

# Center for Natural Lands Management

A non-profit organization for the protection and management of natural resources

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February 1, 2018

Mr. Mark Wardlaw, Director  
Planning & Development Services  
County of San Diego  
5510 Overland Avenue, Suite 310  
San Diego, CA 92123

## Letter in Opposition to Proposed Zoning Changes to SD15 as part of the County of San Diego's General Plan Amendment

Dear Mr. Wardlaw:

01-1 The Center for Natural Lands Management (CNLM) recently received a Notice of Public Review of the County of San Diego's General Plan Amendment (GPA). This letter is in response to that request, and focuses on property identified as SD15 (Property) in the GPA Environmental Impact Report (EIR) that is located in the San Dieguito Planning Area, and is also known as the proposed Copper Hills Development (Project). CNLM is a conservation-focused nonprofit organization that owns land (Preserve; Figure 1) that provides protected habitat for imperiled species and that lies adjacent to the Property and the proposed Project.

01-2 CNLM recently became aware of the Project located off San Elijo Road near the southeast corner of the City of San Marcos (City), and the proposed zoning changes that would be required to develop the Project (Figure 2). We understand the Project would be comprised of over 362 residential apartments and attached condominiums, and commercial/industrial buildings on approximately forty acres. According to the documents we received from the City, the Property is located in the County of San Diego, is currently zoned for Semi-Rural Residential (SR-1), and the project proponent wants to change the current zoning to Village Residential (VR-10.9) and general commercial and semi-rural residential (SR-.5) and annex the Property and Project to the City of San Marcos.

01-3 CNLM is very concerned about the Project and the impacts that a high-density residential community is likely to have on our Rancho La Costa Habitat Conservation Area (Preserve), protected habitat we own (see attached Figure 1). The Preserve was set aside as part of the Multiple Species Habitat Conservation Program (MSHCP) and is within an area known as the La Costa Villages/University Commons Core Area. The Preserve protects natural open space in the County of San Diego, and Cities of Carlsbad and San Marcos. We own and manage the Preserve—some sections of which have been under our ownership and care for over 15 years.

01-4

CNLM is an IRS §501(c)(3) nonprofit organization with a mission to protect imperiled species and their habitats. We own and manage conservation lands that are protected as a result of government resource agency mitigation requirements. It is our responsibility to protect and to steward the Preserve's imperiled species and sensitive habitats in perpetuity for the benefit of the people of the State of California, including the citizens of the City. Our charitable trust responsibilities include continually monitoring the Preserve and assessing the potential for future adverse impacts to Preserve.

01-5

The Preserve has very important conservation values (Conservation Values): it supports hundreds of species, including sensitive or endangered species such as the (threatened) coastal California gnatcatcher (*Poliophtila californica californica*), mule deer (*Odocoileus hemionus californicus*), (endangered) thread-leaved brodiaea (*Brodiaea filifolia*), (endangered) San Diego thornmint (*Acanthomintha ilicifolia*), and Orcutt's brodiaea (*Brodiaea orcuttii*), and is a primary wildlife movement corridor between the coastal Carlsbad and San Marcos, and the inland areas of Elfin Forest and Escondido.

01-6

The Copper Creek area of the Preserve is a very private, secluded canyon, that supports habitat and a movement corridor for species such as mule deer. It is adjacent to the proposed Project.

01-7

Our management includes all aspects of preserve stewardship, including biological monitoring, habitat maintenance, public outreach, trail maintenance, patrols, and enforcement. The Preserve has approximately ten miles of trails that attract hundreds of users each week and is the primary conservation property for residents of the San Elijo Hills, University Commons, and La Costa Villages developments, as well as other residents from across San Diego County, who enjoy the Preserve for hiking, biking, and horse-back riding.

