

APPENDIX K
Responses to Comments

Responses to Comment Letters Received on the Draft EIR

The Draft Environmental Impact Report (EIR) was circulated for public review from December 21, 2023, through February 5, 2024, in accordance with Section 15105(a) of the California Environmental Quality Act (CEQA) Guidelines. A total of six written comment letters were received on the Draft EIR from agencies, organizations, and individuals as shown in Table 1. Each of the written comment letters have been assigned an alphanumeric label, and the individual comments within each written comment letter are bracketed and numbered. For example, Comment Letter A1 contains six comments that are numbered A1-1 through A1-6.

The responses to each comment on the Draft EIR represent a good-faith, reasoned effort to address the environmental issues identified by the comments. Pursuant to Section 15088(a) of the CEQA Guidelines, the City of San Marcos (City), as lead agency, is not required to respond to all comments on the Draft EIR, but only those comments that raise environmental issues. In accordance with CEQA Guidelines Sections 15088 and 15204, the City has independently evaluated the comments and prepared the attached written responses to any significant environmental issues raised.

Table 1. Comment Letters and Commenters

Comment Letter	Commenter	Date Received
Agency		
A1	California Department of Transportation	January 22, 2024
A2	County of San Diego Public Works	February 5, 2024
A3	San Diego County Water Authority	February 5, 2024
A4	U.S. Fish and Wildlife Service	February 12, 2024
Organizations		
O1	San Diego County Archaeological Society	January 13, 2024
O2	Supporters Alliance for Environmental Responsibility	February 5, 2024

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Comment Letter A1

CALIFORNIA STATE TRANSPORTATION AGENCY

GAVIN NEWSOM, GOVERNOR

California Department of Transportation

DISTRICT 11
4050 TAYLOR STREET, MS-240
SAN DIEGO, CA 92110
(619) 709-5152 | FAX (619) 688-4299 TTY 711
www.dot.ca.gov



January 22, 2024

11-SD-78
PM 11.29
Hughes SMCC LLC
EIR/SCH#2023020497

Mr. Chris Garcia
Senior Planner
City of San Marcos
1 Civic Center Drive
San Marcos, CA 92069

Dear Mr. Garcia:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Environmental Impact Report (EIR) for the Hughes SMCC LLC project located near State Route 78 (SR-78). The mission of Caltrans is to provide a safe and reliable transportation network that serves all people and respects the environment. The Local Development Review (LDR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities.

A1-1

Safety is one of Caltrans' strategic goals. Caltrans strives to make the year 2050 the first year without a single death or serious injury on California's roads. We are striving for more equitable outcomes for the transportation network's diverse users. To achieve these ambitious goals, we will pursue meaningful collaboration with our partners. We encourage the implementation of new technologies, innovations, and best practices that will enhance the safety on the transportation network. These pursuits are both ambitious and urgent, and their accomplishment involves a focused departure from the status quo as we continue to institutionalize safety in all our work.

A1-2

Caltrans is committed to prioritizing projects that are equitable and provide meaningful benefits to historically underserved communities, to ultimately improve transportation accessibility and quality of life for people in the communities we serve.

We look forward to working with the City of San Marcos in areas where the City and Caltrans have joint jurisdiction to improve the transportation network and connections

"Provide a safe and reliable transportation network that serves all people and respects the environment"

Mr. Chris Garcia, Senior Planner
January 22, 2024
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between various modes of travel, with the goal of improving the experience of those who use the transportation system.

↑ A1-2
Cont.

Caltrans has the following comments:

Traffic Engineering and Analysis (TEA)

In reference to DEIR Appendix I-2 Vehicle Miles Traveled (VMT) Analysis Technical Memorandum dated December 11, 2023, VMT Mitigation section pg. 8, paragraph 1:

"... mitigation measures would not reduce the VMT per employee to less than significant levels, the impact is only partially mitigated, and the Proposed Project is considered to have a significant and partially mitigated impact..."

The project's VMT impact is currently not in alignment with the State's VMT and emissions reduction goals. Therefore, the project VMT needs to be mitigated down to a level considered less than significant. The project needs to investigate additional methods to address its VMT impact. Potential measures to reduce VMT include, but are not limited to:

A1-3

- Implementing other transportation improvements that would be comparable to fully mitigating the VMT impact.
- Improve or increase access to transit.
- Increase access to common goods and services, such as groceries, schools, and daycare.
- Incorporate affordable housing into the project.
- Incorporate neighborhood electric vehicle network.
- Orient the project toward transit, bicycle, and pedestrian facilities.
- Improve pedestrian or bicycle networks, or transit service.
- Provide traffic calming measures and strategies.
- Provide bicycle parking.
- Limit or eliminate parking supply.
- Implement or provide access to a commute reduction program.
- Provide car-sharing, bike sharing, and ride-sharing programs.
- Provide transit passes.
- Shifting single occupancy vehicle trips to carpooling or vanpooling, for example providing ride-matching services.
- Providing telework options.

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January 22, 2024
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Right-of-Way

- Per Business and Profession Code 8771, perpetuation of survey monuments by a licensed land surveyor is required, if they are being destroyed by any construction.
- Any work performed within Caltrans' R/W will require discretionary review and approval by Caltrans and an encroachment permit will be required for any work within the Caltrans' R/W prior to construction.

