how additional wildfire risk would be analyzed in the Draft EIR.

Potential impacts associated with fire hazards and evacuations have been adequately analyzed in Section 2.8 Hazards and Hazardous Materials as well as, Appendix N, Fire Protection Plan and Evacuation Plan. Mitigation has been provided when necessary to avoid or lessen potentially significant impacts.

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The comment asks how the appropriate entity recognized to protect the public interest and having the ability to maintain and enforce protection of the open space (Section 4.3 Maintenance Responsibilities of the Draft Specific Plan) be selected? The comment states that this party needs to be identified and fully vetted in the EIR to ensure they have the capabilities and resources to lower the fire risk when and if the water situation becomes much worse.

As explained in the updated Specific Plan, Appendix C of the Draft EIR, Section 4.4.1.7:

The project will include on-site native habitat preserve areas totaling 1,209 acres in size. The preserve areas will be protected with permanent conservation easements. The project's preserve areas will be subject to an RMP²²⁹ that requires the preserve to be managed in perpetuity by a preserve manager. The RMPs contain detailed maintenance, monitoring, and species management requirements that will be funded by the project through either an endowment or a Maintenance Community Facilities District (CFD) to ensure sufficient funding persists in perpetuity to meet the preserve management requirements of the RMPs.

As explained in the updated Specific Plan, Appendix C of the Draft EIR, Section 4.4.2:

The public facilities and services required to support the Community will be available and financed as needed using various sources and methods of public and private financing. Table 13, Maintenance Financing Mechanisms and Responsible Parties, summarizes on-Site and off-Site services required to be available at the time of need, as well as a description of the recommended financing options(s) for their implementation. The recommended financing mechanisms are provided as guidelines and should not be considered as final recommendations. Actual implementation of a specific financing mechanism will be accomplished pursuant to proceedings as established by special districts, the County of San Diego, and relevant state and federal laws.

²²⁹ Reserve Management Plan

**Table 13
Public Facilities Maintenance and Public Services Financing Mechanisms and
Responsible Parties**

| Public Facility or Service | Financing Mechanism(s) | Responsible Party |
|--|-------------------------------|---------------------------------------|
| Public Roads (Off-Site) | County General Fund | County |
| Parkways, Medians, and Pathways Improved by the Project (Off-Site) | County General Fund | County |
| Public Roads (On-Site) | County General Fund | County |
| Parkways, Medians, Swales, Pathways (On-Site) | HOA Dues/Maintenance CFD | HOA/County |
| New Storm Drain & Water Quality/Detention Basin Improvements (Off-Site) | Maintenance CFD | County |
| Drainage/SW Management (On-Site)-Cat. II | HOA Dues | HOA |
| Drainage/SW Management (On-Site)-Cat. III | Maintenance CFD | County |
| Water Facilities | User Fees | VWD |
| Wastewater Facilities | User Fees | VWD |
| Fuel Modification Zone 1 (Private Lot) | None | Private Homeowner/Property Owner |
| Fuel Modification Zone 1 (HOA Lot), Zone 2, and Special Management Areas | HOA Dues | HOA |
| Fire Service* | Property Taxes, State Funding | Deer Springs Fire Protection District |
| Schools | Property Taxes, State Funding | SMUSD, EUSD, and EUHSD |
| Preserve Areas | Endowment or Maintenance CFD | Preserve Manager |
| Public Parks | HOA Dues or Maintenance CFD | County |
| Private Parks, Rec. Facilities, and Trails | HOA Dues | HOA |

SW = stormwater; HOA = homeowner’s association; VWD = Vallecitos Water District; SMUSD = San Marcos Unified School District; EUSD = Escondido Union School District; EUHSD = Escondido Union High School District; CFD = Community Facilities District

* Fire service to the Sierra Farms Park will be provided by San Marcos Fire Department.

As explained above, the Preserve Manager would be responsible for maintaining the Preserve Areas. The Preserve Manager cannot be identified at this point in time. This level of detail is not required to be included as part of a CEQA document.

The comment states “the need to analyze the lack of water should be studied with various scenarios that look at a draught up to 100 year cycle.”

