

## 9.0 COMMENT RESPONSES AND SUMMARY OF REVISIONS

### 9.1 Introduction

In accordance with Section 15088 of the California Environmental Quality Act (CEQA) Guidelines, the County of San Diego, as the Lead Agency, has evaluated the comments received on the Draft Environmental Impact Report (Draft EIR) for the Questhaven Project (Project) (SCH No. 2022090029) and has prepared written responses to these comments. This document has been prepared in accordance with CEQA and represents the independent judgment of the lead agency.

According to State CEQA Guidelines Section 15132, the Final EIR shall consist of:

- (a) *The Draft EIR or a revision of the draft;*
- (b) *Comments and recommendations received on the Draft EIR either verbatim or in summary;*
- (c) *A list of persons, organizations, and public agencies commenting on the Draft EIR;*
- (d) *The responses of the Lead Agency to significant environmental points raised in the review and consultation process; and*
- (e) *Any other information added by the Lead Agency.*

The Planning Commission will consider certification of the Draft EIR, adoption of a Mitigation Monitoring and Reporting Program, Findings and Facts, and a Statement of Overriding Considerations as part of the approval process for the Project.

This Final EIR document is organized as follows:

**Section 9.2** provides a brief introduction to this document and a summary of the public review process, and a list of commenters.

**Section 9.3** provides responses to the public comments received on the Draft EIR during the public review period. Responses are provided in the form of individual responses to comment letters received. Comment letters are followed immediately by the responses to each letter.

**Section 9.4** contains revisions and clarifications to the Draft EIR as a result of the comments received from agencies and interested persons as well as errata identified in the EIR. This information does not constitute significant new information and recirculation of the EIR for further review pursuant to CEQA Guidelines Section 15088.5 is not required.

### 9.2 Public Review Process

In compliance with Section 15201 of the State CEQA Guidelines, the County of San Diego (County) has taken steps to provide opportunities for public participation in the environmental review process. A Notice of Preparation (NOP) for the EIR was filed with the State Clearinghouse of the California office of Planning and research and distributed on September 1, 2022 for a 30-day public review period.

A public scoping meeting was held virtually on September 20, 2022. A copy of the NOP and comments received during the 30-day public review period are included in Appendix A of the Draft EIR.

CEQA requires that a Draft EIR have a review period lasting at least 45 days for projects that have been submitted to the State Clearinghouse (SCH) for review (State CEQA Guidelines, Section 15105(a)). The Draft EIR was distributed to various public agencies, organizations, and individuals on May 16, 2024; the EIR was available for public review and comment for a period of 46 days. The review period ended on July 3, 2024. The County used several methods to elicit comments on the Draft EIR. A Notice of Availability (NOA) and the Draft EIR was distributed to the SCH for distribution to State agencies and was posted on the County’s website. The NOA was mailed to responsible agencies, local government agencies, and interested parties that received the NOP, to individuals who had previously requested the NOA or EIR, and to individuals who provided NOP comments on May 16, 2024.

The Planning Commission, as the final approval body, will hold a public hearing to consider approving the Project, associated actions, and certification of the Final EIR for the Project.

**9.2.1 LIST OF EIR COMMENTERS**

In accordance with Section 15132 of the State CEQA Guidelines, following is a list of the agencies, organizations, and individual that submitted comments on the Draft EIR. The County received comments from three (3) agencies, five (5) organizations, and eight (8) individuals during the review period.

Responses to each comment are located in Section F.3. Each comment letter has been assigned a label (i.e., RA-1, RO-2, I-3) and each comment within the transmittal is divided into sequential numbered comments (i.e., RA-1-1, RO-1-2, I-1-3).

<u>Comment</u>	<u>Date of Letter</u>
<i>Agencies</i>	
RA-1 City of San Marcos	July 3, 2024
RA-2 Local Enforcement Agency	July 3, 2024
RA-3 California Department of Fish and Wildlife	July 3, 2024
RA-4 United States Fish and Wildlife Service	July 2, 2024
<i>Organizations</i>	
RO-1 Endangered Habitats League	May 31, 2024
RO-2 San Diego Archaeological Society	May 29, 2024
RO-3 Center for Natural Lands Management	July 3, 2024
RO-4 Rincon Band of Luiseño Indians	July 3, 2024
RO-5 Escondido Creek Conservancy	July 3, 2024

*Individuals*

I-1	Danielle Allison	May 17, 2024
I-2	Donald M. de Camara	May 25, 2024
I-3	Hung Wang	June 19, 2024
I-4	Michelle Radlowksi	June 15, 2024
I-5	Lisa	June 20, 2024
I-6	Camille Perkins	June 25, 2024
I-7	Denise Rainey	July 3, 2024
I-8	Jodi Rowin	June 24, 2024

**9.3 Responses to Comments Received During The Public Review Period**

All of the comment letters received by the County have been included and responded to in this Final Environmental Impact Report (Final EIR). Comments that address environmental concerns have been thoroughly addressed. Comments that do not require a response are indicated below and include those that (1) do not address the adequacy or completeness of the Draft EIR (i.e., are outside the scope of CEQA); (2) do not raise environmental issues; (3) do not address the Project; or (4) request the incorporation of additional information not relevant to environmental issues.

CEQA Guidelines Section 15204(a) outlines the parameters for public agencies and interested parties to submit comments and the Lead Agency’s responsibility for responding to specific comments. Per CEQA Guidelines Section 15204(a), comments should be related to:

*[T]he sufficiency of the document in identifying and analyzing possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. At the same time, reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible... CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or suggested by commenters. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.*

CEQA Guidelines Section 15204(c) further advises that, “[r]eviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to CEQA Guidelines Section 15064, an effect shall not be considered significant in the absence of substantial evidence.” Additionally, CEQA Guidelines Section 15204(d) notes that, “[e]ach responsible agency and trustee agency shall focus its comments on environmental information germane to that agency’s statutory responsibility;” but, pursuant to CEQA Guidelines Section 15204(e), “[t]his section shall not be used to restrict the ability of reviewers to comment on the general adequacy of a document or of the lead

agency to reject comments not focused as recommended by this section [CEQA Guidelines Section 15204].”

Section 15088 of the California Environmental Quality Act (CEQA) Guidelines, Evaluation of and Response to Comments, states:

- a) *The lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response. The lead agency shall respond to comments raising significant environmental issues received during the noticed comment period and any extensions and may respond to late comments.*
- b) *The lead agency shall provide a written proposed response, either in a printed copy or in an electronic format, to a public agency on comments made by that public agency at least 10 days prior to certifying an environmental impact report.*
- c) *The written response shall describe the disposition of significant environmental issues raised (e.g., revisions to the proposed project to mitigate anticipated impacts or objections). In particular, the major environmental issues raised when the Lead Agency’s position is at variance with recommendations and objections raised in the comments must be addressed in detail giving reasons why specific comments and suggestions were not accepted. There must be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice. The level of detail contained in the response, however, may correspond to the level of detail provided in the comment (i.e., responses to general comments may be general). A general response may be appropriate when a comment does not contain or specifically refer to readily available information, or does not explain the relevance of evidence submitted with the comment.*
- d) *The response to comments may take the form of a revision to the draft EIR or may be a separate section in the final EIR. Where the response to comments makes important changes in the information contained in the text of the draft EIR, the lead agency should either:*
  1. *Revise the text in the body of the EIR; or*
  2. *Include marginal notes showing that the information is revised in the response to comments.*

This section includes responses to substantive Draft EIR comments received by the County. With respect to comment letters received, aside from certain courtesy statements, introductions, and closings, individual comments within the body of each letter have been identified and numbered. A copy of each comment letter and the County’s responses to each applicable comment are included in this section. Brackets delineating the individual comments and a numeric identifier have been added to the right margin of the letter. Responses to each comment identified are included on the page(s) following each comment letter. Responses to comments are being sent to the agencies and organizations that provided comments at least 10 days prior to the Planning Commission’s consideration of certification of the EIR.

Revisions to the Draft EIR have been prepared to make minor corrections and clarifications to the Draft EIR as a result of County review, and comments received during the public review period (refer to

Section 9.4, *Draft EIR Clarifications and Revisions*, of this document). Therefore, this Response to Comments section, and the Draft EIR Clarifications and Revisions section, are included as part of this Final EIR along with the Draft EIR for consideration by the Planning Commission prior to a vote to certify the EIR.

As further discussed in Section 9.4 of this document, the Draft EIR revisions and information presented in the responses to comments do not result in any of the conditions set forth in Section 15088.5 of the State CEQA Guidelines; therefore, the EIR does not need to be recirculated prior to its certification.

### **9.3.1 Draft EIR Clarifications and Revisions**

Corrections to the Draft EIR text generated either from responses to comments or independently by the County, are stated in this section of the Final EIR. The information included in this section does not constitute substantial new information that requires recirculation of the Draft EIR. Section 15088.5 of the State CEQA Guidelines states in part:

- (a) *A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification. As used in this section, the term “information” can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement. “Significant new information” requiring recirculation includes, for example, a disclosure showing that:*
- (1) *A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.*
  - (2) *A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.*
  - (3) *A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project’s proponents decline to adopt it.*
  - (4) *The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.*
- (b) *Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.*

None of the information contained in this section constitutes significant new information or changes to the analysis or conclusions of the Draft EIR. There were no new significant environmental impacts identified following circulation of the Draft EIR. Likewise, there were no substantial increases in the severity of environmental impacts identified after circulation of the Draft EIR. Therefore, recirculation of the Draft EIR is not required because the new information added to the EIR through these modifications clarifies or amplifies information already provided in the already adequate Draft EIR.

**Clarifications and Revisions to the Draft EIR**

<b>EIR Section</b>	<b>Location</b>	<b>Revision</b>
S.0, <i>Summary</i>	Page S-3	No Project/No Development Pursuant to Existing Land Use Alternative was renamed Development Pursuant to Existing Land Use Alternative
S.0, <i>Summary</i>	Page S-9	GHG-2 Impact Conclusion added.
S.0, <i>Summary</i>	Page S-10, Page S-13	Revised to remove restriping on Melrose Drive.
S.0, <i>Summary</i>	Page S-5	M-BIO-3 revised to include signage and fencing specifics.
S.0, <i>Summary</i>	Page S-8	M-GHG-1 through M-GHG-4 added.
S.0, <i>Summary</i>	Page S-14	M-TRANS-1 revised to remove restriping on Melrose Drive.
1.0, <i>Project Description and Location</i>	Page 1-3	Lot T revised to Lot U to reflect the addition of one open space lot
1.0, <i>Project Description, Location, and Setting</i>	Page 1-10	Revised to clarify the location of the San Marcos Landfill is the current location.
1.0, <i>Project Description, Location, and Settings</i>	Page 1-6	Revised off-site disturbance area acreage.
2.1, <i>Biological Resources</i>	Page 2.1-19	M-BIO-3 revised to include signage and fencing specifics.
2.1, <i>Biological Resources</i>	Throughout	Off-site acreage revised.
2.3, <i>Global Climate Change</i>	Page 2.3-13	299 trees changed to 306 trees.
2.3, <i>Global Climate Change</i>	Page 2.3-17	Section 2.5 corrected to Section 2.6
2.3, <i>Global Climate Change</i>	Page 2.3-17	M-GHG-1 through M-GHG-4 added.
2.3, <i>Global Climate Change</i>	Page 2.3-18	Information regarding Project compliance with M-GHG-1 through M-GHG-4 added.
2.3, <i>Global Climate Change</i>	Page 2.3-18	Information regarding feasibility of VMT reduction strategies has been removed.
2.4, <i>Land Use and Planning</i>	Page 2.4-2	Revised to clarify the location of the San Marcos Landfill is the current location.
2.4, <i>Land Use and Planning</i>	Page 2.4-12	M-TRANS-1 revised to remove restriping on Melrose Drive.
2.4, <i>Land Use and Planning</i>	Throughout	Section numbers corrected through the document.
2.6, <i>Transportation and Traffic</i>	Page 2.6-10	Park name EdenPark revised to Loma San Marcos
2.6, <i>Transportation and Traffic</i>	Throughout	Date of LTA revised.
2.6, <i>Transportation and Traffic</i>	Page 2.6-10	Revised to clarify that bicycle restriping would be along San Elijo only.
2.6, <i>Transportation and Traffic</i>	Page 2.6-13	Revised to remove restriping on Melrose Drive.