Additional information regarding encroachment permits may be obtained by contacting the Caltrans Permits Office at (619) 688-6158 or emailing D11.Permits@dot.ca.gov or by visiting the website at <https://dot.ca.gov/programs/traffic-operations/ep>. Early coordination with Caltrans is strongly advised for all encroachment permits.

If you have any questions or concerns, please contact Shannon Aston, LDR Coordinator, at (619) 992-0628 or by e-mail sent to shannon.aston@dot.ca.gov.

Sincerely,

Kimberly D. Dodson

KIMBERLY D. DODSON, G.I.S.P.
Acting Branch Chief
Local Development Review

A1-4
A1-5
A1-6

"Provide a safe and reliable transportation network that serves all people and respects the environment"

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Response to Comment Letter A1

Agency
California Department of Transportation (Caltrans)
January 22, 2024

A1-1 The comment provides an introduction to comments that follow, an explanation of Caltrans’s mission and priorities. The comment does not raise any specific issues related to the adequacy of the Draft Environmental Impact Report (EIR), and no further response is required. Please refer the following Responses to Comments A1-2 through A1-6.

A1-2 The comment reviews strategic goals and priorities of Caltrans, including safety. The comment states that Caltrans is committed to prioritizing transportation opportunities in underserved communities. The comment also expresses that Caltrans looks forward to potential opportunities to coordinate with the City of San Marcos (City) to make improvements to safety, access, and mobility. In response, the proposed project includes mobility improvements on site and within project frontage areas, such as sidewalks and bicycle facilities. As outlined in Section 3.15, Transportation, of the EIR, the project would enhance the walkability and safety of the overall pedestrian environment and would not result in any impacts to pedestrian facilities. The comment does not raise any specific issues related to the adequacy of the EIR, and no further response is required.

A1-3 The comment expresses concerns regarding the project’s significant and partially mitigated impact related to vehicle miles traveled (VMT). The comment states that the proposed project needs to implement additional measures to further reduce VMT impacts to a less-than-significant level and includes a list of potential measures. In response, the proposed project explored additional methods to address its VMT impact; however, as documented in Attachment B of the Hughes Circuits – Vehicle Miles Traveled (VMT) Analysis Technical Memorandum (December 2023) (Appendix I-2 to the EIR), a full list of VMT mitigation measures taken into consideration is provided along with an explanation as to their feasibility. The proposed project would provide mitigation measures that include some of the suggested measures in the Caltrans letter, such as the following:

- Improve bicycle network (CAPCOA T-20)
- Provide bicycle parking (CAPCOA T-10)
- Provide ride-sharing programs (CAPCOA T-8)”

In conclusion, the proposed project VMT analysis did consider alternative methods to reduce project impacts related to VMT. However, as outlined in Section 3.15 of the EIR, Mitigation Measure (MM) TRA-1, MM-TRA-2, and MM-TRA-3 would reduce impacts related to the VMT per resident, but not to a level of less than significant. Therefore, even with implementation of these mitigation measures, project VMT would remain significant. As a result of the significant and unavoidable impact related to VMT, the proposed project would be required to prepare a Statement of Overriding Considerations. The City of San Marcos Planning Commission would ultimately review the proposed project and approve or deny the project Statement of Overriding Considerations for significant and unavoidable impacts related to VMT.

A1-4 The comment states that perpetuation of survey monuments by a licensed land surveyor is required, if they are being destroyed by any construction. No survey monuments would be destroyed during project construction.

- A1-5** The comment states that any work performed within Caltrans' right-of-way will require discretionary review and approval by Caltrans and an encroachment permit will be required for any work within the Caltrans right-of-way prior to construction. The City acknowledges this comment. Additionally, the comment states that an encroachment permit would be required for any work within the Caltrans right-of-way, the project would be required to provide an approved final environmental document, the document must address all impacts within the Caltrans right-of-way, and the document must address any impacts from avoidance or mitigation in the document. In response, the project does not propose any work within the Caltrans right-of-way, and an encroachment permit would not be required. The comment does not raise any specific issues related to the adequacy of the EIR, and no further response is required.
- A1-6** The comment includes concluding remarks. The comment does not raise any specific environmental issues related to the adequacy of the Draft EIR, and no further response is required.



PUBLIC WORKS

DEREK R. GADE, P.E.
DIRECTOR

5510 OVERLAND AVENUE, SUITE 410, SAN DIEGO, CALIFORNIA 92123-1237
(858) 694-2212

WILLIAM P. MORGAN, P.E.
ASSISTANT DIRECTOR

February 5, 2024

CITY OF SAN MARCOS
Mr. Chris Garcia
Senior Planner
1 Civic Center Drive
San Marcos, CA 92069

RE: COMMENTS ON HUGHES SMCC, LLC; PROJECT NUMBER SDP22-0002 AND EIR 23-006

Dear Mr. Garcia:

The County of San Diego Department of Public Works (DPW) Closed Landfills has the following comments on the Notice of Availability (NOA) of a Draft Environmental Impact Report (DEIR) for Hughes SMCC LLC's development of a light industrial building within APNs 219-223-20-00 and 219-223-22-00 in the City of San Marcos.