The County has determined that there are sufficient, available, and reliable water supplies to meet the water demand of the Project in addition to the planned and other future land uses in VWD’s service area during normal/average years, a single dry-year, and multiple-dry years over a 20-year planning horizon. (See also Draft EIR, Section 2.14.1, Water Supply and Service.)

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Additionally, the comment is general in nature and does not raise an issue related to the adequacy of any specific section or analysis of the Draft EIR. Given that the comment is general, a general response is all that is required. (*Paulek v. California Dept. Water Resources* (2014) 231 Cal.App.4th 35, 47-52.) Therefore, no further response is required or needed.

The comment asks if there is going to be adequate funds set aside to maintain the open space and asks how the amount of open space was determined and what steps are in place to make sure that it is enough for generations to come.

As described above, an endowment or Maintenance Community Facilities District would serve as the funding mechanism to manage the preservation areas. HOA dues would fund maintenance of private parks, recreational facilities, and trails. HOA dues or maintenance Community Facilities District would fund maintenance of public parks.

The amount of open space was partially determined by the Conservation Subdivision Ordinance as well as biological resources identified on the Project site. As described in Section 2.4 of the Draft EIR:

“The biological open space for the proposed project would include three large, interconnected, open space blocks within the project Site, as well as a large off-site biological open space parcel...The proposed on-site open space design consists of two large, continuous blocks of key biological resources (approximately 1,025 acres) situated within the northern half and along the eastern boundary of the project Site, and a third large block of open space in the center of the Site that connects the abovementioned blocks of open space to open space located east and south of the project Site (Figure 2.4-1, Proposed Open Space Design and MSCP Preserves). These connected blocks of habitat create an on-site biological open space preserve of approximately 1,209.1 acres, which has been designated as a proposed hardline area in the draft North County Plan of the County of San Diego MSCP (North County Plan; County of San Diego 2016).”

The majority of the proposed open space design would be located within the northern half of the project Site to form a contiguous block of habitat that is roughly 10,600 feet by 4,300 feet (870.2 acres, Block 1). The northern half of the Site has previously been described as having the greatest potential to support wildlife due to the east/west connection with the San Marcos Mountains (PSBS 2003). In addition, the northern half of the project Site is positioned to take maximum advantage of interconnected blocks of habitat. The northern portion of the proposed open space design provides a diverse representation of the natural and environmental conditions that occur within

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the larger project vicinity. The northern portion of the Site also contains existing dirt trails, an abandoned airstrip, and the old rock quarry. To protect the open space, and control human encroachment, designated public access trails will need to be established using signage and designated trail routes. It is also important to protect large patches of habitat that do not currently contain trails. The proposed trails, are located along pre-existing dirt roads and trails. The use of these trails would be monitored and reinforced by a preserve manager who would visit the Site on a semi-weekly basis to document and subsequently reinforce these efforts. Draft North County Plan pre-approved mitigation area (PAMA)-designated lands are located to the west and north of the proposed on-site biological open space, which signifies that the lands adjacent to the proposed biological open space also support biological conservation value. As described in the draft North County Plan, '[t]he PAMA represents areas that the County and the Wildlife Agencies recognize as important to preserve in order to meet the Plan's conservation goals.' The PAMA area has been 'pre-approved for mitigation because [it] had (1) high composite habitat value, (2) critical core and linkages, or (3) helped meet the conservation goals.'

Biological open space is also proposed along the eastern boundary of the project Site adjacent to Interstate (I) 15, which serves as important habitat for coastal California gnatcatcher (*Polioptila californica californica*) and many other wildlife species, as further described under "Environmental Setting," below. This provides a contiguous on-site block of habitat that is roughly 7,000 feet by 1,000 feet (153.9 acres) (Block 2). This block of habitat facilitates wildlife movement through the project Site to open space to the north and south as well as providing cover for wildlife crossing I-15 and live-in habitat for many species. Block 3 open space would be located in the south-central portion of the Site. Segments of proposed development would occur to the east, west, and north, and natural habitat and avocado groves occur to the south. This block of habitat is approximately 7,000 feet by 1,200 feet (185.0 acres) and serves as live-in habitat for smaller species and some birds, and movement habitat for larger wildlife species. The area links the northern and eastern blocks to undeveloped lands south and east of the project Site through three corridors (Figure 2.4-1).

