

O-5.2 Twin Oaks Valley Community Sponsor Group Part II

O-5.2-1 The comment states that Community garden #1 should be closer to a development bubble or closer to multi-family or senior housing units so people in these units would be within walking distance. The County acknowledges the comment and notes it expresses the opinions of the commenter, 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.

O-5.2-2 The comment states that the Composting Area for HOA Green Waste is too close to private property on Sarver Lane. The comment states that the Draft EIR didn't analyze noise or odors that could be generated by this facility and that it should be moved more toward the center of the project Site. The comment also states that operations should be monitored to control any non-native landscape planting material from spreading into the open space areas.

The Draft EIR has been revised, and the Final EIR states that chipping and grinding of landscape trimmings would be the primary sources of potential noise and odor generation at the green waste area. Noise from the green waste area would be required to comply with the County's Noise Ordinance per Section 36.404 for daytime and nighttime noise levels (see Section 2.10 of the Final EIR). Please also refer to **Response to Comment O-5.1-12** and **Response to Comment O-3.2-3**, which states that these park uses would be required to comply with all applicable County Noise Standards for park uses. Accordingly, it is not expected that the park would have a significant noise impact to surrounding land uses. .

Odors are discussed in the Draft EIR at Section 2.3.5.4. Page 2.3-58 states, "The green waste collection area is for landscape trimmings from common area landscapes to be chipped and ground into mulch or compost for reuse in common landscape areas," and would be "designed to collect approximately 30 to 40 yards of material at a time (approximately three open stalls 10' wide x 10' long x 6' tall) and would be buffered with screening shrubs." The Draft EIR concludes that impacts from odors would be less than significant as, "the proposed project would be required to comply with the odor policies enforced by SDAPCD, including Rule 51 in the event a nuisance complaint occurs, and County Code Sections 63.401 and 63.402, which prohibit nuisance odors and identify enforcement measures to reduce odor impacts to nearby receptors" (Draft EIR page 2.3-58).

In addition, prior to operating the green waste area, an Odor Impacts Minimization Plan (OIMP) may be required according to Title 14 California Code of Regulations Division 7, Chapter 3.1 17863.4. As specified in the California

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Code of Regulations, an OIMP shall include, but is not limited to, the following items: an odor monitoring protocol, identification of potential odor receptors, a description of meteorological conditions that would affect the movement of odor, a response protocol, design considerations intended to minimize odor, and a description of operation procedures intended to minimize odor.

Concerning the portion of the comment regarding introduction of non-native plant material into native vegetation through composting, the green waste collection area will be designed to collect material in approximately three open stalls 10 feet wide by 10 feet long by 6 feet tall (PDF-28) (Draft EIR page 15). The compost material will be contained within these stalls. Further, the green waste area shall be maintained by the HOA (PDF-28) (Draft EIR page 15). The compost area is also separated from existing open space by Sarver Lane (see Draft EIR Figure I-17, P-14 Sierra Farms). Accordingly, no impacts to the open space areas are anticipated to occur from composting.

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.

O-5.2-3 The comment states that the Design Exception Requests dated June 2017 prepared by Fuscoe Engineering has several tables that are not readable and requests that the EIR be recirculated with readable tables. The Design Exception Request was included as Additional Items on the County's public review website and was not part of the Draft EIR. The County acknowledges the comment and notes that it does not raise an 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.

Nonetheless, the Design Exception Request tables have been further optimized as part of the Final EIR to be more legible. Further, the street sections were available in the Project Description, Figures 2-15 through 1-29, as well as Appendix C, Specific Plan, Figures 14 through 30. No further response is required.

O-5.2-4 The comment asks who will maintain the electric bike stations. The electric bike stations are incorporated within the project's Transportation Demand Management (TDM) Program at PDF-4 (Draft EIR, Table 2.7-7). The electric bike program will be maintained by the HOA. In addition, the transportation coordinator (whose role/responsibilities is described on page 6 of the Newland Sierra TDM Program technical memorandum) is responsible for managing/monitoring the TDM program to ensure compliance (see Draft EIR

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PDF-20). Further, through the MMRP, the County will also be responsible for ensuring implementation of this PDF and M-GHG-3, which requires that the applicant implement the TDM Program, including this PDF-4. Deficiencies, if any, can thereby be promptly addressed and corrected through notifying the appropriate parties of any non-compliance and ensuring problems are corrected.

O-5.2-5 The comment provides background information on the City of San Marcos and how they are considering reducing the amount of retail space in a project due to a decline in brick-and-mortar retail establishments. The comment states that the Draft EIR needs to be more specific with what kind of retail or professional services will be provided. This level of detail is not required to be included in a CEQA document. Nonetheless, the proposed project is consistent with numerous County General Plan Goals, Objectives and Policies/principles designed to be sustainable and provide a balanced mix of housing, shopping, amenities, and parks as thoroughly analyzed in Appendix DD, Land Use Consistency Analysis, including Guiding Principal #1, #2, #3, LU-9.6 and LU-9.12. The proposed project is also designed consistent with statewide goals, including SB 375 as described in Section 2.7, Greenhouse Gas Emissions, to reduce VMT through the same balanced land use approach. 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.

O-5.2-6 The comment references PDF-2, PDF-3, and PDF-4 and questions how likely it is that bikes will be used. The comment notes the electric bike charging stations and states that there are no details about the range the electric bikes will have given the steep terrain and asks that details on possible routes that fit the electrical range of the bikes be included in the Draft EIR.

