



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
South Coast Region  
3883 Ruffin Road  
San Diego, CA 92123  
[wildlife.ca.gov](http://wildlife.ca.gov)

*GAVIN NEWSOM, Governor*  
*CHARLTON H. BONHAM, Director*



July 11, 2025

Chris Garcia  
City of San Marcos  
1 Civic Center Drive  
San Marcos, CA 92069  
[cgarcia@sanmarcos.net](mailto:cgarcia@sanmarcos.net)

**SUBJECT: NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE OAKCREST SPECIFIC PLAN PROJECT, SCH NO. 2025060511, SAN DIEGO COUNTY, CA**

Dear Chris Garcia:

The California Department of Fish and Wildlife (CDFW) reviewed the Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) from City of San Marcos for the Oakcrest Specific Plan (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines<sup>1</sup>.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

**CDFW ROLE**

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Fish & G. Code, § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW may also act as a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise

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<sup>1</sup> CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

Chris Garcia  
City of San Marcos  
July 11, 2025  
Page 2 of 15

regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law<sup>2</sup> of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.) or the Native Plant Protection Act (NPPA; Fish & G. Code, §1900 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

CDFW also oversees the Natural Community Conservation Planning (NCCP) program. The City had prepared a draft Subarea Plan (SAP) under the Subregional Multiple Habitat Conservation Program (MHCP), which addressed regional conservation planning across seven incorporated jurisdictions in northern San Diego County. Unfortunately, the SAP was not finalized, and state and federal permits have not been issued to the City. To date, only the City of Carlsbad has received state and federal permits pursuant to the MHCP; however, the conservation principles remain relevant for development projects occurring in the other jurisdictions, and the draft SAP as an excellent resource for assessing the significance of potential impacts under CEQA.

## **PROJECT DESCRIPTION SUMMARY**

**Proponent:** Meritage Homes (Project Proponent)

**Objective:** The objective of the Project is to construct a 257-unit residential subdivision. Project activities include grading, vegetation removal, construction of homes and facilities, and development of a six-acre public park.

**Location:** The 136.1-acre Project site is in San Marcos, on the west side of North Twin Oaks Valley Road, between Del Roy Drive and Legacy Drive (Attachment A). The Project site is also located within the boundaries of the City's Draft MHCP SAP. The site is primarily undeveloped; however, three homes occur within the central area of the site. Surrounding land uses include undeveloped land to the north, the Twin Oaks Golf Course and residential homes to the east, and residential homes to the south and west. Open space areas protected by conservation easements occur to the northeast, south, and west, directly adjacent to the Project site.

**Biological Setting:** The NOP did not include a biological report nor did it disclose any biological resources that may occur on site. Based on aerial imagery from CDFW's [California Natural Diversity Database](https://wildlife.ca.gov/Data/BIOS)<sup>3</sup> (CNDDDB; CDFW 2025), the Project site is largely

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<sup>2</sup> "Take" is defined in Section 86 of the Fish and Game Code as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill."

<sup>3</sup> <https://wildlife.ca.gov/Data/BIOS>

Chris Garcia  
City of San Marcos  
July 11, 2025  
Page 3 of 15

undeveloped and likely supports native vegetation communities. Two unnamed stream tributaries traverse the center of the site east to San Marcos Creek.

Per CNDDDB records, several sensitive species have been documented within the vicinity of the Project area including:

### **Birds**

- white-tailed kite (*Elanus leucurus*; State Fully Protected Species)
- coastal California gnatcatcher (*Poliophtila californica californica*; Endangered Species Act (ESA)-listed threatened; California Species of Special Concern (SSC); gnatcatcher)
- northern harrier (*Circus hudsonius*; SSC)
- southern California rufous-crowned sparrow (*Aimophila ruficeps canescens*; CDFW Watch List Species (WL))

### **Plants**

- thread-leaved brodiaea (*Brodiaea filifolia*; ESA-listed threatened, CESA-listed endangered)
- Parry's tetraococcus (*Tetraococcus dioicus*; California Rare Plant Rank (CRPR) 1B.2)

Floristic resources for Crotch's bumble bee (*Bombus crotchii*; California Endangered Species Act (CESA)-listed candidate) may also occur on site.

The NOP indicates the Project will impact 68 acres of habitat and preserve 50 acres on site as a Biological Open Space Area, but does not disclose which land cover types will be impacted and/or preserved. Additionally, the NOP is unclear whether the remaining 18.1 acres on site represents the existing homes.

## **COMMENTS AND RECOMMENDATIONS**

CDFW offers the comments and recommendations below to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

### **Specific Comments**

- 1) Cumulative Impact. Given several development projects currently being pursued by the City for which CDFW is acting as a Responsible and Trustee Agency under CEQA (i.e., Pacific Specific Plan and Sancerra Development), CDFW recommends the DEIR includes an analysis and discussion of whether the Project's impacts to biological resources are cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects (Pub. Resources Code, § 21083(b)). The City's conclusions regarding the significance of the Project's cumulative impacts

Chris Garcia  
City of San Marcos  
July 11, 2025  
Page 4 of 15

should be supported by evidence to make those conclusions. Specifically, if the City concludes the Project would not result in cumulative impacts on biological resources, the City, “shall identify facts and analysis supporting the Lead Agency’s conclusion that the cumulative impact is less than significant” (CEQA Guidelines section § 15130(a)(2)).