01-8

CNLM has the following concerns about the Copper Hills project and how it will adversely affect Conservation Values on the Preserve:

1. Increase in direct, adverse impacts to the Preserve: The Project will increase, by hundreds, the residents adjacent to our Preserve, increasing both noise and the likelihood of trespass, fire ignition, and other causes of damage to our Preserve.
2. Increase in impacts on public trails area (Copper Creek area): The Preserve's Copper Creek area will likely experience a significant increase in users, with attendant adverse effects on wildlife and native vegetation. CNLM manages many acres of multiple nature preserves in urban areas and has done so for over twenty-five years. Our experience is that an increase in trail users is correlated with an increase in adverse impacts to wildlife and sensitive natural resources. There is a certain carrying capacity of this and any similar trail, with use beyond which causes problems.

01-9

- 01-10 [ 3. Increased impact on critical animal movement: Increased use, trespass, and other human activity will adversely impact animal movement through our Preserve, especially in the Copper Creek area.
- 01-11 [ 4. Increased expense for Preserve stewardship: CNLM already struggles with vandalism to our property, such as sign and gate destruction, theft of equipment from our storage sheds, and vegetation removal and damage from illegal trail building and off-road activity. These expenses are already a burden, and it is likely to worsen with increased residential population density adjacent to our Preserve.
- 01-12 [ 5. Need for increased enforcement capacity: CNLM's enforcement capacity cannot handle the large increase in users that the Project would bring to our Preserve. We are already struggling to successfully enforce Preserve rules, conservation protective requirements imposed by government agencies and supplemented by our stewardship standards. For example we do not allow dogs, leashed or otherwise, on our Copper Creek trail (because of sensitivity of wildlife). We currently struggle to enforce this prohibition, and, with the increase in users, this problem would likely be unmanageable without a significant increase in staffing.
- 01-13 [ Residential density in this area of San Marcos and the County (e.g., San Elijo Hills, University Commons, La Costa Villages, and other areas) is already extremely high. The Project will increase residential density and traffic in an area where infrastructure and quality-of-life facilities and services are already stressed. Lower density or commercial use of this Property, or better yet, conservation, would have far less impact on the Preserve and other facilities. If preserved as conservation, it would provide additional buffer and protection for our Preserve, and additional trail opportunities for residents in the area.
- 01-14 [ CNLM requests that the County of San Diego deny the approval of the re-zoning request for SD-15.

Thank you on behalf of CNLM and the people of California for supporting our efforts to ensure the integrity the Preserve and its high quality Conservation Values.

Sincerely,



David R. Brunner  
Executive Director  
Center for Natural Lands Management

Mr. Mark Wardlaw, County of San Diego  
February 1, 2018  
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**Attachments:**

Figure 1. Copper Hills (SD15) Proximity Map  
Figure 2. Property Specific Request GPA – SD15

cc: Mr. Doug Dill, San Dieguito Planning Group  
Mr. Kevin Johnson, County of San Diego Planning and Development Services