Concerning use of bikes and electric bikes as part of the TDM program, the effectiveness of the TDM Program measures was evaluated using methodologies contained in the California Air Pollution Control Officers Associations' (CAPCOA) *Quantifying Greenhouse Gas Mitigation Measures* (2010) (see Appendix D of Draft EIR Appendix K, Newland Sierra TDM Program – VMT Reduction Evaluation technical memorandum (Fehr & Peers, February 2017), at pages 3–4). All calculations were performed using the CAPCOA report's suburban (not urban) area input and the methodologies were specifically applied to the VMT associated with the user of the TDM measure (Appendix D of Draft EIR Appendix K pages 7–20). Applying CAPCOA's methodology, which takes into account both the type of land use and the land use area, Fehr & Peers found a percent VMT reduction of 0.6 percent attributable to the electric bike-share

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program. Fehr & Peers found a VMT reduction of 2 percent attributable to the Pedestrian/Bicyclist Trails Network.

The electric bike share program and bicyclist trails network will encourage internal trips within the project area and thus reduce motorized-vehicle trips (see, for example, Draft EIR page 2.7-43, Table 2.7-7, and Table 2.7-15). As stated in the Draft EIR, “[t]he bike share program would involve placement of a kiosk within each of the seven planning areas, and electric bikes could be taken from one kiosk and left at another to foster sustainable transportation between planning areas” (Draft EIR page 2.7-43).

As to the portion of the comment requesting design detail on the electric bikes to be used, this level of detail is not required to be included in a CEQA document. 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.

O-5.2-7

The comment states that the San Marcos Highlands project, Sugarbush/Tai Estates, Quintessa, Lone Oak Ranch, Tomlinson, as well as other projects along Buena Creek Road, do not appear to be in the list of cumulative projects or shown on Figure 1-46. 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 Draft 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 (see Final EIR Chapter 1).

The Sugarbush project is also not omitted from the list. The County refers the commenter to the Draft EIR, Table 1-10 at Project ID #175 identifying “Sugarbush” as comprising 45 single-family residences on 115.5 acres at the end of Sugarbrush Drive, south of Buena Creek Road. Draft EIR Figure 1-46 has been revised to clarify the location of the Sugarbush project (see Final EIR Figure 1-46 in Chapter 1).

The County acknowledges the comment and concurs that the Quintessa, Lone Oak Ranch, Tomlinson projects were omitted from the Draft EIR. As discussed in the Draft EIR:

CEQA Guidelines Section 15130 allows for the use of two alternative methods to determine the scope of projects to analyze cumulative impacts.

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A combination of these methods was used as part of this cumulative impact analysis.

List Method: A list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the lead agency.

General Plan Projection Method: A summary of projects contained in an adopted general plan or related planning document, or in a prior environmental document, that have been adopted or certified and that describe or evaluate regional or area-wide conditions contributing to the cumulative impact.

The cumulative projects are shown in Figure 1-46, Cumulative Projects Map, and listed in Table 1-10.

The 199 cumulative projects shown in Figure 1-46 and Table 1-10 include present and reasonably foreseeable projects known to the County at the time the project's NOP was distributed for public review in February 2015. This approach was determined to be appropriate by the County because the comprehensive list of cumulative projects provides a sufficient amount of information to enable an analysis of the cumulative effects for the subject areas discussed.

In any event, inclusion of the projects mentioned would not change the evaluation or findings in the Draft EIR. First, the Draft EIR did not rely solely on the list of projects method to evaluate cumulative effects, but instead used a combination of the list and general plan projection methods to evaluate cumulative impacts, "including recent SANDAG modeling to analyze cumulative impacts as to traffic, air quality and greenhouse gas emissions." Second, these projects are quite small, in total consisting of the development just 86 homes. Accordingly, these projects would comprise just a very small portion of those cumulative projects considered in the Draft EIR. Third, the projects cited are approximately 5 or more miles removed from the project Site, and thus would have no cumulative effect across the majority of the environmental effects considered in the Draft EIR (e.g., aesthetics, agriculture, cultural resources). Fourth, these projects would generate relatively few peak hour traffic trips, and the Draft EIR incorporated and discussed all feasible mitigation for the project's individual and cumulative impacts at nearby area roadways, including Buena Creek Road and Twin Oaks Valley Road segments and intersections. Please refer to **Response to Comment O-5.1-6** and Draft EIR Section 2.13, Transportation and Traffic.

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Accordingly, the County finds the Draft EIR sufficiently evaluated cumulative effects, and declines to revise the EIR to incorporate the projects mentioned by in the comment.

O-5.2-8 The comment states that SANDAG and the County did not anticipate growth in this area and asks if development and infrastructure would need to be moved from another area in the County in order to accommodate this project. Impacts associated with the anticipated growth due to the proposed project have been adequately analyzed and disclosed in Section 2.12, Population and Housing.

In addition, the Draft EIR adequately analyzed the need for additional infrastructure in Section 2.14, Utilities and Service Systems, and Section 2.13, Transportation and Traffic. 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.

O-5.2-9 The comment states that bike routes should be studied and compared to another project with similar terrain so that the public and decision makers can know what percentage of trips would occur by bike, and not by car. Please see **Response to Comment O-5.2-6**, above. The County also refers the commenter to Appendix R3, VMT Reduction Evaluation, which calculated the expected VMT reduction based on guidance from CAPCOA.

O-5.2-10 The comment is in regards to PDF-25 and asks how the project will ensure that turf in rear or side yards is warm season turf or that plant species have a factor of 0.6 or lower. All PDF's are required to be implemented through M-GHG-3 and are included as part of Mitigation Monitoring and Reporting Program; thus, the County will be able to enforce this and all other PDFs. Nonetheless, the County acknowledges the comment and notes the Draft EIR did not assign any GHG reductions to PDF-25 because they are not quantifiable. Nonetheless, it is anticipated that as part of subsequent approvals, including the Site Plan review, this requirement will be part of each review. Ultimately, individual landscape plans will be reviewed and approved by the HOA, and the project will include a condition requiring the HOA to ensure this measure is implemented.