2.6, <i>Transportation and Traffic</i>	Page 2.6-13	Revised to remove restriping on Melrose Drive.
2.6, <i>Transportation and Traffic</i>	Page 2.6-19	Table 2.6-6 revised.
3.1, <i>Aesthetics and Visual Resources</i>	Page 3.1-1	Revised to clarify the location of the San Marcos Landfill is the current location.
3.13, <i>Wildfires</i>	Page 3.13-9	Park name EdenPark revised to Loma San Marcos
3.13, <i>Wildfires</i>	Page 3.13-9	Identification of the Project as a Firewise community and description of the Firewise USA program added.
3.6, <i>Hazards and Hazardous Materials</i>	Page 3.6-2, 3.6-3, 3.6-12	Revised to clarify the location of the San Marcos Landfill is the current location.
4.0, <i>Other CEQA Considerations</i>	Page 4-1 through 4-2	Information regarding M-GHG-1 through M-GHG-4 added.
5.0, <i>Alternatives</i>	Throughout	No Project/No Development Pursuant to Existing Land Use Alternative was renamed Development Pursuant to Existing Land Use Alternative
5.0, <i>Alternatives</i>	Page 5-21	Summary of the Property Specific Request (PSR) has been added.
5.0, <i>Alternatives</i>	Page 5-26 through 5-27	Summary of Reduced Development Area Alternative has been added.
5.0, <i>Alternatives</i>	Page 5-28	Tribal Cultural Resources has been added as an environmental topic in Table 5-1.
5.0, <i>Alternatives</i>	Page 5-8	Tribal Cultural Resources added to impact areas with reduced impacts.
5.0, <i>Alternatives</i>	Page 5-9, 5-28	Geology and soils revised to geology, soils, and paleontological resources
5.0, <i>Alternatives</i>	Pages 5-17, 5-23	Analysis of impacts to Tribal Cultural Resources has been revised.
5.0, <i>Alternatives</i>	Throughout	Miscellaneous typos have been revised.
7.0, <i>List of Mitigation Measures</i>	Page 7-4	Park name EdenPark revised to Loma San Marcos
7.0, <i>List of Mitigation Measures</i>	Page 7-4	Revised to remove restriping on Melrose Drive.
7.0, <i>List of Mitigation Measures</i>	Page 7-1 through 7.2	M-BIO-3 revised to include signage and fencing specifics.
7.0, <i>List of Mitigation Measures</i>	Page 7-3	M-GHG-1 through M-GHG-4 added.
7.0, <i>List of Mitigation Measures</i>	Page 7-5	Park name EdenPark revised to Loma San Marcos
7.0, <i>List of Mitigation Measures</i>	Page 7-5	Revised to remove restriping on Melrose Drive.
8.0, <i>References</i>	Page 8-1	Date of LTA updated.
8.0, <i>References</i>	Page 8-1	Date of BTR updated.

## **9.4 Responsible Agency Comments and Responses**

RA-1 pg 1



pg 2

Pg 3

Pg 4

Pg 5

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### Letter RA-1 – City of San Marcos

- RA-1-1** This comment provides background information on the commenter and comment letter. This comment is for informational purposes and does not address the analysis of environmental impacts presented in the Draft EIR. Therefore, no response to this comment or revision to the Draft EIR is required.
- RA-1-2** This comment summarizes Mitigation Measure M-TRANS-1 from the Draft EIR and suggests that the Project analyze traffic impacts on the Melrose Drive and San Elijo Road intersection excluding trips from the full buildout of the Loma San Marcos Specific Plan through phase 2, in the near-term year traffic conditions. In response to the comment, CR Associates, the Project Traffic Engineer, analyzed the Project’s impacts on the Melrose Drive and San Elijo Road intersection excluding trips from the full buildout of the Loma San Marcos Specific Plan, as requested, and determined implementation of an optimized signal timing plan would maintain the intersection’s operation at an acceptable level of service (LOS) and delay. The analysis is provided as *Attachment A*. Accordingly, Mitigation Measure M-TRANS-1 has been revised in Draft EIR Section 2.4, *Land Use and Planning*, and Section 2.6, *Transportation* to require signal optimization and remove requirements for restriping along Melrose Drive. Revised Mitigation Measure M-TRANS-1 is presented above in Table 1, *Clarifications and Revisions to the Draft EIR*.
- RA-1-3** This comment states that the majority of Project-related trips would take place on City-maintained streets and that the Project should contribute its equitable fair share toward the maintenance of the City streets that directly serve the Project. Section 2.6, *Transportation and Traffic*, of the Draft EIR includes analysis of the Project’s impacts due to conflicts with the City of San Marcos General Plan Mobility Element. Specifically, as indicated on page 2.6-6 of the Draft EIR, the analysis evaluates the Project’s effects on LOS in accordance City of San Marcos General Plan Mobility Element Policy M-1.4. Section 2.6 of the Draft EIR and the Project’s Local Transportation Analysis (LTA) (*Technical Appendix L2*) identified significant impacts and improvements to mitigate for significant impacts, applied to the Project as Mitigation Measures M-TRANS-1 and M-TRANS-2. Furthermore, the County and City do not have any agreement in place that would require financial contributions for ongoing roadway maintenance. Additionally, the Project’s proposed residential uses would not generate the types of vehicles that would typically cause damage to roadways beyond what is typically anticipated. This comment does not contain specific information pertaining to the environmental analysis contained in the Draft EIR, and no further response to comment or revisions to the Draft EIR are required.
- RA-1-4** This comment notes that San Elijo Road currently includes Class II bicycle lanes in both directions of travel and that the Project should maintain adequate right-of-way for proposed Class IV bicycle facilities on San Elijo Road identified in the City’s Active Transportation Plan. As mentioned in Section 1.0, *Project Description, Location, and Environmental Setting*, and Section 2.6, *Transportation and Traffic*, of the Draft EIR, the Project does not include any improvements along San Elijo Road and does not propose any modifications to the existing right-of-way. As noted in Section 1.0 of the Draft EIR, the Project would

maintain existing facilities along San Elijo Road, including the existing Class II bicycle lanes. No revisions to the Draft EIR are required.

- RA-1-5** This comment notes that the Project would result in increased usage of recreational facilities in the City of San Marcos, including San Elijo Park, and states that the Project should contribute to the maintenance of recreational facilities within the City of San Marcos. The County of San Diego (County) is the Lead Agency for the Project; thus, contributions to the construction and maintenance of recreational facilities are made to the County through the Park Land Dedication Ordinance (PLDO). As stated in Section 3.10, *Public Services* and Section 3.11, *Recreation*, (see Draft EIR pages 3.10-8 and 3.11-4) the Project would satisfy the requirements of the PLDO by constructing a 0.31 private park on-site and through the payment of parkland in lieu fees. As concluded on page 3.11-4 of the Draft EIR, with the provision of the new parks and recreational facilities to serve the Project and the public, combined with the additional PLDO payment, the Project would not increase the use of existing neighborhood parks, regional parks or other recreational facilities such that substantial physical deterioration of these facilities would occur or be accelerated, and impacts would be less than significant. No revisions to the Draft EIR are required.
- RA-1-6** This comment notes that although the Project site is located within the Rancho Santa Fe Fire Protection District (RSFFPD), the San Marcos Fire Protection District could respond to a fire on the Project site given the proximity to the City and the Project site's location within a high wildfire severity zone. The comment refers to subsequent comments (RA-1-7 through RA-1-11) to ensure adequate fire prevention measures and access standards are in place. This comment does not address the analysis of environmental impacts presented in the Draft EIR. Nonetheless, responses to the subsequent comments are provided below. This comment does not address the analysis of environmental impacts presented in the Draft EIR. Therefore, no response to this comment or revision to the Draft EIR is required.
- RA-1-7** This comment states that the tentative map circulated with the Draft EIR did not note the required 30-foot setbacks from property lines and the Draft EIR did not include mitigation measures for buildings that would not meet the required setback in accordance with Title 14, Section 1276.01. This comment does not address the analysis of environmental impacts presented in the Draft EIR. Nonetheless, a response to this comment is provided. The Project's Preliminary Grading Plan circulated with the Draft EIR includes a note indicating that the required setbacks are provided per Title 14 Section 1276.01 and non-combustible material, or hardscape landscaping extending five feet horizontally around the structure from the furthest extent of the buildings, or to the property line whichever is greater would be provided (See Preliminary Grading Plan Sheet 5, Fire notes, Note 16). Thus, information regarding setbacks in accordance with Title 14, Section 1276.01 was included in the Project's plan set. Additionally, the project's compliance with required setbacks is discussed on page 3.13-14 of the Draft EIR. No revisions to the Draft EIR are required.
- RA-1-8** This comment states that the Fuel Modification Zone (FMZ) on the west side of the development near Lots 19 and L should be extended 30 feet onto the adjacent parcel consistent with the Project's Fire Protection Plan (FPP) and states that the Tentative Map (TM) does not identify off-site easements. This comment does not address the analysis of



environmental impacts presented in the Draft EIR. Nonetheless, a response to this comment is provided. As shown on the Project's Preliminary Grading Plan circulated with the Draft EIR, the Project includes a 30-foot FMZ into the Project's existing off-site access easement (see Preliminary Grading Plan Sheets 2 and 5). No revisions to the Draft EIR are required, and no further response to comment is needed.

**RA-1-9** This comment states that all intersections and cul-de-sacs should have a 28-foot inside turning radius to accommodate San Marcos Fire Department vehicles. This comment does not address the analysis of environmental impacts presented in the Draft EIR. Nonetheless, a response to this comment is provided. As shown on Sheets 2, 3, and 5 of the Project's Preliminary Grading Plan circulated with the Draft EIR, all intersections and cul-de-sacs proposed as part of the Project would have a 28-foot inside turning radius. No revisions to the Draft EIR or further response to comment are needed.

**RA-1-10** This comment states that the Project's Fire Protection Plan indicates that the Project would be developed as a Firewise community and participation in the Firewise program should be included in the Draft EIR. As noted by the commenter, the Project's participation in the Firewise Program was disclosed in the site-specific Fire Protection Plan, which is *Technical Appendix M1* of the Draft EIR. As requested, discussion of the Firewise program has also been added to Section 3.13, *Wildfires*, page 3.13-9 of the Draft EIR. The revision is a simple clarification that provides information about a feature already included as part of the Project and the addition would not result in any new previously undisclosed impacts. Thus, no recirculation of the Draft EIR is required.

**RA-1-11** This comment states that the location of gated entries were not adequately noted on the Project plans circulated with the Draft EIR and indicates that each gate should provide a clear opening of at least 12 feet of width per direction or 24 feet if a single gate is used. The comment also notes that electric gates should be equipped with opticon sensors to ensure faster emergency access. This comment does not address the analysis of environmental impacts presented in the Draft EIR. Nonetheless, a response to this comment is provided. Gated entries are noted on the upper left corner of Sheet 5 of the Project's Preliminary Grading Plan circulated with the Draft EIR, which show both gates and the lane dimensions. The minimum lane width through the gates is 14 feet. A gate perspective is shown on the right side of Sheet 5 of the Project's Preliminary Grading Plan. No revisions to the Draft EIR are required.