The proposed on-site open space design includes an array of environmental features, including ridgetops, hill tops, and rocky outcrops, which allow for a variety of potential nest, roost, and other resources for raptors, bats, and granite-associated reptiles such as granite spiny lizard (*Sceloporus orcuttii*) and granite night lizard (*Xantusia henshawi*). The majority of this area

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primarily consists of dense chaparral, and contains a diverse representation of the vegetation communities that occur on Site and in the vicinity, including riparian forest and scrub, coastal sage scrub, non-native grassland, and oak woodland. The two largest riparian areas located within the project Site would be included in the open space: the South Fork of Gopher Canyon and the South Fork of Moosa Canyon (Figure 2.4-1). The South Fork of Gopher Canyon, which is located along Twin Oaks Valley Road, holds water part of the year. The topography in this area of the open space is highly diverse and includes elevations from approximately 700 feet above mean sea level (AMSL) to 1,750 feet AMSL.

Overall, the entire proposed on-site biological open space contains a diversity of environmental characteristics that are present in the vicinity, including representative populations of special-status plant and animal species observed on Site; existing dirt trails and canyon bottoms currently used by wildlife for movement across the Site; and the north/south-trending tributary to Gopher Canyon along Twin Oaks Valley Road, which provides linkage opportunities to the San Marcos Mountains.

A portion of Twin Oaks Valley Road currently crosses the northwestern section of the project Site. Twin Oaks Valley Road serves as a major roadway used by the public, and would serve as secondary access to the Community through the extension of Camino Mayor. The proposed project would provide access to Twin Oaks Valley Road off of Camino Mayor. As designated public roadways, these road segments would not be included within designated open space (Figure 2.4-2, Proposed Project).

Although FMZs would not be counted as mitigation or open space, they do contribute to wildlife movement and live-in habitat for many species, particularly when the surrounding habitat is very dense and when the areas are thinned 50 percent or less. These areas would add an additional 63 acres to Block 1, 52 acres to Block 2, and 100 acres to Block 3. These additional acres are not included in the approximately 1,209 acres of open space preserve.

Block 3 would be situated in the southern portion of the project Site, which includes coastal sage scrub at the northern end, but is predominantly composed of chaparral. This block includes four peaks, boulders, steep slopes, valleys, and moderate slopes. At its narrowest, the southern slope portion of Block 3 is approximately 295 feet wide, but averages approximately 650 to 700 feet wide. This portion of Block 3 abuts other PAMA lands that are composed of coastal sage scrub, chaparral, and general agriculture. Orchards

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have been shown to convey larger wildlife (Nogeire et al. 2013), and, as a result, all wildlife movement for all classes of wildlife (e.g., mammalian, avian, reptilian, air-based, ground-based, generalists, sage scrub specialists) are expected to use the connection and habitats present.”

- I-238-35** The comment suggests that hydrology studies should include not only the viability of water quality, but the supply from the Vallecitos Water District. The commenter asks if the Vallecitos Water District is in the position to be able to provide the water to the additional homeowners and business owners while not passing along additional cost to those current landowners?

The County has determined that there are sufficient, available, and reliable water supplies to meet the water demand of the Project in addition to the planned and other future land uses in VWD’s service area during normal/average years, a single dry-year, and multiple-dry years over a 20-year planning horizon. (See also Draft EIR, Section 2.14.1, Water Supply and Service.)

- I-238-36** The comment states that the Initial Study did not go into detail regarding sewage or wastewater. The comment asks why it is in the public’s best interest for the County to undertake the Project, when the Project would consume more water than the site is zoned for. The comment states that once the water reservoirs have been returned to a normal level, there should be waste water/grey water recycling that is mandatory to be in place so that water use is minimized.

Wastewater production is analyzed in detail in Section 2.14, Utilities of the Draft EIR.