O-5.2-11 The comment is in regards to PDF-28 and states that the green waste facility location is problematic as it is too close to the Zen Mediation Center and stands to impact the open space. Please see **Response to Comment O-5.2-2**. The County notes that the comment expressed the opinion of the commenter and that it does not raise an environmental issue within the meaning of CEQA, nor does it appear to relate to any physical effect on the environment. The County will include the

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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.

- O-5.2-12** The comment states that noise impacts and hours of operation for the green waste facility should be disclosed in the Draft EIR. The comment also states that the green waste facility should be moved closer to the center of the project. Refer to **Response to Comment O-5.2-2**. Regarding hours of operation, this level of detail is not required to be included in a CEQA document.

Regarding the commenters suggestion to move the green waste area, the County notes that the comment is an opinion and that it does not raise an environmental issue within the meaning of CEQA, nor does it appear to relate to any physical effect on the environment. As discussed in the Draft EIR, impacts related to GHG emissions and solid waste would be less than significant; no further mitigation is required (Draft EIR, Section 2.7, Greenhouse Gas Emission, and Section 2.14, Utilities and Service Systems). 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.

- O-5.2-13** The comment is in regards to PDF-31 and asks what an example would be of an equivalent rating to Energy Star appliances. In response, the language in the PDF refers to an appliance with equivalent energy efficiency to Energy Star rated appliances. Energy Star specifications differ with each item and change over time, so no more specific response can be provided. The County further notes the comment does not raise an environmental issue within the meaning of CEQA, and does not raise any specific issue regarding the analysis in 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 because the comment does not raise an environmental issue.

- O-5.2-14** The comment states that, “PDF-5, -6, -7, -8,-10,-13,-15, 16, -18, -19, are all measures that start with the words “Coordinate” and “Promote” but there is no detail how this will be done, how it will be monitored to make sure it works, or who will actually do all the Promoting and Coordinating.” The County does not concur with this comment.

The County has reviewed the measures identified in the TDM Program, which are the focus of the commenter, and disagrees with the comment’s implication the measures do not require that specific actions be taken to ensure the measures’ implementation. For example, PDF-5 requires the applicant “coordinate” with a car-share organization “to install three car-share stations with one car each (for a

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total of three cars) in the commercial area of the project Site, available to residents on an on-demand basis.”

Further, at a global level, PDF-20 serves to facilitate the overall implementation of the TDM Program’s through the requirement to designate a transportation coordinator to monitor, develop, market, implement, and evaluate the TDM Program. To clarify the duties of the Transportation Coordinator, PDF-20 states:

To ensure that the TDM Program strategies are implemented and effective, a transportation coordinator (likely as part of a homeowner’s association (HOA)) would be established to monitor the TDM Program, and would be responsible for developing, marketing, implementing, and evaluating the TDM Program.

The Newland Sierra TDM Program technical memorandum, and specifically “Table 2: TDM Program Performance Metrics and Targets” therein (see Appendix D of Draft EIR Appendix K), identifies the specific performance measures that the project is committing to that would equate to the calculated TDM effectiveness percentages. The transportation coordinator (whose role/responsibilities is described on page 6 of the Newland Sierra TDM Program technical memorandum) is responsible for managing/monitoring the TDM program to ensure compliance with Table 2.

Moreover, the MMRP and Conditions of Approval as adopted in conjunction with approval of the proposed project will be in place through all phases of the proposed project and will ensure the TDM Program is successfully implemented. Through the MMRP, the County will be responsible for ensuring implementation of PDFs (which incorporate each of the TDM reduction strategies), project commitments, and mitigation measures (including M-GHG-3, which requires the applicant to implement the PDFs that encompass the TDM Program) through monitoring and periodic reporting. Deficiencies, if any, can thereby be promptly addressed and corrected through notifying the appropriate parties of any non-compliance and ensuring problems are corrected.

The commenter is also directed to page 6 of Appendix R-3 to the Draft EIR, Newland Sierra TDM Program – VMT Reduction Evaluation, prepared by Fehr & Peers for additional details concerning the TDM coordinator’s duties. The coordinator will be responsible for assisting in implementing the program and coordinating monitoring to ensure the effectiveness of the program.

Concerning the effectiveness of mitigation, please refer to **Response to Comment O-5.2-6**, discussing that the effectiveness of TDM Program measures

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were evaluated using methodologies contained CAPCOA's *Quantifying Greenhouse Gas Mitigation Measures* (2010) (see Appendix D of Draft EIR Appendix K, *Newland Sierra TDM Program – VMT Reduction Evaluation* technical memorandum (Fehr & Peers, February 2017) pages 3–4).

O-5.2-15 The comment refers to PDF-17—which requires implementation of a demand-responsive shuttle service throughout the project Site, to the park-and-ride lots, and to the Escondido Transit Center—and states that the Draft EIR did not analyze where residents of the project would work, how the shuttle service would be used, or how many people would use the shuttle. Please refer to **Response to Comment O-5.2-6** above, discussing that the effectiveness of TDM Program measures were evaluated using methodologies contained CAPCOA's *Quantifying Greenhouse Gas Mitigation Measures* (2010) (see Appendix D of Draft EIR Appendix K, *Newland Sierra TDM Program – VMT Reduction Evaluation* technical memorandum (Fehr & Peers, February 2017) pages 3–4). Applying CAPCOA's methodology, which takes into account both the type of land use and the land use area, Fehr & Peers found a percent VMT reduction of 1.2 percent attributable to providing local shuttle service (see Appendix D of Draft EIR Appendix K, Table 1-TDM Program VMT Reduction Analysis Summary; and Appendix R-3 to the Draft EIR, *Newland Sierra TDM Program – VMT Reduction Evaluation*, Table 1). This quantification was used in the Draft EIR to calculate VMT reductions for purposes of assessing potential impacts to GHG emissions and traffic/transportation. Thus, the Draft EIR provides adequate information to address the effectiveness of the PDF; further detail is not required to be included in a CEQA document.