**RA-1-12** This comment states that pedestrian and bicycle facilities along Street "E" were noted in Section 2.6.4.3 of the Draft EIR but were not included in TM cross-sections, and the development of Street "E" should include pedestrian and bicycle facilities. This comment does not address the analysis of environmental impacts presented in the Draft EIR. Nonetheless, a response to this comment is provided. As noted in Section 1.0 of the Draft EIR, Street "A" and Street "E" are private access roads proposed as part of the Project and are not designed to include pedestrian or bicycle facilities. Section 2.6.4.3 of the EIR has been revised to clarify that the bicycle restriping would be along the Project's frontage with San Elijo Road only. The Project would continue to maintain the existing bicycle and pedestrian facilities along San Elijo Road. No further revisions to the Draft EIR are required.

**RA-1-13** This comment recommends that parking spaces located on Street “E” should include electric vehicle (EV) charging facilities. This comment does not address the analysis of environmental impacts presented in the Draft EIR. Therefore, no response to this comment or revision to the Draft EIR is required.

**RA-1-14** This comment states that the Project’s HOA should implement an enforcement program for the proposed parking spaces on Street “E” that includes usage hours and signage. This comment does not address the analysis of environmental impacts presented in the Draft EIR. Therefore, no response to this comment or revision to the Draft EIR is required.

**RA-1-15** This comment notes the City’s Trail Master Plan objective to establish a robust trail system in San Marcos and states the history of paths on and around the property. The comment suggests that the Project incorporate publicly accessible trail linkages that connect to off-site trails to provide connections to the City’s trail network. Furthermore, the comment suggests the open space easement should allow for the use of current and future trails in open space areas. This comment does not address the analysis of environmental impacts presented in the Draft EIR. Nonetheless, a response to this comment is provided.

The Project applicant would be required to provide the County with an Irrevocable Offer of Dedication (IOD) for the potential future operation of a connection to the existing Copper Creek Trail located southeast of the Project site. The trail connection and parking area located on the Project site would not be developed unless or until the County accepts the IOD, which cannot occur until the County acquires additional access and identifies a maintenance entity. The trail connection and parking area would be maintained by the Homeowner’s Association (HOA) unless or until the County accepts the IOD. To ensure a thorough and conservative CEQA analysis, however, Section 3.11 of the Draft EIR did evaluate the potential impacts associated with the provision of a trail connection and parking area onsite. No further response to this comment or revision to the Draft EIR is warranted.

**RA-1-16** This comment states that the current and future use of the adjacent property east of the Project site for a movie studio should be disclosed to future property owners on the Project site. This comment also lists the potential uses for the adjacent property east of the Project site. This comment does not address the analysis of environmental impacts presented in the Draft EIR. Therefore, no response to this comment or revision to the Draft EIR is required.

**RA-1-17** This comment states that potential hazards related to the landfill should be disclosed to future property owners of the Project site. Direct and cumulative impacts related to the Project’s proximity to the San Marcos Landfill have been adequately analyzed in Section 3.6, *Hazards and Hazardous Materials*, and were found to be less than significant. Property owners within 1,000 feet of the San Marcos Landfill waste footprint would be notified through a recorded notice on the title of those parcels. The requirement for property owner notification would apply to the Project as a Condition of Approval (COA). Therefore, no revision to the Draft EIR is required.

**RA-1-18** This comment provides the commenter’s contact information. This comment is for informational purposes and does not address the analysis of environmental impacts

presented in the Draft EIR. Therefore, no response to this comment or revision to the Draft EIR is required.

RA-2 page 1



### Letter RA-2 – Local Enforcement Agency

- RA-2-1** This comment provides details on the San Marcos Closed Landfill and the Local Enforcement Agency. This comment is introductory in nature and does not address the analysis of environmental impacts presented in the Draft EIR. Therefore, no response to this comment or revision to the Draft EIR is required.
- RA-2-2** This comment notes the misidentification of the “former location” of the San Marcos Landfill within the Draft EIR. The Draft EIR has been revised to clarify the location of the San Marcos Landfill is the current location. The revision is a simple clarification, and the addition would not result in any new previously undisclosed environmental impacts. Thus, no further revision to the Draft EIR or responses to comment is required and recirculation of the Draft EIR (pursuant to CEQA Guidelines, Section 15088.5) is not required.
- RA-2-3** This comment notes the potential impacts of fugitive gas emissions and other impacts due to the landfill and recommends that, if impacts are found to be significant, mitigation measures be implemented through building design and construction measures. The comment also notes that the Draft EIR should consider cumulative nuisance impacts associated with the adjacent closed landfill. Direct and cumulative impacts related to the Project’s proximity to the San Marcos Landfill have been adequately analyzed in Section 3.6, *Hazards and Hazardous Materials*, and were found to be less than significant. Furthermore, the Project would be required to comply with COAs related to the adjacent closed landfill. No revisions to the Draft EIR are required.
- RA-2-4** This comment states that two groundwater monitoring wells for the San Marcos Landfill are located on the Project site and notes that if development were to impact the monitoring wells, then the Department of Environmental Health and Quality, Food, Water Housing Division (FWHD) would need to be contacted for review and approval before the wells are destroyed or relocated and the Regional Water Quality Control Board (RWQCB) would also need to be consulted. The presence of the groundwater monitoring wells is noted on page 1-10 of the Draft EIR. Development of the Project would not impact the monitoring wells. Therefore, no revisions to the Draft EIR are required.
- RA-2-5** This comment provides conclusion statements and the commenter’s contact information. This comment is for informational purposes and does not address the analysis of environmental impacts presented in the Draft EIR. Therefore, no response to this comment or revision to the Draft EIR is required.

RA-3 Page 1

**Letter RA-3-1- California Department of Fish and Wildlife**

- RA-3-1** The comment thanks the County for coordination on the Project and summarizes previous California Department of Fish and Wildlife (CDFW) review of the Project. The comment notes CDFW has no additional comments regarding the DEIR analysis due to the extensive coordination between CDFW and the Lead Agency, prior review of materials, and incorporation of the CDFW input into Project design. This comment is for informational purposes and does not address the analysis of environmental impacts presented in the Draft EIR. Therefore, no response to this comment or revision to the Draft EIR is required.



RA-4 pg 1

RA-4 pg 2

**Letter RA-4- United States Department of Fish and Wildlife**

- RA-4-1** The comment indicates that the United States Department of Fish and Wildlife (USFWS) reviewed the Project's materials and notes the USFWS's primary mandate to protect public wildlife and their habitat. This comment is for informational purposes and does not address the analysis of environmental impacts presented in the Draft EIR. Therefore, no response to this comment or revision to the Draft EIR is required.
- RA-4-2** This comment summarizes the Project. This comment is for informational purposes and does not address the analysis of environmental impacts presented in the Draft EIR. Therefore, no response to this comment or revision to the Draft EIR is required.
- RA-4-3** The comment indicates that the Draft EIR should evaluate direct and indirect effects of establishing a staging area and trail connection to the Copper Creek Trail on adjacent property. The commenter notes the main concern is potential indirect effects on wildlife from the potential increase in recreational use that would result from the trail connection. Please refer to Response to Comment RA-1-15 for a discussion of a future trail connection and parking area onsite. As noted in Section 2.1, Biological Resources, of the Draft EIR, impacts associated with activity near sensitive habitat communities and plant and wildlife species and their habitats would be mitigated to less-than-significant levels following the implementation of Mitigation Measures M-BIO-2 through M-BIO-5. Further, cumulative biological impacts are evaluated in Subsection 2.1.4 of the Draft EIR and include areas surrounding the Project site that contain similar biological resources. Cumulative biological impacts would be mitigated to less-than-significant levels following the implementation of Mitigation Measures M-BIO-2 through M-BIO-5. Therefore, no revisions to the Draft EIR are required.
- RA-4-4** The comment requests the County provide the Resource Management Plan (RMP) for USFWS review and approval. The RMP will be provided to USFWS as requested. No revisions to the Draft EIR are required.

## **9.5 Responsible Organization Comments and Responses**

RO-1 pg 1

2

3



### Letter RO-1 – Endangered Habitats League

**RO-1-1** This comment provides introductory remarks and identifies the Project site. This comment is for informational purposes and does not address the analysis of environmental impacts presented in the Draft EIR. Therefore, no response to this comment or revision to the Draft EIR is required.

**RO-1-2** The comment states the Project site is not a biological core area for the draft North County Multiple Species Conservation Plan (MSCP) and opines that it does not make sense as there is preserve land on two sides of the site. This comment indicates that mitigation ratios proposed are inadequate for the sensitive habitats on site compared to previous mitigation within the County and under the Habitat Loss Permit (HLP). However, this comment also states that the Endangered Habitats League (EHL) concluded that the on-site preserve design is adequate and recommends that the Project utilize smaller lots to enhance the on-site preserve design. As noted in Section 2.1, *Biological Resources*, the Project includes a HLP application due to impacts to coastal sage scrub or related habitat (Draft EIR pages 2.1-7 and 2.1-8). Mitigation analyzed in the Draft EIR complies with all HLP requirements.

It should be noted that the CDFW, which is the state agency with jurisdiction over the conservation, protection and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species, reviewed the Draft EIR and has provided a comment letter (refer to Comment Letter RA-3-1). In its Draft EIR comment letter, CDFW has indicated concurrence with the Project's Habitat Management Plan, mitigation of impacts to vegetation communities and preservation of rare plants. The CDFW has not identified any concerns with the Project. No revision to the Draft EIR is required.

The Project is a density bonus project that provides seven affordable housing units and as the commenter notes, the Project site already incorporates lot area averaging, which allows the Project to preserve 72% of the Project site. Therefore, no additional analysis or revision to the Draft EIR is required.

**RO-1-3** This comment reiterates Mitigation Measure M-TRANS-3 and opines that these measures are meaningless in reducing Vehicle Miles Traveled (VMT). However, the commenter acknowledges the difficulty of identifying VMT mitigation absent a County mitigation program and states that the Project should contribute to VMT-reducing measures in nearby cities. Implementation of VMT-reducing measures in other cities would not reduce the Project's impacts and there is no nexus that would allow conditioning the Project to implement VMT measures in other cities. Furthermore, the County as Lead Agency for this EIR does not have control of the nature and timing of improvements that would occur in other cities; thus, the County cannot assure that any VMT-reducing measure would be in place at the time of Project occupancy. Therefore, Project impacts could not be reduced with contributions to VMT-reducing measures in other cities.

Table 2.6-4, *Feasibility of Project TDM Measures & VMT Reduction*, and Table 2.6-5, *Feasibility of VMT Reduction Measures*, of the Draft EIR evaluate the applicability and VMT reduction of VMT reduction measures from the California Air Pollution Control



Officers Association (CAPCOA) GHG Handbook. As determined by the Project's LTA, none of the measures applicable to the Project are quantifiable measures. Additionally, none of the measures applicable to the Project are feasible measures with the exception of short-term bicycle racks on site, which would be implemented on the Project site as a Project Design Feature. No revision to the Draft EIR is required.

**RO-1-4** This comment opines that the Draft EIR incorrectly concludes that no feasible mitigation measures are available for GHG impacts. The comment states that GHG reducing measures are feasible and refers to the Settlement Agreement for the Centennial project in the County of Los Angeles as an example. Below in italic text is the list of recommendations mentioned in the comment. A response related to the feasibility of the measures for this Project, which includes a density bonus, for sale single-family residential development that is consistent with the County's General Plan and provides seven low-income units on-site, is provided below each recommendation presented.

**RO-1-5** *Use of 100% renewable energy in Los Angeles County for construction activity.*

The Project is not located within Los Angeles County, so it is not feasible for the Project to incorporate the suggested measure. Nevertheless, the following mitigation measure has been added to Section 2.3, *Global Climate Change*, Page 2.3-17 of the EIR:

**M-GHG-1:** Prior to issuance of grading permits, the Project Applicant shall use reasonable best efforts to demonstrate that all diesel fired construction equipment, equal to or greater than 50 horsepower, would utilize CARB Tier IV equipment, unless such an engine is not available for a particular item of equipment. The Applicant shall be required to contact a minimum of three fleet owners/operators/fuel providers in San Diego County or adjacent counties to acquire such equipment. The measure shall be determined to be not feasible if three entities respond that Tier IV equipment is not commercially available for the Project's equipment needs during construction.