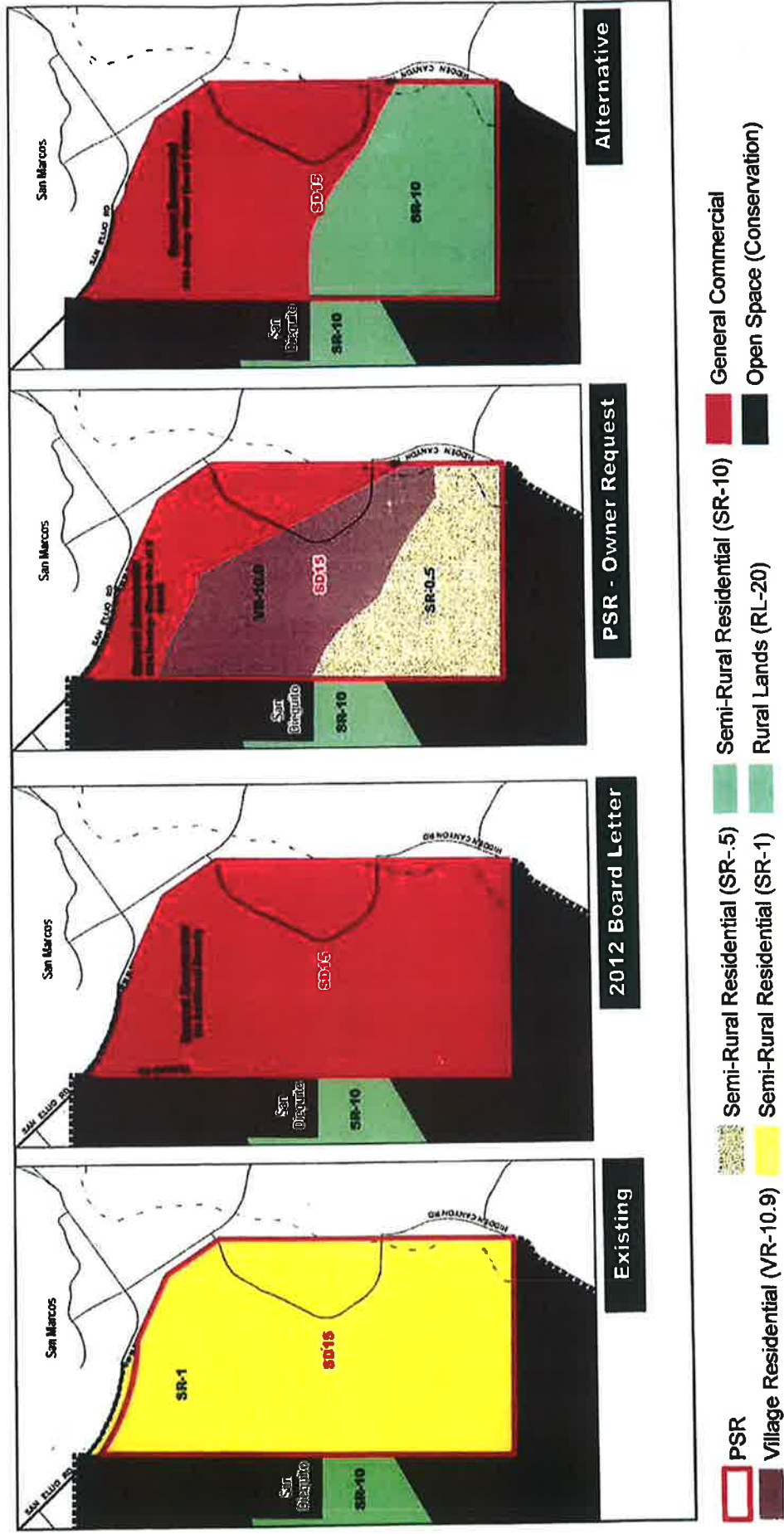


Figure 1. Copper Hills (SD15) Proximity Map  
 Rancho La Costa Habitat Conservation Area- San Marcos, California Center for Natural Lands Management





**Figure 2**  
**Property Specific Requests GPA - SD15**







## Responses to Letter O1, Center for Natural Lands Management

- O1-1 This introductory comment briefly describes the organization and the Proposed Project.

This comment does not raise specific issues relative to the Draft SEIR, and therefore, no further response is required.

- O1-2 This comment describes a specific development project proposed for construction within PSR Analysis Area SD15.

The comment seems to partially refer to a development project proposal with the City of San Marcos and partially refer to PSR Analysis Area SD15 in the PSRs GPA/Rezone. Copper Hills is a proposed development project on the site with the City of San Marcos. Though the site is currently within the unincorporated County jurisdiction, it is within the Sphere of Influence (SOI) for San Marcos. As such, San Marcos applies their own 'pre-annexation' General Plan and zoning for the site, and it is County staff's understanding that the Copper Hills project would include one or more proposed changes or additions to those designations. As part of this project process with San Marcos, they would eventually have to get approval from LAFCO to annex the site into San Marcos. This Copper Hills project is not related to the PSRs GPA in any way, and there are no development applications or proposals associated with SD15. The comment reference to a change from SR-1 to a combination of General Commercial, VR-10.9, and SR-0.5 is the Proposed Project Map proposal for the SD15 PSR.