The comment also implies that residents of the project would need to commute to downtown San Diego for employment. The County does not concur with this depiction. The project Site is well-situated to place a range of housing opportunities close to existing regional employment centers. “[T]he project is located at the Deer Springs Road interchange with direct access to I-15, providing regional access to existing job centers in San Marcos, Vista, Rancho Bernardo, Escondido, and Poway. The Site is also located near Cal State San Marcos and Palomar College, and three Sprinter stations are within 6 miles of the project Site: the San Marcos Civic Center Sprinter Station, the Buena Creek Station, and the Palomar College Station” (Draft EIR page 1-24). The Draft EIR depicts the proximate employment centers in Figure 1-34, *Proximity to Major Employment Centers*. Further, “[a] jobs/housing market analysis prepared for the project by MarketPointe Realty Advisors² shows that 124,251 jobs exist within the State Route (SR) 78 Corridor Submarket, encompassing the cities of Escondido, San Marcos, and Vista, and certain portions of the unincorporated County” (Draft EIR

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page 1-25). Accordingly, the County does not concur with the comment's depiction of an "average" commute.

O-5.2-16 The comment expresses concern over potential population and community character impacts that could occur to the Twin Oaks Valley Planning Area. The comment provides background information on residential densities in the Twin Oaks Planning Area and states that adding 6,000 people to the community would be far more than population originally planned for and likely to be growth inducing. The comment states that the Draft EIR should determine whether the County would be required to divert infrastructure resources from other areas to accommodate the project.

In response to the portion of the comment concerning community character, the County does not concur with the comment for the following reasons. First, the County notes it does not have a specific significance threshold for community character. Second, "CEQA does not require an analysis of subjective psychological feelings or social impacts" upon community character that may result from a project (*Preserve Poway v. City of Poway* (2016) 245 Cal.App.4th 560, 581). Thus, to the extent that the comment raises community character and social issues that do not appear to relate to any physical effect on the environment, 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.

Third, the General Plan does include Policies LU-11.2, LU-12.4, and COS-11.3, which address community character. Appendix DD, Land Use Consistency Table, discusses the proposed project's consistency with these policies in detail, and concludes the project is consistent with these County General Plan policies. Last, to the extent the comment is referring to the aesthetic/visual character of the area, the Draft EIR extensively analyzed potential impacts in Section 2.1, Aesthetics.

As concerns the portion of the comment concerning population growth and growth inducement, the comment addresses general subject areas, which received extensive analysis in the Draft EIR at Section 2.12, Population and Housing, Section 2.12.3.1, Inducing Substantial Population Growth, and 1.8, Growth-Inducing Impacts. The discussion in the Draft EIR considered population and growth-inducing effects from increasing the population at the project Site/developing 2,135 residential units, as well as from planned infrastructure improvements including roads, utilities, and public services. The Draft EIR concluded (Draft EIR page 1-38) the following:

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Therefore, the project has potential for growth inducement, which may result in subsequent adverse environmental effects as a result of such growth. Such adverse environmental effects could include impacts to visual resources, air quality, biological resources, transportation and traffic, noise, and cultural resources. There are no known intensity-increasing development applications pending at the County in the immediate project vicinity at this time.

Further, as stated in Section 2.12, Population and Housing, “The potential for cumulative growth inducing effects is not necessarily limited by jurisdictional or planning area boundaries.” Therefore, the cumulative study area for population and housing encompasses the overall cumulative study area defined in Chapter 1, Project Description (see Figure 1-46 and Table 1-10), which includes the North County Metropolitan Subregional 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.”

As to the portion of the comment implying that the Draft EIR did not address growth in terms of infrastructure, the County does not concur. The Draft EIR adequately analyzed the need for additional infrastructure in Section 2.14, Utilities and Service Systems, and Section 2.13, Transportation and Traffic. 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.

Lastly, as to the portion of the comment concerning fees, taxes, and costs, the County notes that the proposed mitigation measures provide for certain fees (i.e., DIF or TIF fees) as required by law and/or appropriate to reduce or avoid project impacts. As no more specific issue is raised concerning the Draft EIR or its analysis, no more specific response can be provided. The County further notes the comment raises economic, social, or political issues that do not appear to relate to any physical effect on the environment. Thus, no further response is required.

O-5.2-17 The comment states that the scent of humans and dogs on the trails would prevent the trail area from providing habitat for some predators such as bobcats. The comment states that the Draft EIR did not address how human interface of this kind would be mitigated. The Draft EIR provides a summary list of the potential long-term indirect effects associated with development that is the analytic basis for the significance determination. The Biological Resources Technical Report (Appendix H of the Draft EIR) provides details regarding these potential long-term indirect effects. The County will include the comment as part of the Final

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

- O-5.2-18** The comment states that Peak’s Park is a dog park and it’s too close to the open space area that will be used by wildlife. The comment asks what type of fencing would be used around the dog park, how high would it be, and would it be sufficient to prevent large predators from entering the dog park. The County acknowledges the comment and notes that it raises issues that do not appear to relate to any physical effect on the environment. 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.