- 2) Project Design. CDFW recommends the DEIR include a discussion of Project design and configuration in relation to existing open space areas and their biological resources. The discussion should confirm whether development areas will be consolidated and sited within the least sensitive biological resource areas. CDFW recommends reducing or clustering the development footprint to retain unobstructed spaces for vegetation and wildlife and provide connections for wildlife between properties and minimize obstacles to open space.
- 3) Special-Status Birds and Raptors. CNDDDB records indicate several special-status birds and raptors were observed adjacent to the Project area including white-tailed kite, gnatcatcher, northern harrier, and southern California rufous crowned sparrow (CDFW 2025). CDFW recommends the DEIR analyze the potential for the following species to occur within the Project area:
  - a. White-tailed kite. A white-tailed kite was observed flying approximately 0.52 mile southeast of the Project area in 2022. White-tailed kite is a State Fully Protected Species under Fish & G. Code § 3511 and Fully Protected Species may not be taken or possessed at any time except with authorization from CDFW and only under specific circumstances which would not apply to the Project. To avoid take of white-tailed kite, CDFW recommends Project work activities occur outside of the nesting season and a qualified biologist conduct focused surveys for white-tailed kite within the Project area prior to the start of construction activities (see Comment 4). If white-tailed kite is detected nesting in trees within the Project disturbance area, CDFW recommends the qualified biologist establish a 500-foot no work buffer around the nest. Additionally, the DEIR should include a discussion of how potential direct, indirect, and cumulative impacts to white-tailed kite will be fully avoided. Permanent impacts to any foraging habitat for white-tailed kite should be described in the DEIR and should be considered significant unless mitigation is provided.
  - b. Coastal California gnatcatcher. Gnatcatchers have been observed foraging within a half mile of the project area as recently as 2023, and it is likely the Project area will contain suitable habitat for gnatcatcher. To confirm the presence or absence of gnatcatcher on site, CDFW recommends the Project Proponent conduct protocol surveys for gnatcatcher within any suitable habitat following the United States Fish and Wildlife Service’s (USFWS) [Survey Guidelines for the Coastal California Gnatcatcher](#)<sup>4</sup> (USFWS 1997). The results of the surveys should be discussed and analyzed in the DEIR. If gnatcatcher is detected during surveys,

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<sup>4</sup> <https://www.fws.gov/sites/default/files/documents/survey-protocol-for-coastal-california-gnatcatcher.pdf>

Chris Garcia  
City of San Marcos  
July 11, 2025  
Page 5 of 15

CDFW recommends the Project Proponent consult with USFWS on appropriate avoidance, minimization, and mitigation measures.

- 4) Nesting Birds and Raptors. CDFW recommends vegetation clearing occur outside of the avian nesting season, which generally runs from February 1 through September 15 (as early as January 1 for some raptors). If Project construction is necessary during the avian nesting season, a qualified biologist with experience in conducting nesting bird surveys should conduct a nesting bird survey within three days prior to work in the area. If an active nest is identified, a buffer shall be established between the construction activities and the nest so nesting activities are not interrupted. For the given Project site, CDFW generally recommends a 100-foot buffer from common avian species, 300 feet for listed or highly sensitive, and 500 feet for raptors. The buffer should be delineated by temporary fencing and remain in effect as long as construction is occurring. No Project construction shall occur within the fenced nest zone until the young have fledged, are no longer being fed by the parents, have left the nest, and will no longer be impacted by the Project. Reductions in the nest buffer distance may be allowable depending on the avian species involved, ambient levels of human activity, screening vegetation, or possibly other factors.
- 5) Crotch's bumble bee. The Project site may contain suitable foraging or nesting habitat for Crotch's bumble bee. Crotch's bumble bee can use a variety of upland land cover types for foraging and often nest underground, sometimes occupying abandoned rodent burrows (Hatfield et al., 2015). If Crotch's bumble bees are using burrows on the Project site for nesting, direct impacts could result from ground-disturbing activities, which could lead to death or injury of adults, eggs, and larva, burrow collapse, nest abandonment, and reduced nest success. Additionally, the Project may result in temporal or permanent loss of foraging habitat. Any use of pesticides on site also has the potential to directly harm or kill Crotch's bumble bee.
  - a. Protection Status. The California Fish and Game Commission accepted a petition to list the Crotch's bumble bee as threatened or endangered under CESA, determining the listing "may be warranted" and advancing the species to the candidacy stage of the CESA listing process. Crotch's bumble bee is granted full protection under CESA. Take of any endangered, threatened, candidate species that results from the Project is prohibited, except as authorized by State law (Fish & G. Code, §§ 86, 2062, 2067, 2068, 2080, 2085; Cal. Code Regs., tit. 14, § 786.9). In addition, Crotch's bumble bee has a State ranking of S1/S2. This means that Crotch's bumble bee is considered critically imperiled or imperiled and is extremely rare (often five or fewer populations). Crotch's bumble bee is also listed as an invertebrate of conservation priority under the [Terrestrial and Vernal Pool Inverts of Conservation Priority List](#)<sup>5</sup> (CDFW 2017). Crotch's bumble bee also meets the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). Therefore, take of Crotch's bumble bee could