A2-1

DPW Closed Landfills has partial maintenance responsibility for the Bradely Park (Old San Marcos) Landfill that is adjacent to the proposed project. DPW monitors landfill gas and groundwater at this site to protect public health and safety and the environment in connection with solid waste management. DPW is knowledgeable about the kinds of impacts a land disposal operation may have on nearby residential occupants. If those impacts are found to be significant, the environmental review should incorporate changes in building and utility designs and implement construction measures that could mitigate those impacts.

A2-2

Active and inactive landfills present potential increases in risk to public health, safety, and the environment due to generation of landfill gases and leachate. Gas generation continues after the landfill closes as does the associated risk of fugitive (surface) gas emissions.

A2-3

Any nearest utility/access easements and electrical and utility infrastructure for the proposed development may have potential to serve as a preferential pathway for landfill gas migration if fugitive subsurface gas emissions are present. The draft environmental impact report should also consider the potential cumulative nuisance impacts associated with the adjacent landfill.

A2-4

DPW Closed Landfills appreciates the opportunity to review and comment on this environmental review. We look forward to receiving future documents related to the continuing environmental review. Please contact Craig Burnett at Craig.Burnett@sdcounty.ca.gov with any questions about these comments.

A2-5

Sincerely,
Jen
Winfrey
Jennifer Winfrey
LUEG PROGRAM MANAGER
County of San Diego, Department of Public Works

Digitally signed by
Jen Winfrey
Date: 2024.02.05
15:37:57 -0800

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Response to Comment Letter A2

Agency
County of San Diego Public Works
February 5, 2024

A2-1 The comment provides an introduction to comments that follow. The comment does not raise any specific issues related to the adequacy of the Draft Environmental Impact Report (EIR).

A2-2 The comment states that the County of San Diego Department of Public Works Closed Landfills has partial maintenance responsibility for the Bradley Park (Old San Marcos) Landfill, west of the project site across Pacific Street. The County of San Diego Department of Public Works monitors the gas and groundwater at the Bradley Park inactive landfill in order to protect public health, safety, and the environment of nearby residents. The comment also states that if impacts related to land disposal operation are found to be significant, those impacts should be mitigated through changes in building and utility design while implementing different construction measures.

In response, the proposed Hughes Circuits project is not a residential project. It is an industrial project that would be an extension of existing operations at the Hughes Circuits Facility immediately south of the project site across South Pacific Street. With the exception of impacts related to biological resources, cultural and tribal cultural resources, paleontological resources, and traffic/circulation, the EIR determined that impacts related to project construction and operation would be less than significant. Specific to this response, less-than-significant impacts were determined in the Hazards and Utilities sections of the EIR (Section 3.8 and 3.17, respectively), and no associated mitigation is required. The project would connect to existing electrical and utility lines within South Pacific Street. Regarding sewer facilities, there are existing gravity sewer lines within South Pacific Street and one line that runs through the project site. The sewer line in South Pacific Street's depth is 8 to 12 feet, increasing in depth as it goes north. The existing sewer main that runs through the project site would be relocated to South Pacific Street. No impacts are determined with this off-site improvement. The inactive Bradley Park landfill unit itself would stay intact, and the project would not create a corridor for gas or groundwater migration as utilities already exist within Pacific Street. Under the California Environmental Quality Act (CEQA), the EIR prepared for the project is required to analyze the project's impacts on the existing environment and is not required to analyze fugitive gas from other sites.

The City of San Marcos (City) is responsible for the upper 36 inches of topsoil including vegetation and improvements at Bradley Park/Old San Marcos Landfill. The County of San Diego (County) is responsible for the "subsurface," which includes gas and groundwater monitoring at Bradley Park/Old San Marcos Landfill. A specific monitoring and reporting program was established in 2010 that requires the County to provide the gas and groundwater data to the City as part of the overall semi-annual and annual report submittal to the San Diego Regional Water Quality Control Board. Based on the years of data collected from probes located on the perimeter of the park, there is no evidence that methane or any other gases are migrating from the park. There are also methane detectors in all structures on site, and no exceedances have been observed. Quarterly inspections are completed by the City and by County Department of Environmental Health and Quality (DEHQ) and Solid Waste Local Enforcement Agency (LEA) staff. In addition, County Public Works staff performs monthly site observations. All reports and associated documentation are provided on GeoTracker online at https://geotracker.waterboards.ca.gov/profile_report?global_id=L10006943141.

Furthermore, the California Department of Resources Recycling and Recovery has documented reports of other work activities on the existing closed landfill site (such as replacement of sewer line, sewer line repair, fence installation, tree removal and replacement, and excavation) dating back to 2015 that would have created potential concerns rather than those associated with construction of the proposed project. The project is not a residential project, nor is the project site adjacent to any residential zoning. The comment does not raise any specific issues related to the adequacy of the EIR.

A2-3 The comment states that active and inactive landfills could potentially increase the risk of public health, safety, and the environment due to the generation of landfill gases and leachate. In response, under CEQA, the EIR analyzes project impacts on the existing environment. The project EIR is not responsible for analyzing environmental impacts of the mentioned active and inactive landfills in the vicinity. Concerns of environmental impacts from the mentioned active and inactive landfills should be addressed by the County or those responsible for the facility operations. As mentioned in Response to Comment A2-2, the project is not a residential project, nor is the project site adjacent to any residential zoning. The project would not introduce any new sensitive receptors to the area. The comment does not raise any specific issues related to the adequacy of the EIR. Please refer to Response to Comment A2-2.