Nonetheless, the dog parks would all have fencing surrounding the perimeter preventing dogs from entering the preserve and wildlife from entering the dog park. Larger predators are not anticipated to be active during the same hours in which residents would be utilizing the dog park. Dog park hours would be from 7:00AM (in compliance with County Noise Ordinance requirements) until sundown. Limited lighting for safety purposes is anticipated; however, it would be shielded and directed away from any adjacent sensitive land uses. The parks, including fencing, will be developed consistent with the requirements of Appendix C, Specific Plan, through a Site Plan.

- O-5.2-19** The comment provides recommendations for an alternative location for the dog park. The comment states, “The development design of Mesa and Hillside constrains wildlife movement from traveling from the northern end of the site to open space areas along Deer Springs Road” and recommends the placement of a new wildlife undercrossing under Mesa Rock Road, and the removal of a portion of the Hillside and Mesa developments in order to create a 1,000-foot wildlife corridor. The County acknowledges the comment and notes that it provides recommendations for potential modifications to the project, 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.

Regarding the comment about north/south wildlife movement, the County acknowledges the comment and refers the comment to **Topical Response BIO-2**, as well as **Responses to Comments O-1.5-7, O-1.5-10, and O-1.5-22**.

- O-5.2-20** The comment states that deer grass is shown on Figure 1-20, Basins and Swales, and notes that it should not be planted near roads where deer may need to cross to

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get to it. The Plant Palette indicating specific species are identified in the Specific Plan (Draft EIR Appendix C) on Figures 56, 58, 60, 62, and 64. Deer grass is not identified as a allowed plant species on any of the Plant Palettes. While Muhlenbergia rigens is depicted on the “Plant Character Images-Basins and Swales” (Figure 59), the image states, “Note: images shown here depict landscape character only. See full plant list for all plants allowed in this zone.” 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.

O-5.2-21 The comment states that Community garden #1 should be closer to a development bubble or closer to multi-family or senior housing units so people in these units would be within walking distance. The County acknowledges the comment and notes it expresses the opinions of the commenter, 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.

O-5.2-22 The comment states that the composting area for HOA green waste is too close to private property on Sarver Lane. The comment states that the Draft EIR didn’t analyze noise or odors that could be generated by this facility and that it should be moved more towards the center of the project Site. The comment also states that operations should be monitored to control any non-native landscape planting material from spreading into the open space areas. See **Response to Comment O-5.2-2**.

O-5.2-23 The comment asks why 75 percent on-site conservation isn’t being conserved consistent with PAMA requirements. The comment asks why off-site conservation is Ramona grasslands and not Coastal Sage Scrub nearby the Site. The comment also states that they don’t see habitat connectivity along I-15 due to the location of the Terraces neighborhood and Town Center, and asks if the long fingers of open space were allowed to be counted as Biological Preserve because they were not enclosed isolated islands but peninsulas. The project Site is not located in draft PAMA and is not required to conserve 75 percent of the project’s acreage. As detailed in the Draft EIR, the project has been identified as a proposed hardline area in the draft North County MSCP, which means both the project’s development areas and biological open space areas have been incorporated into the overall conservation strategy of the draft plan (Draft EIR pages 2.4-6 and 2.4-82). See also **Topical Response BIO-1**.

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In addition, the proposed project's biological on-site open space would be a large, interconnected system consisting of three open space blocks. These three open space blocks would be connected internally within the Site and externally to off-site draft PAMA and existing reserves. Both the size and configuration of the proposed biological open space would minimize edge effects and habitat fragmentation. In terms of open space patch size, the proposed project's biological open space system would include Block 1 (870.2 acres), Block 2 (153.9 acres), and Block 3 (185.0 acres). These are large open space patches compared to existing reserves in the San Marcos–Merriam Mountains Core Area of the draft North County Plan PAMA and will reduce the potential indirect effects from habitat fragmentation. 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.

With respect to the off-site conservation of Ramona Grassland, the Commenter is referred to Appendix K of Appendix H, Off-Site Mitigation Site Memorandum, which concludes on page 7 the following:

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. It provides better golden eagle foraging habitat and better wildlife movement potential than the Newland Sierra site because it connects segments of the Cleveland National Forest and San Diego County Parks properties (Figure 2). This site supports more Engelmann oak resources (100+ trees versus the three on the Newland Sierra site) and other sensitive resources (e.g., ringtail). Preservation of the mitigation site through acquisition would also benefit the PAMA and draft North County MSCP because the site is under real threat of development for agricultural production or residential use (the site has many developable areas and the views are outstanding from many locations).

O-5.2-24 The comment states that the 2009 North County MSCP is no longer available for the public to review. The comment also states that many problems were revealed in comments submitted by the Wildlife Agencies during public review. The comment further asks what the project has done to address those concerns. The County notes the comment does not raise an issue related to this project or the analysis in 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.

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The County notes the draft North County MSCP is a working document which remains in Draft. Nonetheless, the proposed project would not preclude or prevent preparation of the NCCP because the project has been planned in accordance with the principles therein, as discussed in **Topical Response Bio-1**.

O-5.2-25 The comment reiterates a statement in the Draft EIR regarding take authorization through Section 7; however, the comment also states that the prevue (sic) of the Army Corps has changed and Section 7 is limited to wetland impacts and it cannot be used to cast a wide net and use Jeopardy/No Jeopardy Opinion to avoid Section 10 requirements. The ACOE and USFWS have recently signed a memorandum that states that ACOE may take jurisdiction over entire sites, not just the affected jurisdictional areas. Therefore, the project will still have the ability to obtain authorization for impacts to federally-list species through Section 7 consultation.