This comment does not raise issues regarding the SEIR analysis; therefore, no further response is required.

- O1-3 This comment expresses concerns regarding the potential impacts of high-density residential development on the Rancho La Costa Habitat Conservation Area (Preserve), set aside as part of the Multiple Species Habitat Conservation Program (MSHCP).

The County acknowledges that high-density development has the potential to significantly impact sensitive biological habitats and wildlife preserve areas. Chapter 2.4 of the Draft SEIR analyzes potential impacts to biological resources. The comment does not raise issues regarding the SEIR analysis; therefore, no further response is required.

- O1-4 This comment describes the organization's mission to protect imperiled species and their habitats, specifically those within the Preserve adjacent to PSR Analysis Area SD15.

This comment does not raise specific issues relative to the Draft SEIR, and therefore, no further response is required.

- O1-5 This comment describes the conservation value of the Preserve, as it supports hundreds of species including sensitive or endangered species and is a primary wildlife movement corridor between the coastal Carlsbad and San Marcos, as well as the inland areas of Elfin Forest and Escondido.

The comment does not raise issues regarding the SEIR analysis; therefore, no further response is required.

- O1-6 This comment specifically identifies the Copper Creek area of the Preserve, which is adjacent to

PSR Analysis Area SD15, as supporting habitat and a movement corridor for species such as mule deer.

The comment does not raise issues regarding the SEIR analysis; therefore, no further response is required.

- O1-7 This comment describes the Center for Natural Lands Management’s (CNLM) management of trails within the preserve; which are used by locals and residents from across San Diego County.

This comment does not raise specific issues relative to the Draft SEIR, and therefore, no further response is provided.

- O1-8 This comment states the Copper Hills project will adversely affect Conservation Values of the Preserve through increasing the number of residents adjacent to the Preserve. This comment implies an increase in population will result in noise and fire impacts to the Preserve as well as an increased likelihood of damage to the Preserve.

The County is assuming that this comment not only refers to the proposed Copper Hills development with the City of San Marcos, but also to the proposed land use designation changes associated with the Proposed Project Map for SD15. The Draft SEIR for the Proposed Project analyzes the maximum development potential on a programmatic scale associated with the potential land use densities/ intensities allowed by the proposed land use designations. The County acknowledges concerns associated with the land uses changes for PSR Analysis Area SD15. The Proposed Project was determined to have potentially significant impacts to habitats that support sensitive plant and wildlife species including from indirect impacts such as fugitive dust, non-native plants, edge effects from brush management or new trails and roads, increased human activity, noise and night lighting (Impact BI-1). PSR Analysis Area SD15 was also determined to contribute to a potential impact to wildlife corridors (Impact BI-4) due to its presence in or near to regional linkages for wildlife movement. See SEIR Sections 2.4.3.1 and 2.4.3.4 for a discussion of these issues.

The Proposed Project was also determined to have a potentially significant and unmitigable impacts related to permanent increases in noise from roadways and commercial and industrial activities (Impact NO-3) and wildland fire hazard including where wildlands are adjacent to urbanized areas or where residents are intermixed with wildlands (Impact HZ-2). See SEIR Sections 2.11.3.3 and 2.7.3.8 for a discussion of these issues.

No changes were made as a result of this comment.

- O1-9 This comment implies the Copper Hills project will result in increased use of public trails within the Preserve, which correlates with increased adverse impacts to wildlife and sensitive natural resources.

The County is assuming that this comment not only refers to the proposed Copper Hills development with the City of San Marcos, but also to the proposed land use designation changes associated with the Proposed Project Map for SD15.

Refer to response O1-5 and O1-8.

The County acknowledges concerns associated with the land uses changes for PSR Analysis Area SD15. Section 2.4.3.1 of the Draft SEIR discusses the potential direct and indirect impacts to habitat types that support sensitive plan and wildlife species. Section 2.4.3.4 of the Draft SEIR discusses the potential direct and indirect biological impacts related to wildlife corridors and pre-approved mitigation areas. The comment does not raise issues regarding the SEIR analysis; therefore, no further response is required.