A2-4 The comment states that utility easements and electrical and utility infrastructure could serve as a pathway for landfill gas if fugitive emissions exist. The comment also suggests that the Draft EIR should consider the cumulative nuisance impacts of the adjacent landfill. In response, neither construction nor operation of the project would create a new corridor for landfill gases/fugitive gas emissions from the adjacent Bradley Park inactive landfill, as utilities already exist within Pacific Street. The EIR determined no project or cumulative project impacts related to hazards or utilities. Under CEQA, the EIR prepared for the project is required to analyze the project's impacts on the existing environment and is not required to analyze fugitive gas from other sites.

As outlined in Sections 3.8, Hazards and Hazardous Materials, and 3.17, Utilities and Service Systems, of the EIR, project impacts related to hazards/hazardous materials and utilities and service systems were determined to be less than significant. Cumulative project impacts are analyzed throughout Chapter 3 of the EIR. Currently, there are multiple utilities that traverse through the project vicinity, within Pacific Street, including sewer, water, drainage, and dry utilities. As mentioned in Response to Comment A2-2 above, the project is not a residential project, nor is the project site adjacent to any residential zoning. The project purpose is to expand existing operations of the adjacent Hughes Circuits facility, and the project would not introduce any new sensitive receptors to the area. The comment does not raise any specific issues related to the adequacy of the EIR. Please refer to Response to Comment A2-2.

A2-5 The comment includes concluding remarks. The comment does not raise any specific environmental issues related to the adequacy of the Draft EIR.



City of San Marcos Planning Division

Chris Garcia, Senior Planner

1 Civic Center Drive
San Marcos, CA 92069
cgarcia@san-marcos.net
February 5, 2024

Dear Mr. Garcia:

Draft Environmental Impact Report for the Hughes SMCC Project, SCH#2023020497 – Thank you for including the San Diego County Water Authority (Water Authority) in the environmental review process for the Draft Environmental Impact Report (EIR) for the Hughes SMCC Project (Project).

A3-1

The Water Authority was established in 1944 as the wholesale water provider for western San Diego County and currently serves 23 member agencies that consist of six cities, 16 special districts, and Marine Corps Base Camp Pendleton. The Water Authority provides a safe and reliable supply of water to the region’s 3.3 million residents and sustains a \$268 billion regional economy. Water is conveyed via the First San Diego Aqueduct (First Aqueduct) and Second San Diego Aqueduct (Second Aqueduct), each of which consists of a series of parallel pipelines that traverse the Water Authority’s service area southward from its northern service area boundary near the San Diego County border with Riverside County.

A3-2

The proposed Project saddles Pipeline 5 of the Second Aqueduct, a 108-inch diameter steel pipeline that transports water to the San Diego Region. Pipeline 5 is located within parcel 219-223-210 and 219-223-230 which the Water Authority owns and maintains. The Water Authority accesses infrastructure within our parcels on a weekly basis and performs regular maintenance as necessary.

A3-3

Upon review of the project and Draft EIR, the Water Authority has identified the following areas of concern:

The proposed Project includes a storm drain inlet on the northern edge of the project site, directly adjacent to the Water Authority Parcel (219-223-210), and convey storm water flows to an existing storm drain system located on South Pacific Street. Prior to the storm water entering the new inlet on the northern edge of the project site, it flows through the western end of the Water Authority’s parcel for approximately 200-feet. The Water Authority is concerned the construction of a new storm drain inlet so close to our parcel may, over time, restrict the flow of water through our parcel, leading to water ponding above our pipeline and flooding critical infrastructure. The Water Authority requests the project proponent ensure the design of the system can accommodate the free flow of a significant storm event, and ensure their design and impacts account for regular maintenance and cleaning of the inlet to ensure flows are not reduced or restricted by sediment, debris, and/or trash.

A3-4

4677 OVERLAND AVE, SAN DIEGO, CA 92123 | (858) 522-6600 | SDCWA.ORG



The proposed Project also includes restoring sensitive habitats within portions of the project area located directly adjacent to Water Authority parcels. This restoration is being proposed as a compensatory mitigation measure to offset impacts to wetlands habitats. Mitigation Measure MM-BIO-2 specifically states "Vernal pool restoration will include some minor recontouring of the existing vernal pool basin... Along with this minor recontouring, weed control will also be conducted in the vernal pools and surrounding watershed areas...Vernal pools on site that are low in diversity, particularly those at the south end of the project, will be planted and seeded with vernal pools species known from the site. Seed collected for this purpose will come from onsite sources only. This will include, but is not limited to San Diego button celery (*Eryngium aristulatum* var. *parishii*), spreading navarretia (*Navarretia fossalis*), pale spikerush (*Eleocharis macrostachya*), annual coast plantago (*Plantago elongata*), aquatic pygmy plant (*Crassula aquatica*), toad rush (*Juncus bufonius*), smooth boisduvalia (*Epilobium campestris*), and wooly marbles (*Psilocarphus brevissimus*)."

A3-5

Neither the draft EIR nor the Biological Resources Technical Report identify which vernal pools would be subject to this mitigation measure or where restoration would occur. Per figure 4 included within Appendix C: Biological Resources Technical Report, seven of the mapped vernal pool basins and all of the vernal pool watersheds overlap with the Water Authority owned parcels.