O-5.2-26 The comment states that a key manual for California plant species names has been updated in the last few years and some species names have changed. The comment suggests that a plant species expert from the Wildlife Agencies should be consulted on plant pallets. The County is aware that the Jepson manual was updated in 2012. The plant palette indicating specific species are identified in the Specific Plan (Draft EIR Appendix C) on Figures 56, 58, 60, 62, and 64 and no non-native invasive species will be planted in the biological open space. 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.

O-5.2-27 The comment suggests a grammatical change to M-BIO-5, bullet #2. The County agrees with the comment and the revision has been made in the Final EIR Section 2.4.

O-5.2-28 The comment suggests a revision to M-BIO-6 to indicate under “appropriate seed/source material” that the seed sources of existing on-site native plants should be collected from the site in advance of clearing to ensure genetic integrity and not introduce a species of different genetic material into the biological open space areas. The County agrees and the revision has been made, as reflected in the Final EIR (Section 2.4), but clarifies that such efforts would be “to the extent feasible based on the availability of such source seed/material.”

O-5.2-29 The comment is in regards to M-BIO-6 and asks if an expert in native plant revegetation should be the one responsible for monitoring and compliance instead of the Landscape Architect and the Planning Director. The County disagrees with this comment. The County’s Landscape Architect is qualified to monitor and

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ensure compliance with the Revegetation Plan. As stated in M-BIO-6, the PDS Landscape Architect shall review the Revegetation Plan for conformance with this condition and the County's *Report Format and Content Requirements for Revegetation Plans*. Upon approval of the Revegetation Plan, a Director's Decision of approval shall be issued to the applicant, with the request for compliance with a Secured Agreement for implementation of the Revegetation Plan. Upon receipt of the compliance letter, the PDS Landscape Architect shall sign the Agreement for the Director of PDS and ensure that the cash deposit is collected. Upon acceptance of the Agreement, securities, and cash deposit, the PDS Landscape Architect shall provide a confirmation letter acknowledging acceptance of the securities. 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.

O-5.2-30 The comment asks that the Memorandum of Understanding dated February 1997 between the Wildlife Agencies and the Fire Districts, or any subsequent amendments, be provided for public review. The comment also asks what LDR and PCC stand for. The County notes the comment does not raise an environmental issue within the meaning of CEQA, nor does it appear to relate to any physical effect on the environment. Nonetheless, the referenced document is available at <http://www.sandiegocounty.gov/dplu/docs/MemoofUnder.pdf>. PCC stands for Permit Compliance Coordinator and LDR stands for Land Development Project Review Teams. 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.

O-5.2-31 The comment is in regards to M-BIO-8C and asks for clarification regarding what is allowed within the portion of the project designated as Limited Building Zone Easement. The Limited Building Zone Easement (LBZE) extends 100 feet from the open space area and is located within the fuel modification zone. As stated in M-BIO-8C, "The purpose of this easement is to limit the need to clear or modify vegetation for fire protection purposes within the adjacent biological open space easement and prohibit the construction or placement of any structure that would require vegetation clearing within the protected biological open space for fuel management purposes." The LBZE and FMZ do overlap and in the areas of LBZE, FMZ would consist of thinning of native vegetation and would not include vegetation clearing. There will be no structures placed within the LBZE. 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.

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O-5.2-32 The comment is in regards to M-BIO-9 and asks if USFWS and CDFW should approve the Horkelia Mitigation Plan for conformance, in addition to County staff, since the North County MSCP has not been approved. Ramona horkelia is not a state or federally listed species, but is considered sensitive by the County. Since the County's guidelines apply to the proposed project and the mitigation requirement, County staff is responsible for reviewing the mitigation plan.

O-5.2-33 The comment concerns M-BIO-13, which mitigation measure provides that Caltrans can and should prepare a biological resources study to evaluate potential impacts associated with the I-15/Deer Springs Road interchange improvements. The comment states that the Draft EIR should have Caltrans provide an estimate on the cost to analyze the improvements associated with the interchange, because it appears that the public/tax payers will be paying for it and not the project.

The County acknowledges the comment and notes it raises economic, social, or political issues that do not appear to relate to any physical effect on the environment. 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.

Nonetheless, the County notes Draft EIR discloses all it reasonably can at this time regarding environmental effects associated with the I-15/ Deer Springs Road interchange improvements. However, the interchange is a separate project under the lead jurisdiction of a separate agency (Caltrans) and will follow applicable process when the interchange design is complete. This is noted in the introduction to Section 2.1 of the Draft EIR:

Analysis of I-15 Interchange Improvements (Mitigation Measure M-TR-1)

Caltrans is the lead agency for the I-15 interchange improvements project. Accordingly, in a separate environmental review and approval process under CEQA and the National Environmental Policy Act (NEPA), Caltrans will analyze the I-15 interchange improvements, and whether the existing park-and-ride lots should be expanded, reconfigured, and/or enhanced to support transportation alternatives (e.g., ride-share, car-share, and transit). This EIR identifies the I-15 interchange improvements as a mitigation measure (See EIR Section 2.13, Transportation and Traffic, Mitigation Measure M-TR-1). Because the interchange improvements are a mitigation measure, this EIR discusses the potential environmental effects of the interchange improvements as required by CEQA (see CEQA Guidelines Section 15126.4(a)(1)(D)) (Draft EIR pages 2.1-1 through 2.1-2).