The emissions reduction associated with M-GHG-1 cannot be quantified for the Project, however, implementation of M-GHG-1 would reduce energy use and decrease GHG emissions associated with construction equipment. Impacts therefore would remain significant and unavoidable.

**RO-1-6** *Provide reimbursement incentives to purchasers to incentivize purchase of electric vehicle.*

At this time, as noted in Section 2.3 of the Draft EIR, there is no guarantee how many residents of market rate or affordable units will use electric or zero-emission vehicles. Nevertheless, as detailed below in Response to Comment RO-1-7, the Project would be required to install conduit for a Level 2 or higher electric vehicle charger in each dwelling unit. Additionally, the Project is required to meet, at a minimum, 2022 Title 24 Part 6 energy efficiency standards and Part 11, California Green Building Standards Code (CALGreen) standards. However, the Project would be required to comply with

the Title 24 energy efficiency standards in effect at the time building permits are issued, as building permits for the Project would most likely be issued during a future Title 24 cycle.

Moreover, the Project site is an underutilized property that proposes development consistent with the site's General Plan land use designation. The Project is a relatively small-scale residential development that would not require any major infrastructure improvements, which are typically associated with large-scale projects. Additionally, the Project includes development of seven affordable housing units on-site.

CEQA Guidelines Section 15126.4(B) requires that mitigation measures must be "roughly proportional" to the impact they are addressing. Any mitigation measures applied to the Project must be in proportion to the level and extent of those impacts. Given the Project's size, its consistency with the General Plan, and its inclusion of affordable housing, providing reimbursement incentives as suggested by the commenter would not be "roughly proportional" to the Project's impacts. Additionally, in response to public comments, four additional mitigation measures, have been added to reduce GHG emissions, as detailed in the Responses to Comments RO-1-5, RO-1-7, RO-1-10, and RO-1-11.

Moreover, the County adopted a Climate Action Plan (CAP) on September 11, 2024. The Project's Draft EIR was circulated on May 16, 2024, prior to the adoption of the CAP. Thus, the Draft EIR's analysis relied on a numerical GHG emissions threshold, rather than CAP compliance. Given the timing, the Project is not required to comply with the CAP, nevertheless, the Project would be consistent with the CAP and would implement all the required design features in the CAP Consistency Checklist, included as Appendix 1 to the Response to Comments. Compliance does not alter the Draft EIR's significant and unavoidable impact due to GHG emissions. However, the Project's ability to demonstrate CAP consistency provides additional support for the conclusion that additional mitigation would not be "roughly proportional" to the Project's impacts.

Furthermore, it should be noted that the Project is consistent with the General Plan and includes development of seven affordable housing units on-site.

In fact, the Legislature, in the context of the Housing Accountability Act, determined that:

(A) The lack of housing . . . is a critical problem that threatens the economic, environmental and social quality of life.

(B) California housing has become the most expensive in the nation. The excessive cost of the state's housing supply is partially caused by activities and policies of many local governments that limit the approval of housing, increase the cost of land for housing, and require that high fees and exactions be paid by producers of housing.

(C) Among the consequences of those actions are discrimination against low-income and minority households, lack of housing to support employment growth, imbalance in jobs and housing, reduced mobility, urban sprawl, excessive commuting, and air quality deterioration.

(D) Many local governments do not give adequate attention to the economic, environmental, and social costs of decisions that result in disapproval of housing development projects, reduction in density of housing projects, and excessive standards for housing development projects. (Gov't Code § 65589.5(a)(1)(A)-(D)).

The Project, which will provide seven for-sale homes for low-income families, specifically advances numerous goals and policies of the County's Housing Element, including but not limited to Goal H-1, Policy H-1.9, Goal H-3, H-3.3, and H.3-5. Despite the imposition of on-site Project design features and four new mitigation measures adopted based on this comment letter, the Project will nonetheless result in significant and unmitigated GHG emissions impacts.

**RO-1-7**      *Installation of one Level 2 or higher electric vehicle charger in each dwelling unit.*

The Project is required, at a minimum, to meet 2022 Title 24 Part 6 energy efficiency standards and Part 11, CALGreen standards, including installation of electric vehicle chargers. However, the Project would be required to comply with the Title 24 energy efficiency standards in effect at the time building permits are issued, as building permits for the Project would most likely be issued during a future Title 24 cycle. The California Energy Commission has previously indicated that single-family homes built with current Title 24 standards would use seven percent less energy due to energy efficiency measures as compared to the previous Title 24 standards (CEC, 2018). Information was not specifically available regarding the efficiency improvements of the 2022 Title 24 requirements or the efficiency of future Title 24 regulations, it is reasonable to assume current and future Title 24 regulations would continue to make single-family homes more energy efficient as compared to previously-built homes.

In addition, in response to the commenter's suggestion, the following mitigation measure has been added to Section 2.3, *Global Climate Change*, Page 2.3-17 of the EIR:

**M-GHG-2:**      Prior to issuance of building permits, the County Building Division shall verify that the Project plans include the installation of conduit for one Level 2 or higher electric vehicle charger in each dwelling unit.

As indicated above, M-GHG-2 would require the Project to install conduit for one Level 2 or higher electric vehicle charger in each dwelling unit. The emissions reduction associated with this measure cannot be quantified for the Project; thus, impacts to global climate change would remain significant and unavoidable.

**RO-1-8**      *Installation of Level 2 or higher electric vehicle chargers within South Coast Quality Air Quality Management District (SCAQMD).*

Please refer to Response to Comment RO-1-7, which mandates that the Applicant install conduit for Level 2 or higher electric vehicle chargers in each dwelling unit on-site.

Furthermore, the Project is not located within SCAQMD, so the proposed measure is not feasible. However, the commenter may be suggesting installation of off-site electric vehicles within an area relevant to the Project site. As noted above, the Project site is an underutilized property that proposes development consistent with the site's General Plan land use designation. The Project is a relatively small-scale residential development that would not require any major infrastructure improvements, which are typically associated with large-scale projects such as the Centennial project referenced by the commenter which includes development of approximately 19,300 units. Additionally, the Project includes development of seven affordable housing units on-site. Because the Project includes 76 dwelling units (of which seven are affordable) compared to 19,300 units proposed by the Centennial project referenced by the commenter, there are economy of scale considerations. The Project is 0.004 percent the size of the Centennial project and arguably does not have the same resources to provide to mitigate GHG emissions to a level of less than significant. Therefore, the Project would include all recommended mitigation measures presented except the off-site mitigation. Please refer to Response to Comment RO-1-8, for additional information.

The Project is consistent with the General Plan and provides affordable housing on-site. Mitigation recommended by the commenter has been added to the Project with the exception of off-site mitigation. Off-site mitigation options have not been studied in the EIR for the Project and their location and ability to reduce Project impacts are not certain. Please refer to Response to Comment RO-1-6, for additional information regarding the Housing Accountability Act.

The Project, which will provide seven for-sale homes for low-income families, specifically advances numerous goals and policies of the County's Housing Element, including but not limited to Goal H-1, Policy H-1.9, Goal H-3, H-3.3, and H.3-5. Despite the imposition of on-site Project design features, four new mitigation measures adopted based on this comment letter, and demonstrated consistency with the CAP (as detailed in Response to Comment RO-1-6), the Project will nonetheless result in significant and unmitigated GHG emissions impacts.

**RO-1-9**      *Prohibit installation of natural gas infrastructure.*

As noted on Draft EIR pages 1-8 and 2.3-13, the Project includes a Project Design Feature requiring all-electric development and does not propose the installation of any natural gas infrastructure. Thus, this measure is already incorporated into the Project's design.

**RO-1-10**     *Install battery storage systems as required by code or offer them as an option if not required by code.*

Future development on-site would be required to comply with all applicable building codes and County requirements at the time of building permit issuance. The installation of battery storage would be determined at the time of building permit issuance. Nonetheless, Mitigation Measure M-GHG-3 (detailed below) has been added to Section 2.3, *Global Climate Change*, Page 2.3-17 of the Draft EIR in response to the commenter's suggestion:

**M-GHG-3:**     Prior to issuance of the first certificate of occupancy, the Project's Homeowner's Association (HOA) shall compile and be prepared to provide timely and accurate information and marketing materials regarding battery storage systems and any available associated rebate programs to each individual first-time homeowner. Furthermore, the HOA shall be prepared to provide a \$500 reimbursement incentive for the purchase of a battery storage system for each unit. A copy of the covenants, conditions, and restrictions (CC&Rs) that includes this mandate shall be provided to the County prior to issuance of the first certificate of occupancy for review.

Even with implementation of M-GHG-3, however, the Project's impacts to global climate change would remain significant and unavoidable.

**RO-1-11**     *Use of a 100% Clean Power Plan through Southern California Edison.*

The Project is required, at a minimum, to meet 2022 Title 24 Part 6 energy efficiency standards and Part 11, CALGreen standards. However, the Project would be required to comply with the Title 24 energy efficiency standards in effect at the time building permits are issued, as building permits for the Project would most likely be issued during a future Title 24 cycle. The Project's electricity provider is San Diego Community Power, delivered by San Diego Gas and Electric (SDG&E). San Diego Community Power offers a 100% renewable energy plan and future homeowners could choose the 100% renewable energy plan. Any selection of a power plan through San Diego Community Power would be at the discretion of a future homeowner and is not within the Applicant's control. Nonetheless, Mitigation Measure M-GHG-4 (detailed below) has been added to Section 2.3, *Global Climate Change*, Page 2.3-18 of the Draft EIR at the commenter's suggestion:

**M-GHG-4:**     Prior to issuance of the first certificate of occupancy, the Project's HOA shall compile and be prepared to provide timely and accurate information and marketing materials regarding San Diego Community Power's 100% renewable energy plan or any other applicable equivalent program to each individual first-time homeowner. A copy of the covenants, conditions, and restrictions (CC&Rs) that includes this

mandate shall be provided to the County prior to issuance of the first certificate of occupancy for review.

Even with implementation of M-GHG-4, however, the Project's impacts to global climate change would remain significant and unavoidable.

**RO-1-12**     *Prohibit use of natural gas within structures.*

As noted on Draft EIR pages 1-8 and 2.3-13, the Project includes a Project Design Feature requiring all-electric development and does not propose the installation of any natural gas infrastructure. Thus, this measure is already incorporated into the Project's design.

**RO-1-13**     *Implementation of on-site GHG reduction measures and/or investment in off-site GHG reduction projects.*

As listed on Draft EIR pages 2.3-13 and 2.3-14, the Project incorporates the following Project Design Features to reduce GHG emissions:

- Designed to include all electric appliances and end uses (i.e., the Project will not include natural gas infrastructure);
- Inclusion of 306 total trees; and
- Required to meet 2022 Title 24 Part 6 energy efficiency standards and Part 11, CALGreen standards, or the standards in place at the time of Project building permits are issued, including the requirement for on-site photovoltaic (solar) energy generation for new residential buildings three or fewer stories high and cool/green roofs, the installation of electric vehicle chargers, and use of low-flow water appliances.

In response to public comments, four additional mitigation measures have been added to reduce GHG emissions. The Project now includes M-GHG-1, which requires use of Tier IV construction equipment, if commercially available, M-GHG-2, which requires installation of conduit for one Level 2 or higher electric vehicle charger in each dwelling unit, M-GHG-3 which requires information and a \$500 reimbursement credit be provided to first-time homeowners for on-site battery storage systems, and M-GHG-4, which requires information be provided to first-time homeowners about San Diego Community Power's 100% renewable energy plan. Furthermore, as discussed in Response to Comment RO-1-6, the Project would demonstrate consistency with the CAP.