A3-6

As previously mentioned, within the Water Authority owned parcels is Pipeline 5 of the Second Aqueduct which transports and provides water to San Diego County. The ability to access, maintain, and if necessary, make repairs to our infrastructure is critical to ensure the continued delivery of reliable water to the San Diego region. The restoration of vernal pools and their watersheds on the proposed Project's parcels shall not restrict, alter, or impede our ability to access, maintain, or make improvements to our parcels and critical infrastructure. The Water Authority requests the project proponent coordinate with us during development of the restoration plan to ensure our ability to access and maintain our infrastructure is not impacted.

A3-7

In addition to the issues raised above, we have the following editorial comments. Throughout the draft EIR and technical appendices, including in the Project Description and Environmental Setting, the documents refer to the Water Authority owned parcels as "Water Authority right-of-way"; these parcels are owned in fee by the Water Authority. Please clarify in the documents these parcels are owned by the Water Authority.

A3-8

Section 3.17.1 Existing Conditions – Water Facilities incorrectly states Vallecitos Water District (VWD) receives their water from Metropolitan Water District; VWD receives their water from the Water Authority.

A3-9



Thank you for the opportunity to review and provide feedback on the Draft Environmental Impact Report for the Hughes SMCC Project. If you have any questions or comments regarding this letter, please contact Sean Paver, Senior Water Resources Specialist, at SPaver@sdcwa.org or (858) 522-6753.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeff Stephenson".

Jeff Stephenson
Director of Water Resources

A3-10

4677 OVERLAND AVE, SAN DIEGO, CA 92123 | (858) 522-6600 | SDCWA.ORG

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Response to Comment Letter A3

Agency
San Diego County Water Authority (SDCWA)
February 5, 2024

- A3-1** The comment provides an introduction to comments that follow. The comment does not raise any specific issues related to the adequacy of the Environmental Impact Report (EIR).
- A3-2** The comment provides background regarding the agency and its history regarding water in San Diego County. The comment does not raise any specific issues related to the adequacy of the EIR.
- A3-3** The comment states that the project site saddles Pipeline 5 of the Second Aqueduct, which SDCWA owns and maintains. The comment does not raise any specific issues related to the adequacy of the EIR.
- A3-4** The comment expresses concern that the proposed project's storm drain inlet could restrict the flow of water into the adjacent parcel owned by SDCWA, leading to water ponding above their pipeline and flooding critical infrastructure. The comment requests that the project's storm drain inlet be designed so that the system can accommodate the free flow of a significant storm event and that its design and impacts account for regular maintenance and cleaning of the inlet.
- In response, the project would install a public storm drain system through the project site. The public storm drain system would be an extension of existing dual 66-inch culverts that currently accept flows from SDCWA property and the project site at the northern edge of existing improvements for South Pacific Street along the project frontage. The City of San Marcos (City) would own the completed storm drain system and would include this system in their maintenance program. The City would be granted a 30-foot public drainage easement to provide access to the facility for public inspection and maintenance to ensure flows are not reduced or restricted by sediment, debris, and/or trash. The design of the storm drain system would be in accordance with the latest San Diego County hydrology and hydraulic manual. The storm drain system would convey the 100-year storm and would be analyzed using the Water Surface Pressure Gradient (WSPG) hydraulic analysis computer program to ensure that the systems hydraulics does not impact upstream and downstream properties.
- A3-5** The comment describes Mitigation Measure (MM) BIO-2, one that is designed to offset impacts to wetland habitats. The comment does not raise any specific issues related to the adequacy of the EIR.
- A3-6** The comment states that neither the EIR or the biological technical report identify which vernal pools would be subject to the mitigation and restoration efforts. In response, mitigation measure MM-BIO-2 in Section 3.3, Biological Resources, of the Draft EIR has been revised and is reflected in the Final EIR to include the following language: Mitigation will not occur within the San Diego County Water Authority owned parcels. The project applicant will consult with the U.S. Fish and Wildlife Service to ensure that the mitigation plan does not impact listed species.
- A3-7** The comment reiterates that SDCWA's ability to access, maintain, and improve Pipeline 5 of the Second Aqueduct is critical to ensure the continued delivery of reliable water to San Diego. The comment states that the restoration of vernal pools and watersheds on the project's parcels must not interfere with SDCWA's ability to access, maintain, and improve their parcels and infrastructure. The comment also

requests that the project proponent coordinates with SDCWA during development of the restoration plan. In response, habitat restoration as proposed by the project would not interfere with SDCWA's ability to access and maintain their infrastructure. As outlined in Response to Comment A3-6, MM-BIO-2 in Section 3.3 of the Draft EIR has been revised and is reflected in the Final EIR to include the following language: Mitigation will not occur within the San Diego County Water Authority owned parcels. The project applicant will consult with the U.S. Fish and Wildlife Service to ensure that the mitigation plan does not impact listed species.

The mitigation plan would be shared with SDCWA for comment, and the mitigation plan would be approved by U.S. Fish and Wildlife Service prior to any ground disturbance.