Chapter 4, Alternatives, of the Draft EIR compares impacts associated with the Project to impacts associated with the existing General Plan buildout. It was determined that the Project would have a neutral impact when compared to the existing General Plan buildout:

A reduced residential population introduced to the area would result in reduced demand for utilities and service systems under the Existing General Plan Alternative. However, the inclusion of approximately 2 million square feet of commercial/office professional land uses would result in an increased demand for utilities and service systems for these uses compared to the project. Overall, this alternative would result in similar impacts to utilities and services systems compared to the project.

Lastly, the Project would include water conservation design features, as outlined in Section 2.14 of the Draft EIR:

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Indoor water conservation features include high-efficiency clothes washers and dishwashers, water-efficient toilets, faucets, and showerheads.

Outdoor water conservation features would include low-water-use landscaping in residential and non-residential landscapes, prohibitions of turf grass in residential front yards and within the street rights-of-way, and prohibitions on outdoor water use in dedicated open space (1,209 acres) and non-irrigated fuel modification areas (272.2 acres). The project also requires all single family homes to be plumbed for grey water systems, if feasible, to capture domestic water for reuse as outdoor landscaping irrigation.

The County notes the comment; however, and does not raise an environmental issue within the meaning of CEQA. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required because the comment does not raise an environmental issue.

- I-238-37** The comment states that the proposed changes to traffic patterns such as re-direction under Option 2 of the on and off ramps to and from the 1-15 should be studied and modelled to see what can happen if a fire was to ever to happen to test the assumptions that people will have time to evacuate.

Potential impacts associated with fire hazards and evacuations have been adequately analyzed in Section 2.8 Hazards and Hazardous Materials as well as, Appendix N, Fire Protection Plan and Evacuation Plan. Mitigation has been provided when necessary to avoid or lessen potentially significant impacts.

- I-238-38** The comment states that the development of six acre K-8 charter school site, does not contribute to the existing school districts in the area such as: San Marcos Unified and Escondido Union and Escondido Union High; what are the steps being taken to make sure that the Newland-Sierra proposed development pays its fair share of level 2 developer fees and not skirt the issue by building retirement age communities. Those 9 through 12 graders will also have an impact on the overall educational infrastructure.

As stated in Section 3.5 Public Services on page 3.5-17, the project has reserved a 6-acre site for a school. After the on-site school is built, K-8 students generated by the proposed project would have the opportunity to attend this new school, which would have adequate capacity and would provide relief to overcrowding in the San Marcos Unified School District. Even with the addition of a school on-site, the project would be subject to assessment of applicable school fees in all three districts at the appropriate rate. The County will include the comment as part of the Final EIR for

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review and consideration by the decision-makers prior to a final decision on the project.

- I-238-39** The comment asks if any of the studies incorporated within the EIR covers a prior period, what steps are being taken to make sure that the time period does not omit times that may present the current situation.

The comment is general in nature and does not raise an issue related to the adequacy of any specific section or analysis of the Draft EIR. Given that the comment is general, a general response is all that is required. (*Paulek v. California Dept. Water Resources* (2014) 231 Cal.App.4th 35, 47-52.) Therefore, no further response is required or needed.

- I-238-40** The comment requests that the County present a proposed timeline of the EIR, listing the major steps and the opportunity for the public and agencies to submit their comments.

The County provided an estimated timeline with milestones, outlining opportunities for public comment as part of Attachment B to the Project Scoping Letter, which is provided at the following website: <http://www.sandiegocounty.gov/content/dam/sdc/pds/regulatory/docs/newlandsierra/NewlandSierraScopingLetter.pdf>

- I-238-41** The comment states that cultural resources should be maintained to preserve history of the local area. The comment asks if the local Indian Tribes have been contacted and notified of the Project and EIR. The comment asks who was notified.

Impacts to cultural resources were analyzed on Section 2.5, Cultural Resources of the Draft EIR. As stated on page 2.5-9 of the Draft EIR:

In compliance with the SB 18 requirements, the County has engaged in consultations with the Pauma Band of Luiseno Indians, Pechanga Band of Luiseño Indians, Rincon Band of Luiseno Indians, and the San Luis Rey Band of Mission Indians.