As disclosed in Section 2.3, *Global Climate Change*, the Project would exceed the 2029 GHG efficiency metric threshold calculated for the Project, even with incorporation of all feasible Project Design Features and Mitigation Measures. As noted above, the Project site is an underutilized property that proposes development consistent with the site's General Plan land use designation. The Project is a relatively small-scale residential development that would not require any major infrastructure improvements,

which are typically associated with large-scale projects. Thus, given the Project's size, its consistency with the General Plan, and its inclusion of affordable housing, providing off-site GHG mitigation as suggested by the commenter would not be "roughly proportional" to the Project's impacts. Please refer to Response to Comment RO-1-8, for additional information.

Additionally, the Project is consistent with the General Plan, is subject to SB 330, and includes development of seven affordable housing units on-site. Please refer to Response to Comment RO-1-6, for additional information regarding the Housing Accountability Act.

The Project, which will provide seven for-sale homes for low-income families, specifically advances numerous goals and policies of the County's Housing Element, including but not limited to Goal H-1, Policy H-1.9, Goal H-3, H-3.3, and H.3-5. Despite the imposition of on-site Project design features and four new mitigation measures adopted based on this comment letter, the Project will nonetheless result in significant and unmitigated GHG emissions impacts.

As noted in Section 2.3 of the Draft EIR, there are no feasible mitigation measures available to reduce the Project's significant and unavoidable GHG impacts below a level of significance because there is no guarantee how many residents will use electric or zero-emission vehicles and there is no way to adequately predict human behavior. Nevertheless, as noted above, four additional mitigation measures have been added to the Project to address global climate change.

No additional mitigation measures and no revisions to the Draft EIR beyond those already incorporated in response to previous comments, are required.

RO-2 pg 1



**Letter RO-2 – San Diego County Archaeological Society**

- RO-2-1** This comment indicates that the San Diego County Archaeological Society reviewed and concurs with the environmental analysis and mitigation program presented in the Draft EIR. This comment has been acknowledged, and no revision to the Draft EIR is required.

RO-3 pg 1

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Pg 4

### Letter RO-3 – Center for Natural Lands Management

**RO-3-1** This comment provides background information on the commenter and summarizes the following comments included in the letter. Please see responses to comments RO-3-2 through RO-3-8. This comment is for informational purposes and does not address the analysis of environmental impacts presented in the Draft EIR. Therefore, no response to this comment or revision to the Draft EIR is required.

**RO-3-2** This comment notes that the Project site is located adjacent to Center for Natural Lands Management (CNLM) preserves and could result in impacts to the preserves, including impacts to sensitive plant species (i.e., the Orcutt's brodiaea) and increased use of trails on CNLM's Copper Creek Preserve. This comment does not contain specific information pertaining to the environmental analysis contained in the Draft EIR, and no response to this comment or revisions to the Draft EIR are required. Please refer to Responses RO-3-3 through RO-3-8 for specific responses to issues raised by the commenter.

**RO-3-3** This comment references Section 2.1, *Biological Resources*, of the Draft EIR, and states that, based on previous transplants on CNLM preserves, Orcutt's brodiaea corms transplants often have a low success rate. It should be noted at the outset that the CDFW, which is the state agency with jurisdiction over the conservation, protection and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species, reviewed the Draft EIR and provided Comment Letter RA-3-1. In its Draft EIR comment letter, CDFW indicated concurrence with the Project's proposed mitigation of impacts to vegetation communities and preservation of rare plants, which includes the transplant of Orcutt's brodiaea corms. CDFW did not voice any concerns regarding the transplant of Orcutt's brodiaea.

Further, and as noted in Draft EIR Mitigation Measure M-BIO-7, the Project's proposed translocation program would occur in accordance with County, CDFW, and USFWS oversight and guidance. Every effort would be made to support a successful translocation project, and the plan includes contingency measures if the performance standards are not met in any one year, or if the final (5-year) performance standards are not met. Please refer to Response to Comment RO-3-4 for a detailed response regarding the on-site conditions in the pr This comment recommends that Orcutt's brodiaea plants be left in their current location on the Project site, the Project size be reduced near brodiaea plots, and access restricted to those areas. Please see Response to Comment RO-3-3 for additional information regarding the adequacy of Mitigation Measure BIO-7. Please also refer to Comment Letter RA-3-1, submitted by CDFW, which indicates concurrence with the Project's proposed mitigation.

**RO-3-4** The current Project was specifically designed to meet development requirements for an affordable housing project and maintain a sizeable open space connection/corridor to the south, west, and north of the site. The Draft EIR accordingly acknowledged and analyzed the potential impacts that would occur to the brodiaea because of Project implementation.

As noted in the Questhaven Translocation Plan (included as Appendix L to the Draft EIR Biological Technical Report), the donor area for the plants is comprised of non-native

grassland underlain with Huerhuero loam (2 to 9 percent slopes) and San Miguel rocky silt loam (9 to 30 percent slopes). The three receptor sites, which generally are located within the Project boundary (one site extends slightly off-site), support non-native grassland.

The northern receptor site is located immediately adjacent to the donor area and within mapped suitable habitat for the species. Orcutt's brodiaea already occurs within that receptor site. The other two receptor sites are located southeast of the donor area by approximately 525 feet and 1,050 feet, respectively. The former is on a southwest-facing slope underlain with San Miguel rocky silt loam (9 to 30 percent slopes). The latter is on a southwest-facing slope underlain with San Miguel rocky silt loam (9 to 30 percent slopes) and San Miguel-Exchequer rocky silt loam (9 to 70 percent slopes). A small population of Orcutt's brodiaea was found immediately adjacent to the latter receptor site.

The receptor sites, all of which are within the on-site biological open space that will be managed in perpetuity, have similar soils, slope steepness, slope aspect, and elevation to the donor area, and Orcutt's brodiaea is already present or nearby. Mitigation Measure M-BIO-3 requires open space fencing and signage will be installed at the interface of the development and the preserve that would restrict unauthorized access. Therefore, successful mitigation is anticipated. The translocation plan does, however, include contingency measures if the performance standards are not met in any one year, or if the final (5-year) performance standards are not met. Proposed donor and receptor sites. No revision to the Draft EIR is required.

- RO-3-5** This comment refers to 1998 California Native Plant Society guidelines to claim that the mitigation measures included as part of the Project do not address impacts to rare plants and habitats. Refer to Response to Comments RO-3-3 and RO-3-4 for information regarding the adequacy of Mitigation Measure BIO-7 and the suitability of the donor/receptor sites. Please also refer to Comment Letter RA-3-1, submitted by CDFW, which indicates concurrence with the Project's proposed mitigation.
- RO-3-6** This comment includes a reference to Section 2.4, *Land Use and Planning*, of the Draft EIR and claims that aspects of the Project would increase the use of Copper Creek Trail. The potential for increased usage of Copper Creek Trail and other recreation amenities has been adequately addressed in Section 3.11, *Recreation*, which concluded that impacts due to increased use of existing recreational facilities and impacts due to the construction or expansion of recreational facilities would be less than significant. Please refer to Response to Comment RA-1-15 for a discussion of a future trail connection and parking area onsite. This comment does not provide any additional comment or specific information regarding the environmental analysis included in the Draft EIR; thus, additional responses to comment or revisions to the Draft EIR are not required.
- RO-3-7** This comment notes that increased use of Copper Creek Trail could lead to impacts to sensitive habitats within CNLM-managed preserves. Please refer to Response to Comment RA-4-3 for information regarding the Project's impacts to biological resources. As discussed, the Project's impacts would be less than significant. No revision to the Draft EIR is required.

**RO-3-8** This comment opines that increased use of Copper Creek Trail would result in the need for additional resources to maintain the trail and could result in additional safety concerns and use violations. Please refer to Response to Comment RA-1-15 for a discussion of a future trail connection and parking area onsite. Impacts due to increased uses of recreational amenities have been adequately addressed in Section 3.11, *Recreation*, of the Draft EIR. Impacts on such facilities were found to be less than significant. Additionally, Project impacts on public services including police services has been adequately addressed in Section 3.10, *Public Services*. Existing use violations occurring on off-site properties are outside of the scope of the Draft EIR. No revisions to the Draft EIR are required.



RO-4 pg 1

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### Letter RO-4 – Rincon Band of Luiseño Indians

Public Resources Code section 21082.3 (c) states that “[a]ny information, including, but not limited to, the location, description, and use of the tribal cultural resources, that is submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the Lead Agency or any other public agency to the public, consistent with Sections 7927.000 and 7927.005 of the Government Code, and subdivision (d) of Section 15120 of Title 14 of the California Code of Regulations, without the prior consent of the tribe that provided the information.”

Based on the above provision, the Rincon Band of Luiseño Indians initially requested that Comment Letter RO-4 be redacted from the public record. However, the Rincon Band of Luiseño Indians ultimately determined that portions of the comment letter should be included in the public record and responses are therefore provided below as appropriate.

**RO-4-1** This comment states that the comment letter shall be redacted from the public record pursuant to Public Resources Code Section 2108.2.3. This comment provides background information on the commenter and comment letter. This comment is for informational purposes and does not address the analysis of environmental impacts presented in the Draft EIR. Therefore, no response to this comment or revision to the Draft EIR is required.

**RO-4-2** This comment includes a summary of AB 52, the State CEQA Guidelines, and the Public Resources Code as it pertains to Tribal Cultural Resources. This comment is for informational purposes and does not address the analysis of environmental impacts presented in the Draft EIR. Therefore, no response to this comment or revision to the Draft EIR is required.

**RO-4-3** This comment references the Draft EIR Section 2.7, *Tribal Cultural Resources*, and questions how the resources on-site were found to be less than significant. This comment also states that the Rincon Band provided the Lead Agency with information that the site contains significant Tribal Cultural Resources. A site-specific Cultural Resources Study was prepared for the Project as part of the Draft EIR (Draft EIR *Technical Appendix D*). Section 3.0, *Analysis of Project Effects* of the Project’s Cultural Resources Study outlines the methods and results used in preparation of the report. As stated on page 3.0-1 of Draft EIR *Technical Appendix D*, the statutory requirements of CEQA Section 15064.5 were followed with regard to each potential cultural resource; the provisions of the San Diego Resource Protection Ordinance (RPO) were also applied to the Project’s potential cultural resources.

The Rincon Band was provided the Confidential Appendix for the Cultural Resources Study for review during the AB 52 consultation process, which summarizes the results of the testing program of cultural resources on-site. Information meeting the statutory requirements of CEQA Section 15064.5 for determination that any of the on-site archeological resources were significant tribal cultural resources was not provided to the County. No evidence of TCRs was discovered during the records search, literature review, field survey, or testing program. Although concerns were raised during AB 52 consultation, the Tribes did not classify the identified archeological resources as TCRs. This comment

does not provide any specific information or evidence regarding the significance of tribal cultural resources on-site and no revisions to the Draft EIR are needed.

- RO-4-4** This comment claims that the Draft EIR does not adequately identify or mitigate impacts to Tribal Cultural Resources. Please refer to Response to Comment RO-4-4. This comment does not provide any specific information or evidence regarding the significance of tribal cultural resources on-site and no revisions to the Draft EIR are needed.
- RO-4-5** This is a conclusory comment that provides the commenter's contact information and summarizes the preceding comments. No response to this comment or revision to the Draft EIR is required.