A3-8 The comment states that throughout the Draft EIR and appendices, parcels owned in fee by SDCWA are incorrectly described as "Water Authority right-of-way." The comment requests that the documents should clarify that these parcels are owned by SDCWA. In response, revisions have been made where necessary to clarify that these parcels are owned by SDCWA. Please see revisions made in tracked changes in Chapter 2, Project Description; Section 3.1, Aesthetics; Section 3.3; 3.10, Land Use and Planning; and Section 3.16, Tribal Cultural Resources of the Final EIR. All revisions made to the Draft EIR are shown in Table 2-2 in Chapter 2 of the Final EIR.

A3-9 The comment states that Section 3.17.1 incorrectly says that Vallecitos Water District receives its water from Metropolitan Water District when in fact, they receive their water from SDCWA. In response, this citation is from the City's General Plan. Further along in Section 3.17.1, the text clarifies that SDCWA is the largest member agency of MWD and supplies water to its 24 member agencies serving the San Diego region, which includes Vallecitos Water District.

A3-10 The comment includes concluding remarks. The comment does not raise any specific environmental issues related to the adequacy of the Draft EIR.



United States Department of the Interior

U.S. FISH AND WILDLIFE SERVICE

Ecological Services
Carlsbad Fish and Wildlife Office
2177 Salk Avenue, Suite 250
Carlsbad, California 92008



In Reply Refer to:
2024-0045931-CEQA-EIR-SD

February 12, 2024
Sent Electronically

Chris Garcia
Associate Planner
City of San Marcos Planning Division
1 Civic Center Drive
San Marcos, California 92069

Subject: Comments on the draft Environmental Impact Report for Hughes Circuits Project,
City of San Marcos, San Diego County, California

Dear Chris Garcia:

The U.S. Fish and Wildlife Service (Service) has reviewed the draft Environmental Impact Report (DEIR) for the Hughes Circuits Project (project), in the City of San Marcos (City), California. The Service appreciates the extension granted to us by the City. Our comments and recommendations are based on the information provided in the DEIR and our knowledge of sensitive and declining vegetation communities in San Diego County, and our participation in regional conservation planning efforts including the Multiple Habitat Conservation Program (MHCP) and the City’s draft MHCP Subarea Plan (SAP).

A4-1

The primary concern and mandate of the Service is the protection of public fish and wildlife resources and their habitats. The Service has legal responsibility for the welfare of migratory birds, anadromous fish, and threatened and endangered animals and plants occurring in the United States. The Service is also responsible for administering the Federal Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*), including habitat conservation plans (HCP) developed under section 10(a)(1) of the Act.

A4-2

The proposed project is on 10.86-acre property located at 546 South Pacific Street in the City. The property is bordered by a vacant parcel to the east and northeast and surrounded on all other sides by existing development. The project will result in an industrial building to support the expansion of the existing operations of Hughes Circuits Inc., located adjacent to the property to south. The property is spilt by a right of way easement owned by San Diego County Water Authority (SDCWA). The central/eastern portion of the property site supports vernal pools occupied by the federally endangered San Diego button celery (*Eryngium aristulatum* var. *parishii*; button celery) and threatened spreading navarretia (*Navarretia fossalis*; navarretia), and native grassland occupied by the threatened thread-leaved brodiaea (*Brodiaea filifolia*).

A4-3

Chris Garcia (2024-0045931-CEQA-EIR-SD)

3

We previously met with the applicant and City to discuss limiting project impacts to the western portion of the property to avoid the vernal pools and native grassland occupied by occupied by federally listed species. Based on these discussions, the proposed project will only impact 2.79 acres of the western portion of the property and the remaining 8.07 acres will be preserved in perpetuity. We appreciate the applicant’s and City’s willingness to partner with us to avoid impacts to vernal pools and native grassland occupied by federally listed species.

A4-4

The DEIR states that the threatened coastal California gnatcatcher (*Polioptila californica californica*; gnatcatcher) has a moderate potential to occur on site and the project will impact 0.89 acre of its coastal sage scrub habitat. Therefore, we recommend that protocol gnatcatcher surveys be done on the project site. If found, the FEIR should evaluate potential impacts to gnatcatchers and include mitigation measures to avoid, minimize, and/or mitigate potential impacts developed in coordination with the Service. In addition, potential impacts to the gnatcatcher may be address through section 7 (if there is a federal nexus) or section 10 of the Act.

A4-5

MM-BIO-1 in the DEIR states a long-term manager would be selected and a biological conservation easement recorded before a grading permit is issued but does not identify appropriate funding or a long-term management plan for the preserve. Therefore, the Service recommends the applicant establish a non-wasting endowment for an amount approved by the Service based on a Property Analysis Record (PAR; Center for Natural Lands Management ©1998) or similar cost estimation method to secure the ongoing funding for the perpetual management, maintenance, and monitoring of the biological conservation easement area by an agency, non-profit organization, or other entity approved by the Service.

A4-6

MM-BIO-2 in the DEIR states to mitigate for the loss of 1.1 acres of wetland vegetation communities; the applicant will remove invasive species and preform vernal pool restoration, including some minor recontouring, within the on-site preserve. As stated above, the project site is known to be occupied by brodiaea, button celery, and navarretia. Also, as stated in the DEIR, the project site is designated critical habitat for the federally endangered San Diego fairy shrimp (*Branchinecta sandiegonensis*; fairy shrimp) (Service 2007), and the vernal pools on the project site have a high potential to be occupied by fairy shrimp. Therefore, we recommend protocol fairy shrimp surveys be conducted. The FEIR should evaluate potential impacts from invasive species removal and vernal pool restoration to brodiaea, button celery, navarretia, and fairy shrimp (if found) and include mitigation measures to avoid and minimize potential impacts developed in coordination with the Service. In addition, potential impacts to brodiaea, button celery, navarretia, and fairy shrimp (if found) may be addressed through section 7 (if there is a federal nexus) or section 10 of the Act. We also recommend that the invasive species removal and restoration plan be prepared in coordination with the Service. All restoration should exclude vernal pools within the SDCWA easement.