The comment is general in nature and does not raise an issue related to the adequacy of any specific section or analysis of the Draft EIR. Given that the comment is general, a general response is all that is required. (*Paulek v. California Dept. Water Resources* (2014) 231 Cal.App.4th 35, 47-52.) Therefore, no further response is required or needed.

- I-238-42** The commenter asks which agencies were notified of circulation of the NOP. The commenter asks if an agency or person did not comment on the NOP, do they give up their right to review and comment on the Draft EIR.

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The NOP was circulated to the State Clearinghouse and any agency that requested to be notified. Comments were received from the US Fish and Wildlife Service, Caltrans, California Department of Fish and Wildlife, City of San Marcos, San Marcos Unified School District, Escondido Union High School District, SANDAG, Vallecitos Water District, and North County Transit District. If an agency or member of the public did not comment on the NOP, they can still comment on the Draft EIR.

- I-238-43** The comment requests that the County make presentations through the local planning groups/sponsor groups to allow for the information to be distributed to the public.

Consistent with Section 21083.9 of the CEQA Statutes, a public scoping meeting was held to solicit comments on the EIR. The meeting was held on March 4, 2015, at the San Marcos Community Services Department, Community Hall, located at 3 Civic Center Drive, San Marcos, CA 92069 at 6:00 p.m.

The County notes the comment; however, and does not raise an environmental issue within the meaning of CEQA. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required because the comment does not raise an environmental issue.

- I-238-44** The comment states that the noise associated with 5-10 years of Project construction and the transport of 10.7 million cubic yards of cut and fill is unreasonable for existing residents in the area. The commenter asks how much water would be needed to control the dust. The commenter asks for the total GHG emissions associated with hauling the 10.7 million cubic yards of cut and fill.

Noise impacts associated with Project construction were analyzed in Section 2.10, Noise of the Draft EIR. GHG emissions associated with Project construction were analyzed and quantified in Section 2.7, Greenhouse Gas Emissions, of the Draft EIR.

The comment is general in nature and does not raise an issue related to the adequacy of any specific section or analysis of the Draft EIR. Given that the comment is general, a general response is all that is required. (*Paulek v. California Dept. Water Resources* (2014) 231 Cal.App.4th 35, 47-52.) Therefore, no further response is required or needed.

- I-238-45** The comment states that an average increase of 27,764 ADT is being estimated and asks how the potential impact on Deer Springs Road would be studied.

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Deer Springs Road was included in the study area of the Traffic Impact Analysis (TIA). Impacts to Deer Springs Road are disclosed in **Section 2.13 Traffic and Transportation**.

- I-238-46** The comment states that air quality regulators typically define sensitive receptors as schools, hospitals, resident care facilities or day-care center or other facilities that may house individuals with health conditions and given the size and scope of the project, a mass direct mailing should be submitted to all residents within an eight mile radius of the proposed project.

The County of San Diego Board of Supervisors Policy I-49 establishes a minimum standard of public notification on land use matters that are to be considered before the Board of Supervisors, Planning Commission, or Director of Planning and Development Services (Director). The policy requires that mailed notice shall be provided to all property owners within 300 feet of the project site, or if there are not at least 20 different property owners within 300 feet, to the nearest 20 different property owners within one-half mile of the project site. If 20 different property owners cannot be found within one-half mile, the notice area shall be expanded until 20 property owners are available for notification. Therefore, notification of the Project complied with the County's Board of Supervisors Policy.

- I-238-47** The comment states that the project would most likely have a potential significant impact associated with dividing an established community due to the overall size of the project and disagrees with the conclusion of the Initial Study. The comment states that the Project is larger and denser than other developments in North County.

Despite the original conclusion in the Initial Study, this analysis was carried forward in the Draft EIR (Section 3.3.31). However, impacts were determined to be less than significant. The comment is general in nature and does not raise an issue related to the adequacy of any specific section or analysis of the Draft EIR. Given that the comment is general, a general response is all that is required. (*Paulek v. California Dept. Water Resources* (2014) 231 Cal.App.4th 35, 47-52.) Therefore, no further response is required or needed.