RO-5 pg 1

Pg 2

### Letter RO-5 – Escondido Creek Conservancy

- RO-5-1** This comment provides background information on the commenter and comment letter. This comment is for informational purposes and does not address the analysis of environmental impacts presented in the Draft EIR. Therefore, no response to this comment or revision to the Draft EIR is required.
- RO-5-2** This comment identifies impacts to sensitive species and indicates that the Project site provides wildlife corridor connectivity. Impacts to sensitive species, including those listed by the commenter, are addressed in Section 2.1, *Biological Resources*, and in particular, Subsections 2.1.3.1 and 2.1.3.3 of the Draft EIR. Section 2.1 of the Draft EIR also notes that the Project site may be used for wildlife movement. As a result, the Project was designed to cluster residential development in the northern portion of the Project site in order to maintain a wildlife movement corridor in the southern portion of the Project site, which would connect with open space preserves to the west and south of the site. Section 5.0, *Alternatives*, of the Draft EIR includes the analysis of impacts of an increased development footprint if the units were not clustered. As noted in Section 5.0 of the DEIR, impacts to biological resources would be increased as compared to the Project without the clustering of the development. This comment does not contain additional information related to the environmental analysis contained in the Draft EIR, and no revisions to the Draft EIR are needed.
- RO-5-3** This comment, which notes impacts to adjacent preserved open space suggests that the Project Applicant supplement management costs for the preserved open space adjacent to the site to mitigate for impacts due to domesticated animals, invasive species, and increased human activity and that the Project Applicant prevent planting of invasive species through HOA enforcement. Please refer to Response to Comments RO-3-6 and RO-3-8 regarding increased trail usage and management costs for the adjacent CNLM property. As stated in Draft EIR Section 2.1, *Biological Resources*, Mitigation Measure M-BIO-5 states the Project's HOA would be required to prohibit planting of species listed Moderate or High on the California Invasive Species List and would require all domestic cats to be kept indoors. The Draft EIR provided adequate analysis and mitigation for biological resources; thus, further analysis of impacts and mitigation as suggested by the commenter is not necessary. This comment does not contain additional information related to the environmental analysis contained in the Draft EIR, and no revisions to the Draft EIR are needed.
- RO-5-4** This comment discusses potential wildfire risks and provides a history of wildfire events. Additionally, this comment recommends an evacuation analysis be conducted for the entire evacuation area. Wildfire evacuation risks are adequately addressed in Section 3.6, *Hazards and Hazardous Materials*, Subsection 3.6.5.4, and Section 3.13, *Wildfires*. A Conceptual Wildfire Evacuation Plan (*Technical Appendix M2*) was prepared for the Project by Dudek and independently reviewed and approved by the County, based on regional emergency operations plans and is consistent with the County's evacuation planning standards. Specifically, as noted on Page 15 of the Conceptual Wildfire Evacuation Plan, the Plan was prepared based on the County of San Diego and Rancho Santa Fe Fire Protection District Emergency Operations Procedures, which closely follow the Unified San Diego County



Emergency Services Organization and County of San Diego Operational Area Emergency Operations Plan. The Project's Conceptual Wildfire Evacuation Plan includes analysis of existing evacuation conditions on probable evacuation routes in the Project vicinity and evacuation conditions on these routes with implementation of the proposed Project. As noted in Section 3.13, *Wildfire*, (see page 3.13-9 of the Draft EIR) and on page 35 of the Conceptual Wildfire Evacuation Plan, implementation of the Project would result in an increase of up to two minutes in evacuation time, which would result in a less-than-significant impact. The Project's TM and technical reports were also reviewed and approved by the RSFFPD. No revisions to the Draft EIR are required.

## **9.6 Individual Comments and Responses**

i-1 pg 1

**Letter I-1 – Danielle Allison**

**I-1-1** This comment states that the Project does not include additional roads and expresses concern regarding traffic impacts. As identified in Section 2.6, *Transportation and Traffic*, of the Draft EIR, pursuant to CEQA Guidelines Section 15064.3(a), "...a project's effect on automobile delay shall not constitute a significant environmental impact." Notwithstanding, the analysis included in the Draft EIR analyzes impacts to local intersections from cumulative development and the Project, analyzes near-term and horizon year conditions for both intersections and roadway segments, and addresses consistency with the County of San Diego General Plan Mobility Element and the City of San Marcos General Plan Mobility Element. The Project-specific Local Transportation Analysis (LTA) (*Technical Appendix L2*) determined that the Project would contribute traffic to three intersections and one roadway segment that are calculated to operate below Level of Service (LOS) D standards. Mitigation Measure M-TRANS-3, (page 2.6-13 of the Draft EIR) contains measures approved by the County of San Diego as the Lead Agency to mitigate impacts to the extent feasible, including intersection and roadway improvements to Melrose Drive and San Elijo Road and the use of VMT reduction measures, including providing end of trip bicycle facilities by providing a short term bicycle rack at neighborhood park and implementing commute trip reduction marketing. Implementation of M-TRANS-3 would improve LOS conditions at the affected intersections; however, mitigation would require the implementation of improvements in the City of San Marcos, and the County of San Diego as the Lead Agency does not have control over the nature of improvements in the City of San Marcos. Draft EIR Section 2.6, *Transportation and Traffic*, acknowledges that the Project would result in significant and unavoidable transportation impacts.

It should also be noted that the Project is consistent with the land use designation applied to the site by the County of San Diego General Plan. The General Plan provides a long-term regional plan that is designed to ensure infrastructure, including roadways, are adequately sized to accommodate the growth assumed by the General Plan. Please refer to Response to Comment RA-1-2 regarding the Project's mitigation for roadway improvements. No revision to the Draft EIR is required.

**I-1-2** This comment describes traffic delays caused by a wildfire in the area and states that an additional access to the community should be constructed prior to buildout of the Project site. See Response to Comment RO-5-4 for information regarding the emergency evacuation analysis included in the Draft EIR. As identified, the Draft EIR concludes that the impacts related to evacuation during a wildfire would be less than significant. No revision to the Draft EIR is required.

I-2 pg 1

**Letter I-2 – Donald M. de Camara**

- I-2-1** This comment describes historical evacuation traffic on San Elijo Road and notes that San Elijo is the only road leading into and out of the community. Please refer to Response to Comment I-1-2 regarding evacuation concerns. No response or revision to the Draft EIR is required.
- I-2-2** This comment discusses traffic due to the schools located on San Elijo Road and questions if there is additional access to Rancho Santa Fe Road. The Project’s LTA (included as *Technical Appendix L2* to the Draft EIR) includes analysis of the access points into the Project site, including access at Street “E” and San Elijo Road, located at the eastern end of the Project site, and Street “D” and San Elijo Road, located at the western end of the Project site. As noted in Section 2.6, *Transportation and Traffic*, of the Draft EIR and on page 58 of the LTA, Street “E” and San Elijo would operate at an LOS that is inconsistent with the City of San Marcos Mobility Element; therefore, a traffic signal would be installed as part of the Project in order to maintain consistency and an acceptable LOS. Additionally, the traffic counts for the Project were conducted while surrounding schools were in session, so trips involving student pick-up and drop-off were accounted for in the analysis included in the Draft EIR. See Response to Comment I-1-1 for information regarding the analysis of transportation and traffic impacts included in the Draft EIR. No revision to the Draft EIR is required.
- I-2-3** This comment discusses home insurance due to fire hazards and states that access to home insurance should be considered. This comment does not pertain to the environmental analysis required under CEQA, and no response to this comment or revisions to the Draft EIR are required.

i-3 pg 1

i-3 pg 2

### Letter I-3 – Hung Wang

- I-3-1** This comment provides introductory marks for informational purposes and does not address the analysis of environmental impacts presented in the Draft EIR. Therefore, no response to this comment or revision to the Draft EIR is required.
- I-3-2** This comment expresses concern regarding the Project’s transportation calculations and concerns regarding emergency evacuation. The commenter notes a two-minute delay associated with commute times and the Project’s traffic signal. The Draft EIR does not contain any information suggesting that the traffic signal would add two minutes of driving time. The transportation analysis methodology utilized in the Draft EIR is described in Section 2.6, *Transportation and Traffic*, and additional detail is included in the Project-specific LTA included as Draft EIR Technical Appendix L2. For additional information regarding the Project’s transportation analysis, please refer to Response to Comment I-1-1. Additionally, a Conceptual Wildfire Evacuation Plan (included as *Technical Appendix M2* to the Draft EIR) was prepared for the Project. See Response to Comments RO-5-4 and I-3-3 for information regarding the emergency evacuation analysis included in the Draft EIR. As identified, the Draft EIR concludes that the impacts related to evacuation during a wildfire would be less than significant. No revision to the Draft EIR is required.
- I-3-3** This comment questions if the fire department has evacuation plans available for public review and provides suggestions for actions that can be taken in the future when evacuation of the area is required. The commenter’s suggestions are not within the scope of the Project evaluated by the Draft EIR but will be provided to the decision makers for informational purposes. The Draft EIR evaluates the potential impacts related to wildfire evacuation in Section 3.6, *Hazards and Hazardous Materials*, Subsection 3.6.5.4, and Section 3.13, *Wildfires*. See Response to Comment RO-5-4 for information regarding the emergency evacuation analysis included in the Draft EIR. As identified, the Draft EIR concludes that the impacts related to evacuation during a wildfire would be less than significant. No revision to the Draft EIR is required.



I-4 pg 1

**Letter I-4 – Michelle Radlowski**

- I-4-1** The commentor expresses concern regarding future fire evacuation due to population increase. Please see Response to Comments RO-5-4, and I-1-1 for information regarding the Project's evacuation analysis. As discussed, the Project's impacts would be less than significant. No revision to the Draft EIR is required.

1-5 pg 1

**Letter I-5 - Lisa**

- I-5-1** This comment expresses concern regarding evacuation times and notes analyses on traffic and evaluation of additional evacuation routes should be conducted. The County-required traffic analysis has been conducted as part of the Draft EIR and is included in Section 2.6, *Transportation and Traffic*, and detailed in the Project's LTA (included as *Technical Appendix L2*). See Response to Comment I-1-1 for information regarding the traffic analysis utilized in the Draft EIR. Additionally, a Conceptual Wildfire Evacuation Plan (*Technical Appendix M2*) was prepared for the Project, and a description of this evacuation plan is included on page 3.13-9 of the Draft EIR. See Response to Comment RO-5-4 for information regarding the conclusions noted in the Conceptual Wildfire Evacuation Plan and the Draft EIR. As discussed, the Project's impacts would be less than significant. No revision to the Draft EIR is required.

i-6 pg 1

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**Letter I-6 – Camille Perkins**

**I-6-1** This comment summarizes the issues covered in the comment letter. This comment is for informational purposes. Please refer to Response to Comments I-6-2 through I-6-32 for specific responses to the issues raised in the comment letter.

**I-6-2** This comment expresses concern regarding the legality of the existing CNLM trails adjacent to the Project site and concerns related to impacts to biological resources on CNLM-owned property from operation of these off-site trails. The legality of the existing trails located south of the Project site within the CNLM-owned property and the requirement for analysis pursuant to CEQA is unrelated to the proposed Project and no response to comments about this issue is required.

The Project, as defined in the Questhaven Draft EIR included construction of a 10-foot-wide decomposed granite trail on-site at the request of the San Dieguito Planning Group and the City of San Marcos, and the Project’s direct and indirect impacts resulting from construction and operation of this trail are addressed in the Draft EIR. Please refer to Response to Comment RA-1-15 for a discussion of a future trail connection and parking area onsite. Specifically, the Project’s impacts to recreation and public services have been adequately addressed in Section 3.11, *Recreation*, and Section 3.10, *Public Services*. This comment does not contain specific information pertaining to the environmental analysis contained in the Draft EIR, and no revision to the Draft EIR is required.

**I-6-3** This comment opines that development of the Project would result in increased biological and safety impacts due to an increase in trail usage off-site. As noted in Response to Comment I-6-2, the Project’s impacts to recreation and public resources have been adequately addressed in Section 3.11, *Recreation*, and Section 3.10, *Public Services*. Additionally, see Response to Comments RO-3-6 and RO-3-8 for information regarding the safety analysis included as part of the Draft EIR. Please see Response to Comment RA-4-3 for information regarding impacts to sensitive species within CNLM-managed preserves. This comment does not contain specific information pertaining to the environmental analysis contained in the Draft EIR, and no revision to the Draft EIR is required.