A4-7

Chris Garcia (2024-0045931-CEQA-EIR-SD)

4

We appreciate the opportunity to comment on this DEIR. If you have any questions regarding our comments, please contact [Taylor Curtis](#)¹ at 760-431-9440, extension 371.

Sincerely,

DAVID ZOUTENDYK
for Jonathan Snyder
Assistant Field Supervisor

Digitally signed by
DAVID ZOUTENDYK
Date: 2024.02.12
12:14:58 -0800

A4-8

LITERATURE CITED

[Service] U.S. Fish and Wildlife Service. 2007. *Designation of Critical Habitat for the San Diego Fairy Shrimp (Branchinecta sandiegonensis)*. December.

¹ Taylor_Curtis@fws.gov

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Response to Comment Letter A4

Agency
U.S. Fish and Wildlife Service (USFWS)
February 12, 2024

- A4-1** The comment provides an introduction to comments that follow. The comment does not raise any specific issues related to the adequacy of the Environmental Impact Report (EIR).
- A4-2** The comment reviews the goals and priorities of USFWS, which include the protection of fish and wildlife. The comment states that USFWS has legal responsibility for the welfare of migratory birds, anadromous fish, threatened animals, endangered species, and habitat conservation plans. The comment does not raise any specific issues related to the adequacy of the EIR.
- A4-3** The comment reviews the description of the proposed project and existing site before discussing the listed species supported by the vernal pools in the central/eastern portion of the property site, which include the San Diego button celery (*Eryngium aristulatum* var. *parishii*) and threatened spreading navarretia (*Navarretia fossalis*). The comment also mentions that the project site also supports native grassland occupied by the threatened thread-leaved brodiaea (*Brodiaea filifolia*). The comment does not raise any specific issues related to the adequacy of the EIR.
- A4-4** The comment discusses the agency's correspondence with the applicant and describes the measures implemented by the City of San Marcos (City) to avoid impacts to vernal pools and native grassland occupied by federally listed species. The comment does not raise any specific issues related to the adequacy of the EIR.
- A4-5** The comment states that the threatened coastal California gnatcatcher (*Polioptila californica californica*) has a moderate potential to occur on site and recommends that protocol gnatcatcher surveys should be conducted on the project site. In response, City staff met with USFWS staff, the applicant representatives, and environmental consultants on the project site in May 2023 for a site visit and to review biological resource findings. At that site visit, USFWS requested completion of additional California gnatcatcher and brodiaea surveying as a result of the wet winter/spring season that had occurred. A 2023 focused California gnatcatcher survey report was completed for the site on June 29, 2023, and was submitted to USFWS for review at that time. This June 2023 report found that no coastal California gnatcatchers were observed during any survey. Thirty-eight species of wildlife were detected during the surveys and are provided in Appendix A of the subject report. No rare species were detected within the impact area, and the report re-confirmed that the impact area on site is highly disturbed compared to the rest of the site, which is consistent with the findings of the biological technical report prepared for the project.
- Furthermore, the project would implement Mitigation Measure (MM) BIO-10 (California Gnatcatcher Survey), MM-BIO-11 (California Gnatcatcher Nest Avoidance and Minimization Measures), and MM-BIO-12 (General Pre-Construction Surveys), as outlined in Section 3.3, Biological Resources, of the EIR.
- A4-6** The comment states that MM-BIO-1 says a long-term manager would be selected and a biological conservation easement recorded before a grading permit is issued, but appropriate funding and a long-term management plan has not been identified for the preserve. The comment recommends the

applicant establish a non-wasting endowment for an amount approved by USFWS based on a Property Analysis Record (PAR). The comment states that ongoing funding needs to be secured for the perpetual management, maintenance, and monitoring of the biological conservation area by an agency, non-profit, or other entity approved by USFWS. In response, a PAR-like analysis would be completed, and the cost for an endowment would be developed as part of the Mitigation Plan. The following text has been added to MM-BIO-2 under Habitat Restoration Plan in Section 3.3 of the Final EIR, to address this comment: As part of the mitigation planning a PAR-like cost evaluation will be developed and approved by USFWS to help determine long term costs in the endowment required to support those costs. The applicant is required to fund the endowment before the issuance of grading permits, and the endowment agreement shall be approved by USFWS.