The comment states that the “application of adding the undeveloped and very steep hills of the biological open space is a false assumptions and should not be allowed. The land was never available to build on and as such the rural housing allocation should be enforced and not changed to the much higher density that is being sought.”

Refer to **Response to Comment I-238-34** for a discussion of biological open space and why this component was required for the Project.

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Please refer to **Topical Response LU-1**. The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be provided or is required. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project.

I-238-48 The comment states that a very detailed noise analysis should be undertaken.

The Draft EIR has adequately analyzed construction and operational noise as disclosed in Section 2.10, Noise. The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be provided or is required. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project.

I-238-49 The comment states that references used in the Initial Study were out of date, including the US Census Bureau data and the SDAG Population and Housing Estimates, and requests that more up to date information be used in the EIR.

The Draft EIR has adequately analyzed population and housing impacts as disclosed in Section 2.12, Population and Housing, which includes more recent population data from SANDAG.

I-238-50 The comment states that there were several references in the Initial Study that failed to state the date of the report and should be deemed incomplete until the reference has the date specified.

The commenter does not describe which references are incomplete. The comment is general in nature and does not raise an issue related to the adequacy of any specific section or analysis of the Draft EIR. Given that the comment is general, a general response is all that is required. (*Paulek v. California Dept. Water Resources* (2014) 231 Cal.App.4th 35, 47-52.) Therefore, no further response is required or needed.

I-238-51 The comment states that the Initial Study relies in a soil survey from 1973 and asks if it would be prudent to use a more recent soil survey instead.

It is assumed that the commenter is referring to the United States Department of Agriculture, Soil Survey for the San Diego Area. The 1973 survey is the most recent United States Department of Agriculture survey for the Project site. However, Appendix J of the Draft EIR included soil data from an on-site survey, which included boring excavations for soil sampling. The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be provided or is required. The County will include the comment as part of the Final EIR

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for review and consideration by the decision-makers prior to a final decision on the project.

- I-238-52** The comment states that one of the guiding principles referenced in the Draft Newland Sierra Specific Plan, Section 5.1.1.1 states that “The Project would provide a range of housing types that would aid the County in meeting required regional housing needs for projected population growth. The amount and type of housing would be assessed in the context of the County's Regional Housing Needs Assessment, housing sites inventory, and other housing projects within the County's jurisdiction”; this fails to take into consideration all of the projects that involves the annexation of County lands into the City of San Marcos. I believe an adjustment should be made to include those projects as part of the housing that was developed into the County.

The Project would not involve the annexation of County lands into the City of San Marcos. The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be provided or is required. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project.

- I-238-53** The comment states that the fire protection plan referred to on page 5-8 and 5-9 of the Newland Sierra Specific Plan only mentioned the 2003 and 2007 San Diego County fires and it is important that the EIR includes lessons learned from the other more recent fires including 2014.

The recommendations and conditions provided in the Fire Protection Plan are also consistent with the lessons learned from the May 2014 San Diego County Wildfires After Action Report from numerous fires occurring over the last 20 years, including the 2003 and 2007 San Diego County fires.

- I-238-54** The comment asks how land that is currently zoned for only 99 dwelling units be increased to project of 2,258 dwelling units.

Please refer to **Topical Response LU-1**. The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be provided or is required. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project.

- I-238-55** The comment states that draft traffic analysis dated 11/7/14 was completed by Linscott, Law & Greenspan Engineers and submitted to the County of San Diego on

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November 10, 2014 and the study should be released to the public. The commenter formally requests the report under the freedom of information act.

The Traffic Impact Analysis was included as Appendix R to the Draft EIR. The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be provided or is required. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project.

I-238-56 The comment provides an excerpt from the Initial Study and requests a copy of the Geotechnical Report under the Freedom of Information Act.

The Geotechnical Report was included as Appendix J to the Draft EIR. The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be provided or is required. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project.

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