**I-6-4** This comment recommends that trail access to the CNLM-owned Copper Creek Trail should be closed until the trails are legal and impacts are studied and mitigated. This comment addresses the governmental processes conducted for an off-site property that is not owned or operated by the Project Applicant. The Project Applicant does not own or control the land that comprises the Copper Creek Trail; thus, the Project is unable to address the legal or environmental impacts of trails on CNLM property. Please refer to Response to Comment RA-1-15 for a discussion of a future trail connection and parking area onsite. The Project’s impacts to public recreation have been adequately addressed in Section 3.10, *Public Services*, and Section 3.11, *Recreation*. The Project’s public safety impacts are addressed in Section 3.10, *Public Services*, of the Draft EIR which states that demand for law enforcement and police resources would likely be increased due to the Project; however, the Draft EIR concludes that expanded police protection services would be funded from increased property taxes and other revenues as necessary. Therefore, impacts to law



enforcement and police resources would be less than significant. This comment does not contain specific information pertaining to the environmental analysis contained in the Draft EIR, and no further response to comment or additional revisions to the Draft EIR are required.

- I-6-5** This comment summarizes the subsequent comments in the comment letter. Specific responses are provided in Response to Comments I-6-6 through I-6-37. This comment is for informational purposes and does not address the analysis of environmental impacts presented in the Draft EIR. Therefore, no response to this comment or revision to the Draft EIR is required.
- I-6-6** This comment states that the Draft EIR does not adequately address impacts to the existing trails due to increased usage and suggests that increased usage of private and protected lands should be evaluated in the Draft EIR. See Response to Comments I-6-2 and I-6-3 for information regarding the scope of the Project and impacts associated with increased usage of the trail analyzed in the Draft EIR. No revision to the Draft EIR is required.
- I-6-7** This comment indicates that the Draft EIR does not evaluate increases in trail usage due to the proposed parking spaces and trail connection. This is incorrect; the Draft EIR contains analysis of the Project's impacts to recreation resources, including trails, in Section 3.11, *Recreation*. As stated in Section 3.11, the Project complies with the PLDO through the development of 0.31-acre of private parkland on the Project site and payment of fees; therefore, impacts to recreation were found to be less than significant. Please refer to Response to Comment RA-1-15 for a discussion of a future trail connection and parking area onsite. No revision to the Draft EIR is required.
- I-6-8** This comment asks why the Draft EIR does not address additional safety impacts due to increased trail usage. Impacts due to increased trail usage and other recreational resources are analyzed in Section 3.11, *Recreation*. Refer to Response to Comments I-6-2, I-6-3, and I-6-7 for information regarding recreation resources. The Project's safety impacts are addressed in Section 3.10, *Public Services*, of the Draft EIR, which states that demand for law enforcement and police resources would likely be increased due to the Project; however, the Draft EIR concludes that expanded police protection services would be funded from increased property taxes and other revenues as necessary. Therefore, impacts to law enforcement and police resources would be less than significant. No revision to the Draft EIR is necessary.
- I-6-9** This comment states that the proposed trail would lead trail users to a neighboring private property. Please refer to Response to Comment RA-1-15 for a discussion of a future trail connection and parking area onsite. Refer to Response to Comment I-6-4 for information regarding the evaluation of the Project's public safety impacts and Response to Comment I-6-2 for Project-related impacts to recreation and public services. As noted in Section 3.11, *Recreation*, of the Draft EIR, impacts associated with the on-site trail connection were evaluated to be less than significant. No revision to the Draft EIR is required.
- I-6-10** This comment states that legal access should be granted, or restriction measures put in place for this property. Implementation of the Project would grant future legal access to the public

for the trail connection and parking area on the Project site via an IOD to the County. Please refer to Response to Comment RA-1-15 for a discussion of a future trail connection and parking area onsite. Public access to trails on neighboring properties is outside of the scope of the Draft EIR, and the comment does not include information pertaining to the environmental analysis presented in the Draft EIR. Therefore, no response to this comment or revision to the Draft EIR is required.

**I-6-11** This comment states that reference to the All Trails website should be removed from documents submitted to the County. Additionally, the comment asserts that legal access to the trails should be demonstrated prior to County action. There is no reference to the All Trails website in the Draft EIR. Please refer to Response to Comment I-6-10 regarding legal access of the trail on the Project site. No revision to the Draft EIR is necessary.

**I-6-12** This comment asks questions regarding the legality of the neighboring trail access and the County's role in permitting access. Please refer to Response to Comment RA-1-15 for a discussion of a future trail connection and parking area onsite. As required by CEQA, the physical impacts associated with the construction and operation of the trail are appropriately evaluated in the Draft EIR. Public access to neighboring properties is beyond the scope of this Draft EIR. This comment does not contain specific information pertaining to the environmental analysis contained in the Draft EIR, and no response to comment or revision to the Draft EIR are required.

**I-6-13** This comment addresses the trails on CNLM property. The legal status of the existing trails is beyond the scope of the Project evaluated in this Draft EIR. These lands are not included in the Project footprint and are not owned or managed by the Project Applicant. This comment does not contain information related to the environmental analysis contained in the Draft EIR, and no revision to the Draft EIR is required.

**I-6-14** This comment states that trails have edge effects and will result in impacts to preserved lands. Please refer to Response to Comment RA-4-3 and RO-5-3 for a discussion of the Project's impacts to biological resources and edge effects. No revision to the Draft EIR is necessary.

**I-6-15** This comment states that the Project will lead to increased unauthorized trail usage and that trails have been cleared without authorization. Please refer to Response to Comment RA-1-15 for a discussion of a future trail connection and parking area onsite. The development and authorization of existing trails on neighboring property are beyond the scope of the Project evaluated in the Draft EIR. Refer to Response to Comment I-6-8 for a discussion of the Project's public safety impacts. This comment does not contain information related to the environmental analysis contained in the Draft EIR, and no revisions to the Draft EIR are required.

**I-6-16** This comment includes a summary of CNLM actions related to the existing trails. This comment includes information that pertains to property and activities that are outside the scope of the Project. The comment does not include information related to the environmental analysis included in this Draft EIR. No responses to comment or revisions to the Draft EIR are required.

- I-6-17** This comment asks why the Draft EIR does not include analysis of habitat and safety impacts related to increased usage of the existing trails. Refer to Response to Comments RO-3-6, RO-3-8, and I-6-8 for information regarding the safety analysis included as part of the Draft EIR. Please see Response to Comment RA-4-3 for information regarding impacts to sensitive species within CNLM-managed preserves. No revision to the Draft EIR is required.
- I-6-18** This comment includes questions related to existing trails on CNLM property and County actions regarding these trails. This comment pertains to property and activities that are outside the scope of the Project and does not include information related to the environmental analysis included in this Draft EIR. No responses to comment or revision to the Draft EIR are required.
- I-6-19** This comment addresses impacts caused by existing trail networks on CNLM lands and states that the Copper Creek Trail should be closed. This comment pertains to property and activities that are outside the scope of the Project and does not include information related to the environmental analysis included in this Draft EIR. No responses to comment or revisions to the Draft EIR are required.
- I-6-20** This comment states that the Project's proposed trail connection would substantially degrade biological resources on CNLM's Rancho La Costa Preserve. Impacts related to the trail connection proposed as part of the Project and increased usage of recreation and public facilities have been adequately addressed in Section 3.10, *Public Services*, and Section 3.11, *Recreation*. No revision to the Draft EIR is required.
- I-6-21** This comment states the Project's proposed trail connection legitimizes existing trails that have not followed the appropriate environmental analysis process and the Draft EIR should include an analysis of off-site impacts. Refer to Response to Comment I-6-2 for information on the scope of a Project and the Project's Draft EIR. Additionally, see Response to Comments RO-3-6, RO-3-8, and I-6-3 for information regarding the safety analysis included as part of the Draft EIR. No revision to the Draft EIR is required.
- I-6-22** This comment addresses the use of CLNM trails and claims the Project will result in trespassing of neighboring property that have encouraged these events today. This comment is outside of the scope of the proposed Project evaluated in the Draft EIR and does not include information pertaining to the environmental analysis presented in the Draft EIR. Therefore, no response to this comment or revision to the Draft EIR is required.
- I-6-23** This comment states that the Draft EIR should address and mitigate impacts arising from the use of unpermitted trails on neighboring property that would be accessible through the trail connection and parking area evaluated in the Draft EIR. Refer to Response to Comment I-6-2 and Response to Comment RA-1-15, which address this issue. No revision to the Draft EIR is required.
- I-6-24** This comment asks what safety measures, including monitoring and patrolling of existing trails, would be put in place. Although the commenter does not specify what types of safety impacts would occur, safety measures associated with existing trails on properties outside of the Project site are not within the Applicant's control and are not within the scope of the

- Project. Refer to Response to Comment 1-6-8 for information regarding Project impacts to law enforcement and police resources. No further response to comment or revision of the Draft EIR is required.
- I-6-25** This comment states that the Draft EIR should address how the Project would worsen safety conditions. Refer to Response to Comments RO-3-6, RO-3-8, and I-6-8 for information regarding the safety analysis included as part of the Draft EIR. No revision to the Draft EIR is required.
- I-6-26** This comment states that CNLM properties are not patrolled, and use of the trails on the CNLM property are creating a neighborhood nuisance. These issues are outside the scope of the Project and the environmental analysis included in this Draft EIR. No responses to comment or revisions are required.
- I-6-27** This comment states that the Draft EIR does not include analysis of impacts related to safety and increased usage of the trails. This is incorrect; increased use of recreational facilities, including trails, is adequately addressed in Section 3.11, *Recreation*. As found in Section 3.11 of the Draft EIR, the Project includes 0.31-acre of parkland and would be subject to the payment of in lieu fees as required by the PLDO; thus, Project impacts to recreational facilities would be less than significant. Implementation of safety measures on properties outside of the Project site is not within the scope of the Project. No revision to the Draft EIR is required.
- I-6-28** This comment states concerns regarding incidents occurring on the Copper Creek Trail. This comment is not relevant to the scope of the Draft EIR and does not provide comments regarding the information or analysis presented in the Draft EIR. See Response to Comment RO-5-4 for information regarding the emergency evacuation analysis included in the Draft EIR. As identified, the Draft EIR concludes that the impacts related to evacuation during a wildfire would be less than significant. No revision to the Draft EIR is required.
- 1-6-29** This comment asks why trail safety impacts are not addressed in the Draft EIR. R Refer to Response to Comments RO-3-6, RO-3-8, and I-6-8 for information regarding the safety analysis included as part of the Draft EIR. No revision to the Draft EIR is required.
- 1-6-30** This comment asks for details regarding the maintenance and monitoring of CNLM trails. Please refer to Response to Comment RA-1-15 for a discussion of a future trail connection and parking area onsite. This comment is not relevant to the scope of the Project and does not contain specific information pertaining to the environmental analysis contained in the Draft EIR. No response to comment or revision to the Draft EIR is warranted.
- 1-6-31** This comment opines that details regarding trail access and ownership of the trail connection and parking lot on the Project site should be addressed in the EIR process and appropriate safety measures should be put in place. Please refer to Response to Comment RA-1-15 for a discussion of a future trail connection and parking area onsite. Refer to Response to Comments RO-3-6, RO-3-8, and I-6-8 for information regarding the safety analysis included as part of the Draft EIR. Additionally, environmental impacts associated with the trail connection and parking lot as part of the Project have been adequately analyzed in the