- O1-10 This comment suggests the Copper Hills project will result increased use of the Preserve that would adversely impact animal movement.

The County is assuming that this comment not only refers to the proposed Copper Hills development with the City of San Marcos, but also to the proposed land use designation changes associated with the Proposed Project Map for SD15.

Refer to response to comment O1-8 and O1-9. The comment does not raise issues regarding the SEIR analysis; therefore, no further response is required.

- O1-11 This comment suggests that the Copper Hills project will result in increased use of the Preserve that would cause CNLM to incur additional expenses to combat issues including vandalism, theft, illegal trail building and off road-activity.

The County is assuming that this comment not only refers to the proposed Copper Hills development with the City of San Marcos, but also to the proposed land use designation changes associated with the Proposed Project Map for SD15.

Refer to response to comment O1-8. The comment does not raise issues regarding the SEIR analysis; therefore, no further response is required.

- O1-12 This comment suggests that the Copper Hills project will increase the use of the Preserve which would translate to an increased need for enforcement of Preservation rules and conservation protective requirements imposed by government agencies. This comment concludes it would not be able to meet an increased enforcement demand due to staffing constraints.

The County is assuming that this comment not only refers to the proposed Copper Hills development with the City of San Marcos, but also to the proposed land use designation changes associated with the Proposed Project Map for SD15.

Refer to response O1-8. The comment does not raise issues regarding the SEIR analysis; therefore, no further response is required..

- O1-13 This comment suggests that the Copper Hills project will increase residential density and traffic in an area that currently experiences congestion. The comment expresses support for lower density or commercial zoning, or conservation with PSR Analysis Area SD15.

The County is assuming that this comment not only refers to the proposed Copper Hills development with the City of San Marcos, but also to the proposed land use designation changes associated with the Proposed Project Map for SD15.

Potential traffic impacts of the Proposed Project were analyzed in Chapter 2.15 of the SEIR, which was determined to have significant and unavoidable direct and cumulative impacts related to traffic and Level of Service standards (Impacts TR-1 and TR-5) and road safety (Impacts TR-2 and TR-3). Increased traffic from the density increases proposed for SD-15 contributed significantly to these overall Proposed Project impacts. Table 2.15-4 of the SEIR shows that the proposed density increases associated with SD-15 account for nearly half the additional average daily trips (ADT) that would be generated by the overall Proposed Project, and most of the ADT that would be generated by SD15 are associated with the 19 acres of General Commercial land use that would be designated.

A Reduced Density Alternative was evaluated in Chapter 4 of the SEIR, including one for SD15. The SD15 Reduced Density Alternative would reduce potential residential development to an estimated 80 dwelling units. This a reduction of 282 units from the Proposed Project, but still an increase of 19 units from the No Project Alternative (current General Plan land use designation). However, the SD15 Reduced Density Alternative allows for more General Commercial development than the Proposed Project, such that ADT is almost double for the Reduced Density Alternative compared to the Proposed Project (26,905 vs 16,231 ADT). Thus, the Reduced Density Alternative for SD15 results in increased traffic impacts compared to the Proposed Project for SD15.

No alternative was evaluated for SD15 that would place the property entirely in open space for conservation, as that could be considered a “taking” of private property. The Reduced Density Alternative for SD15 would designate the southern 30 acres of the property as SR-10 which has a maximum density of one dwelling unit per 10 acres and would require a Conservation Subdivision design for that area. Please refer to Chapters 2.15, 4.2.1.9, and 4.2.1.15 for a further information.

No changes were made to the SEIR as a result of this comment.

- O1-14 This comment provides conclusory remarks that reiterate the Center for Natural Lands Management’s opposition to the proposed changes associated with SD15.

Comment noted. The comment does not raise issues regarding the SEIR analysis; therefore, no further response is required.