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Please also refer to Draft EIR, Section 2.13.1, Summary, pages 2.13-4 through 2.13-5 for a description of Caltrans' three-phase process. The applicant has initiated this process and, "[a]t the conclusion of the process, the applicant will build the necessary interchange improvements" (Draft EIR page 2.13-105).

Concerning biological resources, the Draft EIR evaluated the potential effects of the interchange to the extent feasible, but that information concerning the interchange improvements is still under review and scoping through the Caltrans process, including an assessment of alternatives to the interchange improvements which affect the intersection size, configuration, disturbance zones, and other features that are needed for an overall environmental analysis. The Draft EIR thus concludes:

While the final configuration and design of the Caltrans interchange improvements are not known at this time, Caltrans' selection of the final "build" project or alternative may have the potential to impact or remove biological resources, including RPO wetlands. To ensure potential impacts to biological resources remain less than significant, this EIR recommends [adoption of mitigation measure M-BIO-13].

As the lead agency for the I-15 interchange improvement project, Caltrans can and should prepare the biological resources study described in M-BIO-13 once design details are known (M-BIO-13).

O-5.2-34 The comment is in regards to M-AQ-17, which encourages installation of tiered vegetative landscaping and states that "the tiered vegetation shall be maintained by the property management company for the homeowner's association (HOA) as part of the residential Community landscaping areas where feasible." The comment expresses concern over enforcing this mitigation measure and concerns with non-native seed dispersal from private yards into the open space. In response, as stated in M-AQ-17 in Section 2.3, Air Quality, on page 2.3-56, the project incorporates this mitigation measure to further reduce TACs; however, "beneficial reductions in health risk impacts from the installation of tiered vegetative landscaping, as described in M-AQ-17, were not quantified because implementation of M-AQ-13 through M-AQ-16 mitigates health risk impacts to a level that is less than significant."

Concerning mitigation to prevent seed dispersal and impacts to open space areas, the County evaluated these potential impacts in the Draft EIR, Section 2.4 (see Draft EIR pages 2.4-96 through 2.4-97). The County refers the commenter to M-BIO-8A through M-BIO-8E, which would reduce these potential indirect impacts

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from the introduction of non-native species to less than significant (Draft EIR page 2.4-135 [Impact BI-C-1]).

O-5.2-35 The comment asks what type of LID standards for stormwater runoff will be used. As stated in Section 3.2, Hydrology and Water Quality, on page 3.2-16, “To mitigate the effects development can have on increased erosion and siltation, the County requires each project to comply with a combination of low-impact development (LID) design guidelines, hydromodification design requirements, and flood control requirements. The project has incorporated a number of LID design features, including: (1) retention of approximately 73 percent of the project Site’s existing topography and associated drainages through a combination of (2) preservation of 1,209 acres (61 percent of the total Site) of the Site’s native habitat, (3) retention of an additional 235 acres of native habitat as Special Maintenance Areas and Fuel Modification Zones, separating impervious surfaces with landscape buffers, and (4) incorporation of bio-swales and bioretention basins to capture runoff from roads, sidewalks, and other impervious surfaces prior to runoff entering the project’s storm drain system.”

O-5.2-36 The comment states that the commenter’s understanding of the County’s Conservation Subdivision Ordinance is that the CSO requires 75 percent avoidance of resources on lands zoned SR-10, and 80 percent avoidance on lands zoning RL 20. Based on these percentages, the comment states the avoidance criteria would result in the avoidance and protection of 1,907 acres of open space, approximately 386-acre increase from the proposed project. The comment states based on this understanding, the Existing General Plan alternative is incorrect. The comment also asks why the Draft EIR did not study an alternative using the CSP and clustering 99 homes.

Please refer to **Response to Comment A-3-7**, which states in part the following (emphasis added):

As part of the processing of a conservation subdivision, the following uses may be allowed in the avoided area: passive recreation, trails for non-motorized uses, native landscaping, resource preservation, project mitigation and buffers, MSCP preservation/mitigation, agriculture, wells, water storage tanks, utilities, pump stations, water and sewer facilities, or infrastructure and access roads necessary for any of these uses. *In addition to these uses, leach fields and brush clearing may be allowed in SR-10 and RL-20 designations only.*

Therefore, the avoided area that must be created under the CSP is not the same area that must be put into preservation under the CSP. The Existing General Plan

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Alternative, as designed and presented in Chapter 4, Project Alternatives, of the Draft EIR, limits grading impacts to 213 acres (including the commercial/office development area—refer to Figure 4-2 in the Draft EIR), which is approximately 11 percent of the project Site and less than half of the allowed impact from grading. The fuel modification areas (Zone 1, Zone 2, and Special Maintenance Areas) under the Existing General Plan Alternative amount to an additional 836.2 acres, resulting in a total impact area of 1049.2 acres. By comparison, the project would result in 776.5 acres of total impacts, 272.7 fewer acres of impacts compared to the Existing General Plan Alternative.

Thus, under the CSP and the County's Subdivision Ordinance, these fuel modification areas would be an allowed use in the "avoided area" for the Existing General Plan Alternative. It's also important to note that the fuel modification requirements applied under the Existing General Plan Alternative are consistent with those applied to the proposed project (e.g., the siting and use of Special Management Areas between more closely spaced developed areas and the Zone 1 and Zone 2 widths). They are also generally consistent with the fuel modification requirements applied to existing developed properties in the area.

As discussed in **Responses to Comments O-1-395** through **O-1-397**, the subdivision design in the Existing General Plan Alternative complies with the applicable provisions of the Subdivision Ordinance governing conservation subdivision design and what uses are permitted inside the 75 percent and 80 percent conservation areas by limiting the grading impacts to approximately 11 percent of the project Site, by complying with the Rural Subdivision Design and Process Guidelines, and by complying with the County's zoning, road, and other regulatory requirements.