- Draft EIR. Refer to Response to Comments I-6-3, I-6-7, and I-6-8 for information regarding the analysis of trail impacts. No revision to the Draft EIR is required.
- I-6-32** This comment asks for details regarding access to and safety enforcement on the Project trail. The existing trail network on neighboring property and potential impacts associated with the off-site Copper Creek Trail network are beyond the scope of the Project and this Draft EIR. The County is the Lead Agency for this Project, so comments related to the City of San Marcos are outside the scope of this Draft EIR. Impacts due to increased usage of recreational amenities, including trails, is adequately addressed in Section 3.11, *Recreation*. Additionally, impacts associated with the proposed parking spaces and trail connection are adequately addressed in Sections 3.10, *Public Services*. See Response to Comments I-6-3, I-6-7, and I-6-8 for information regarding access and safety enforcement of the Project trail. This comment does not provide information regarding the environmental analysis contained in the Draft EIR, and no further response to comment or revisions to the Draft EIR are needed.
- I-6-33** This comment opines that the proposed trail connection would provide unmonitored access to the Copper Creek Trail and dangerous mining pits and shaft mine complex. The status of existing mining pits and shaft mine complex are outside the scope of the Project and the environmental analysis included in this Draft EIR. No response to comment or revisions to the Draft EIR are needed.
- I-6-34** This comment opines that because the trail connection to Copper Creek Trail is proposed as part of the Project, relevant safety issues should have been addressed. Please refer to Response to Comment RA-1-15 for a discussion of a future trail connection and parking area onsite. Refer to Response to Comments RO-3-6, RO-3-8, and I-6-8 for information regarding the safety analysis included as part of the Draft EIR. Additionally, as noted in Section 3.11, *Recreation*, impacts associated with the on-site trail connection were evaluated to be less than significant. No revision to the Draft EIR is necessary.
- I-6-35** This comment asks if the open mine on neighboring property has been closed. This comment is outside of the scope of this Project's Draft EIR and does not include information pertaining to the environmental analysis presented in the Draft EIR. Therefore, no response to this comment or revision to the Draft EIR is required.
- I-6-36** This comment discusses liability issues associated with previous actions by the CNLM. CNLM actions and decisions are outside of the scope of the Project and the environmental analysis presented in the Draft EIR. This comment does not include information pertaining to the environmental analysis presented in the Draft EIR. Therefore, no response to this comment or revision to the Draft EIR is required.
- I-6-37** This comment notes that trails on the west portion of the Project site were mentioned during the June 13, 2024, San Dieguito Community Planning Group meeting. There are no trails or trail connections proposed within the western boundary of the Project site. No revision to the Draft EIR is required.
- I-6-38** This comment opines that the watershed draining to Escondido Creek should be referred to as Copper Creek in the Draft EIR. Information in the Draft EIR regarding watersheds and

naming is based on information contained in the Project's Hydrology/Hydraulics Study (*Technical Appendix J*). The naming and mapping included in the Project's Hydrology/Hydraulics Study is based on information from the Regional Water Quality Control Board (RWQCB), which is the authority for water resources in the area. RWQCB identifies the area referenced by the commenter as an unnamed tributary to Escondido Creek. In order to maintain consistency with RWQCB mapping, no revision to the Draft EIR was made. This comment does not include information pertaining to the environmental analysis presented in the Draft EIR. Therefore, no response to this comment or revision to the Draft EIR is required.

- I-6-39** This comment expresses concern with the Project's stormwater management and requests that all flood risks be evaluated as part of the Draft EIR. The Project would divert runoff from the developed portions of the Project site via four on-site bioretention basins. Impacts related to hydrology and flood risk have been addressed in the Draft EIR through preparation of the Project's Hydrology/Hydraulics Study (*Technical Appendix J*), which was prepared in compliance with the 2003 San Diego County Hydrology Manual. As noted in Section 3.7, *Hydrology and Water Quality*, development of the Project site would help mitigate further erosion and downstream impacts. No significant alteration of drainage patterns is proposed as part of the Project. The Project's Stormwater Quality Management Plan (*Technical Appendix I*) identifies Best Management Practices (BMPs) that would be implemented in order to control post-development runoff, erosion potential, and pollutants generation. See Pages 3.7-13 through 3.7-14 for a description of these BMPs. As concluded in Section 3.7, *Hydrology and Water Quality*, impacts related to flooding would be less than significant. Additionally, as noted in the Draft EIR, the Project's Hydrology/Hydraulics Study (*Technical Appendix J*) found that the Project would result in a decrease in the 100-year peak flow runoff value through Project design, which includes construction of a storm drainage system and water quality detention basins. Impacts to downstream impacts were found to be less than significant. No revision to the Draft EIR is required.
- I-6-40** This comment describes the historical and existing conditions of Copper Creek. Refer to Response to Comment I-6-39 regarding downstream impacts as evaluated in the Draft EIR. This comment does not include information pertaining to the environmental analysis presented in the Draft EIR. Therefore, no response to this comment or revision to the Draft EIR is required.
- I-6-41** This comment expresses concern regarding downstream erosion associated with the Project. The Project's Stormwater Quality Management Plan (*Technical Appendix I*) identifies BMPs that would be implemented in order to control post-development runoff, erosion potential, and pollutants generation. See Pages 3.7-13 through 3.7-14 of the Draft EIR for a description of these BMPs. As found in Section 3.7, *Hydrology and Water Quality*, of the Draft EIR, development of the Project site would help mitigate further downstream erosion, and no significant alteration of drainage patterns is proposed as part of the Project. No revision to the Draft EIR is required.
- I-6-42** This comment describes existing conditions downstream of the Project related to the status collection dams and basins and identifies concerns related to increased stormwater runoff

and erosion. Refer to Responses to Comment I-6-39 and I-6-41 regarding downstream erosion impacts. As identified, development of the Project site would help mitigate further downstream erosion, and no significant alteration of drainage patterns is proposed as part of the Project. No revision to the Draft EIR is required.

- I-6-43** This comment suggests that the Draft EIR should address flood events as part of the analysis. Additionally, the comment opines that Copper Creek cannot accommodate additional stormwater. Refer to Response to Comment I-6-39 regarding the Project's stormwater analysis. Moreover, Table 3.7-1, *Summary of Peak 100 Year Runoff*, of the Draft EIR depicts existing and proposed flows. Page 3.7-11 of the Draft EIR describes the proposed storm drain facilities and notes that Project-related impacts associated with increased peak flow rates and amounts, associated flooding hazards, and the capacity of existing or planned storm drain systems would be less than significant. Please also refer to the Project's Hydrology/Hydraulics Study (*Technical Appendix J*), for additional information regarding the Project's proposed storm drain facilities. No revision to the Draft EIR is required.
- I-6-44** This comment states that relevant agencies should prevent pollution and flood events downstream. Additionally, this comment asks if studies have been done to determine downstream effects, what pollutants are present in Copper Creek, and what downstream health impacts could result. The Project's Hydrology/Hydraulics Study (*Technical Appendix J*) and Stormwater Quality Management Plan (*Technical Appendix I*) adequately analyze the potential downstream effect associated with the Project. See Response to Comment I-6-39 for discussion of downstream impacts. No revision to the Draft EIR is required.
- I-6-45** This comment identifies the location of the San Marcos Landfill and suggests protections for future residents to reduce risks associated with the landfill. Refer to Responses to Comment I-7-4 and RA-1-17 regarding the San Marcos Landfill. No revision to the Draft EIR is required.
- I-6-46** This comment suggests review of the "GP2020 EIR" and claims issues regarding the Project site were addressed in this document. This comment also requests review of previous documentation. The County of San Diego General Plan and associated EIR were certified in 2011. There are not any other certified EIRs relevant to the Project site. All relevant land use documents, including the 2011 County of San Diego General Plan and General Plan EIR have been reviewed and incorporated as appropriate. As noted in Section 2.4, *Land Use and Planning*, the Project is consistent with the General Plan and land use impacts would be less than significant. No revision to the Draft EIR is required.

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**Letter I-7 – Denise Rainey**

- I-7-1** This comment notes the existing evacuation conditions and states that the County and Project Applicant should work with surrounding agencies to develop an updated evacuation plan. See Response to Comment RO-5-4 for information regarding the Project’s Conceptual Wildfire Evacuation Plan. No further response to comment or additional revisions to the Draft EIR are required.
- I-7-2** This comment addresses on-site public noticing of the Project and indicates that the commenter lives in a neighboring development and did not receive additional notice about the Project. Pursuant to County of San Diego Board of Supervisors Policy I-49, a sign noticing the public of the proposed applications was posted on-site on July 30, 2020. Furthermore, pursuant to Board Policy I-49, residents located within 400 feet of the Project boundary were notified of the Project’s applications and the preparation of the Draft EIR. Notification of the Notice of Preparation (NOP) was mailed on September 1, 2022. The notice of public review of the Draft EIR was mailed on May 16, 2024 to residents located within 1,500 feet of the Project boundary, State agencies, and interested parties on the County’s mailing list. The commentor has been added to the public notice distribution list and will be notified of all future hearings and Project notifications. No revision to the Draft EIR is required.
- I-7-3** This comment notes there is congestion on San Elijo Road. Please refer to Response to Comments I-1-1 and I-3-2 for information regarding the traffic analysis included in the Draft EIR. No revision to the Draft EIR is required.
- I-7-4** This comment notes that the Project is located adjacent to the San Marcos Landfill and states that the County should be monitoring groundwater on the Project site. Additionally, the commenter suggests that infrastructure to block landfill gas intrusion should be investigated and addressed. Page 1-10 of the Draft EIR notes that existing groundwater wells associated with the San Marcos Landfill are located on the Project site. As noted in Section 3.6, *Hazards and Hazardous Materials*, Subsection 3.6.5.2, the Project’s Environmental Site Assessment (ESA), included as *Technical Appendix H*, concluded that impacts to the Project site from the San Marcos Landfill would be less than significant. The Project would be required through COA to include methane monitoring within confined spaces located within 1,000 feet of the San Marcos Landfill waste footprint during construction and installation of methane barriers for all structures located within 1,000 feet of the San Marcos Landfill waste footprint to ensure landfill gas intrusion does not occur on-site. No revision to the Draft EIR is required.

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**Letter I-8 – Jodi Rowin**

- I-8-1** This comment provides background information on the commenter and states that the commenter opposes of the Project because of the proposed increase in population without expanding existing or constructing new roads. Although not required pursuant to CEQA, an analysis of potential impacts has been conducted as part of the preparation of the Draft EIR and is summarized in Section 2.6, *Transportation and Traffic*. Refer to Response to Comments I-1-1 and I-3-2 for information regarding the traffic analysis. No revision to the Draft EIR is required.
- I-8-2** This comment states that schools in the San Elijo community are overcrowded. As noted in Section 3.10, *Public Services*, of the Draft EIR, the Project’s generation of an estimated 36 new students would be accommodated by existing and planned facilities, and the need for additional facilities and services is adequately addressed through the required payment of school impact fees. Page 3.10-7 of the Draft EIR notes that the payment of required fees constitutes mitigation per Section 65995 of the California Government Code. No revision to the Draft EIR is required.
- I-8-3** This comment states that traffic in the area dissuades the commenter from utilizing resources and businesses in the local community. This comment does not identify any specific issues related to the environmental analysis presented in the Draft EIR, and no response to comment or revision to the Draft EIR is required.
- I-8-4** This comment describes traffic conditions in the area and expresses concern with potential delays caused by the Project’s proposed traffic signal. The commenter notes that the traffic signal would add two minutes to their drive. As noted in Section 2.6, *Transportation and Traffic*, and on Table 2.6.6 and Table 2.6-7 of the Draft EIR, implementation of the proposed traffic signal would improve the LOS at the intersection of Street “E” and San Elijo Road from LOS “E” to LOS “D”. Generally, and as noted in the Project’s LTA (*Technical Appendix L2*), improvements to LOS results in decreased delays and interruptions and increased freedom to maneuver. The Draft EIR does not contain any information suggesting that the traffic signal would add two minutes of driving time. No revision to the Draft EIR is required.
- I-8-5** This comment describes previous wildfires in the area and expresses concern with future evacuation procedures and traffic. See Response to Comment RO-5-4 for information regarding evacuation impacts analyzed as part of the Draft EIR. No additional response or revision to the Draft EIR is required.