A4-7 The comment states that MM-BIO-2 mitigates the loss of 1.1 acres of wetland vegetation by removing invasive species and performing vernal pool restoration, including some minor recontouring within the preserve. The comment reiterates that the project site is known to be occupied by brodiaea, button celery, and navarretia. The comment also states that the project site is designated a critical habitat for the federally endangered San Diego fairy shrimp (*Branchinecta sandiegonensis*). The comment recommends conducting protocol fairy shrimp surveys and evaluating potential impacts from invasive species removal and vernal pool restoration to brodiaea, button celery, navarretia, and fairy shrimp. The comment also requests including mitigation measures to avoid and minimize potential impacts, that the invasive species removal and restoration plan be prepared in coordination with USFWS, and that all restoration exclude vernal pools within the San Diego County Water Authority easement. In response, it is acknowledged that fairy shrimp are present on site. However, fairy shrimp would not be impacted during project construction or restoration. All protocol surveys would include fairy shrimp in plans, and fairy shrimp would be a species targeted in the planning effort.

Additionally, mitigation measures MM-BIO-2 and MM-BIO-13 have been modified in Section 3.3 of the Draft EIR, as reflected in the Final EIR, to address this comment. MM-BIO-2 has been modified to include the following language under Vernal Pool Restoration: Any recontouring will avoid impacts to existing vernal pools and existing sensitive species and is intended to develop new pools or to expand pools from existing locations. Mitigation measure MM-BIO-13 has been modified to include the following language: The project applicant will consult with the U.S. Fish and Wildlife Service and get approval of the mitigation plan to ensure that it does not impact listed species.

A4-8 The comment includes concluding remarks. The comment does not raise any specific environmental issues related to the adequacy of the Draft EIR.



San Diego County Archaeological Society, Inc.

Environmental Review Committee

13 January 2024

To: Ms. Chris Garcia, Senior Planner
Planning Division
City of San Marcos
1 Civic Center Drive
San Marcos, California 92069


Subject: Draft Environmental Impact Report
Hughes SMCC, LLC
SDP22-0002, EIR 23-006

Dear Ms. Garcia:

I have reviewed the cultural resources aspects of the subject DEIR on behalf of this committee of the San Diego County Archaeological Society.

Based on the project documents posted on the City of San Marcos' website, including Appendix D, we agree with mitigation measures MM-CR-1 through MM-CR-4 as included in the DEIR.

SDCAS appreciates the opportunity to participate in the public review of this project's environmental documents.

Sincerely,

James W. Royle, Jr., Chairperson
Environmental Review Committee

cc: Dudek
SDCAS President
File

O1-1

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Response to Comment Letter O1

Organization
San Diego County Archaeological Society (SDCAS)
January 13, 2024

- 01-1** The comment states that SDCAS has reviewed the Draft Environmental Impact Report (EIR) and agrees with the conclusions and proposed Mitigation Measure (MM) CR-1 through MM-CR-4. The comment does not raise any specific environmental issues related to the adequacy of the Draft EIR, and no further response is required.

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T 510.836.4200 | 1939 Harrison Street, Ste. 150 | www.lozeaudrury.com
F 510.836.4205 | Oakland, CA 94612 | brian@lozeaudrury.com

Via Email

February 5, 2024

Chris Garcia, City Planner
City of San Marcos
1 Civic Center Drive
San Marcos, CA
cgarcia@san-marcos.net

Re: Comment on Draft Environmental Impact Report, Hughes SMCC Industrial Building (SDP22-0002)

Dear Mr. Garcia:

This comment is submitted on behalf of Supporters Alliance for Environmental Responsibility (“SAFER”) regarding the Draft Environmental Impact Report (“DEIR”) prepared for the Hughes SMCC Industrial Building project, including all actions related or referring to the proposed construction of a 67,410 square foot industrial building, located at the northeast side of South Pacific Street and south of Linda Vista Drive in the City of San Marcos (“Project”).

02-1

SAFER is concerned that the DEIR fails as an informational document and fails to impose all feasible mitigation measures to reduce the Project’s impacts. SAFER requests that the Community Development Department address these shortcomings in a revised draft environmental impact report (“RDEIR”) and recirculate the RDEIR prior to considering approvals for the Project.

02-2

SAFER reserves the right to supplement these comments during the administrative process. *Galante Vineyards v. Monterey Peninsula Water Management Dist.*, 60 Cal. App. 4th 1109, 1121 (1997).

02-3

Sincerely,

Brian B. Flynn
Lozeau Drury LLP

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Response to Comment Letter O2

Organization
Supporters Alliance for Environmental Responsibility
February 5, 2024

- 02-1** The comment provides an introduction to comments that follow and a summary of the project description. The comment does not raise any specific issues related to the adequacy of the Draft Environmental Impact Report (EIR).
- 02-2** The comment states that the Draft EIR fails as an informational document and fails to implement all feasible mitigation measures to reduce the project's significant impacts and that the Draft EIR needs to be recirculated. The comment does not raise any specific issues related to specific topics or mitigation measures in the Draft EIR that they believe are not adequately addressed. As discussed in the Draft EIR, with the exception of impacts related to vehicle miles traveled (VMT), all potentially significant impacts are mitigated to less-than-significant levels, and no further mitigation is required. As outlined in the Draft EIR, VMT cannot be mitigated to a level below significance and a Statement of Overriding Considerations has been prepared for the project for consideration by the Planning Commission. No further response is required because the comment does not raise an issue related to the adequacy of any specific section or analysis of physical environmental impacts in the Draft EIR.
- 02-3** The comment states that they reserve the right to supplement their comment during the review of the Final EIR and at public hearings for the project. The City acknowledges this comment. The comment does not raise any specific issues related to the adequacy of the Draft EIR.

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