O-5.2-37 The comment is in regards to the CDFW/USFWS Land Planning Alternative B and asks how the conclusion was reached that this alternative would result in a disjointed Community. The comment asks regarding residents in the western portion of the project no longer having direct access to the commercial or school uses in the Town Center, "Couldn't residents simply drive a short distance in either direction and use major shopping centers in either Escondido or San Marcos?"

The main purpose of the Town Center is to serve the needs of future residents of the project, as well as existing residences. The design and location of the Town Center was strategically planned in order to be consistent with the County General Plan Community Development Model, with the highest densities and greatest diversity of land uses located in the project's Town Center neighborhood and the

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lowest densities located in the project's Summit neighborhood. As stated in Chapter 1, Project Description, on page 1-7, the Town Center is designed to provide shopping for convenience goods and personal services for day-to-day needs in the immediate neighborhood and surrounding community within an approximately 3-mile radius of the project.

While it is reasonable to assume residents would also shop at commercial centers in other communities, such as San Marcos or Escondido, the main purpose of the Town Center is to be conveniently located and easily accessed by residences on a day-to-day basis. The CDFW/USFWS Land Planning Alternative B would not provide future residents with direct access to the Town Center, resulting in a more disjointed Community compared to the proposed project. 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.

O-5.2-38 The comment asks for an additional alternative to be analyzed that uses the County General Plan along with the Conservation Subdivision Plan, that moves homes to the west and creates a large wildlife under crossing under the main road on the east side of the project. The County disagrees with this comment. The Draft EIR includes a range of reasonable and feasible alternatives that would reduce impacts compared to the proposed project, as described in **Response to Comment O-1.7-53** as well as **Responses to Comments O-1-505, O-1-551, and O-1-553**. In addition, the Existing General Plan Alternative, as included in the Draft EIR, does take into consideration the County's Conservation Subdivision Ordinance. Please refer to **Response to Comment O-1-398**. 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.

The comment also states that improvements to Deer Spring Road should include either a wildlife undercrossing or overcrossing so that wildlife can safely move from the project to PAMA lands in the south. Please see **Response to Comment 5.2-39** below, as well as **Topical Response BIO-2 – Wildlife Connectivity**.

O-5.2-39 The comment expresses concern over the wildlife connectivity and specifically Corridor B, due to wildlife fatalities from collisions with cars and the steepness of the slope. The comment asks for additional detail to demonstrate that there is adequate width that is functional for wildlife to use at this location.

Figure 2.4-8 of the Draft EIR shows the locations of culverts, bridges, and fencing designed to reduce traffic collisions with wildlife. Section 2.4.10, Habitat

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Connectivity and Wildlife Corridors (pages 2.4-50 through 2.4-54), and Section 2.4.12.4, Wildlife Movement and Nursery Sites (pages 2.4-75 through 2.4-76), of the Draft EIR provide detailed discussions of habitat connections and potential movement corridors under existing and post-development conditions on the project Site and in the project vicinity, including across Deer Springs Road and I-15.

The Draft EIR discusses the potential impacts of roads on wildlife on pages 2.4-74 and 2.4-75 in Section 2.4.12.4, Wildlife Movement and Nursery Sites. While the Draft EIR concludes that wildlife-vehicle collisions likely will occur along project roads, these collisions will mostly occur to common, non-special-status wildlife species such as striped skunk, opossum, and mule deer. Other small species such as rodents and reptiles are also vulnerable to vehicle collisions, but these species are widely distributed throughout the chaparral habitat on Site (i.e., they are unlikely to seek out under-crossings if at grade-crossings areas are available). Small rodents such as cactus mouse and San Diego pocket mouse tend to avoid paved roads altogether and western fence lizard and Belding's orange-throated whiptail (a special-status species) may use secondary paved roads but avoid two-lane rural paved roads (Brehme et al. 2013). Given that these general species are common and/or are widespread (although the orange-throated whiptail is special-status), such impacts would not be significant. Providing under-crossings of roads designed specifically for wildlife movement would do little to prevent or mitigate at-grade road crossings that could occur wherever roads pass along natural vegetation.

Regarding the steepness of the slope, the commenter is referred to **Response to Comment O-1.5-7**, which states that the Draft EIR on page 2.4-75 describes the internal project Site linkages and corridors (Corridors A-D) (also see Draft EIR Figure 2.4-8, Wildlife Connectivity) in the context of the MSCP County of San Diego Subarea Plan (County of San Diego 1997): "If a corridor is relatively long, it must be wide enough for animals to hide in during the day. Generally, wide corridors are better than narrow ones. If narrow corridors are unavoidable, they should be relatively short. If the minimum width of a corridor is 400 feet, it should be no longer than 500 feet. A width of greater than 1,000 feet is recommended for large mammals and birds. Corridors for bobcats, deer, and other large animals should reach rim-to-rim along drainages, especially if the topography is steep." The Draft EIR includes a description of proposed corridor lengths and widths on pages 2.4-74 to 2.4-78, Section 2.4.12.4, Wildlife Movement and Nursery Sites, and notes that internal corridors would have varying degrees of fuel modification. Because 91 percent of the project Site is generally mature chaparral that could impede some wildlife movement (e.g., mule deer), thinning of the vegetation (20 to 50 percent) would likely facilitate

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movement along the corridors, while still providing adequate cover. The Draft EIR provides a review of wildlife movement in relation to habitat conditions on pages 2.4-53 and 2.4-54, 2.4.10 Habitat Connectivity and Wildlife Corridors, to support this conclusion.

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