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<sup>5</sup> <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=149499&inline>

Chris Garcia  
 City of San Marcos  
 July 11, 2025  
 Page 6 of 15

require a mandatory finding of significance by the City (CEQA Guidelines, § 1565).

- b. Surveys and Disclosure. CDFW recommends the Project Proponent retain a qualified biologist familiar with the species to survey the Project site for Crotch's bumble bee and suitable habitat. Surveys should be conducted during the flying season when the species is most likely to be detected above ground, between March 1 to September 1 (Thorp et al. 1983). Survey should also occur within one year prior to vegetation removal and/or ground disturbance and adhere to the [Survey Considerations for CESA Candidate Bumble Bee Species](#)<sup>6</sup> (CDFW 2023). The DEIR should provide full disclosure of the presence of Crotch's bumble bee and the Project's potential impact on Crotch's bumble bee.
  - c. Avoidance, Minimization, and Mitigation. If the site is determined to be occupied by Crotch's bumble bee, the DEIR should include measures to avoid impacts on Crotch's bumble bee. If Crotch's bumble bee is present, the qualified biologist should identify the location of all nests in or adjacent to the Project site. If nests are identified, 50-foot no-disturbance buffer zones should be established around nests to reduce the risk of take. Additionally, the DEIR should require consultation with CDFW to determine if a CESA Incidental Take Permit (ITP) is required. In addition, the Project Proponent should provide compensatory mitigation for removal or damage to any floral resource associated with Crotch's bumble bee. Floral resources should be replaced as close to their original location as is feasible.
- 6) Thread-leaved brodiaea. CNDDDB records indicate critical habitat for thread-leaved brodiaea occurs 1.3 miles west of the Project area (CDFW 2025). Given populations of thread-leaved brodiaea have been documented throughout the City and the vegetation cover types within the Project area are not yet disclosed, CDFW recommends the DEIR include an analysis of the potential for this species to occur on site.
- 7) Rare Plants. Parry's tetracoccus was historically detected on the eastern end of the Project site in 1999 (CDFW 2025). CDFW recommends biological surveys for rare plants be conducted within the Project area and survey results are disclosed in the DEIR. Additionally, we recommend the DEIR discuss how direct impacts to rare plants within the disturbance area will be avoided. For example, CDFW recommends a qualified biologist be on site during any vegetation clearing to flag plants for avoidance and establish no-work buffers around plants.
- 8) Lake and Streambed Alteration Notification. There are two unnamed stream tributaries of San Marcos Creek within the central portion of the Project area (CDFW 2025). If Project impacts will occur to the bed, bank, and channel of the two tributaries, or any other delineated streams, the DEIR should analyze the impacts to

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<sup>6</sup> <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150&inline>

Chris Garcia  
City of San Marcos  
July 11, 2025  
Page 7 of 15

these wetland and/or riparian areas and include mitigation to offset impacts. CDFW recommends the Project Proponent submit a Lake and Streambed Alteration Notification pursuant to Fish & G. Code, § 1600 *et seq.*)

- 9) Artificial Nighttime Lighting. The DEIR should discuss any artificial nighttime lighting to be utilized or installed during Project construction and/or operation. CDFW recommends the Project avoid or limit the use of artificial light during the hours of dawn and dusk when many wildlife species are most active. If infeasible, any nighttime lighting should be directed downwards and shielded away from adjacent open space areas; this includes lighting associated with Project activities as well as any permanent lighting in the development.
- 10) Fuel Modification Zones. The City should ensure defensible space is provided and accounted for within proposed development areas and not accounted for as adjacent open space or conservation lands. The DEIR should include a thorough discussion of the following elements: (1) if fuel modification zones are being proposed as mitigation to offset impacts associated with the Project; and (2) if conserved open space is also proposed to serve as defensible space. Please note that lands proposed to be managed for defensible space purposes will have lower conservation resource value as they require on-going vegetation management.
- 11) Rodenticides. To avoid direct and indirect impacts to biological resources (i.e., rodents, raptors, and large mammals), the DEIR should include a mitigation measure to prohibit any use of first-generation anticoagulant rodenticides (i.e., diphacinone, chlorophacinone, and warfarin) and second-generation anticoagulant rodenticides (e.g., brodifacoum, bromadiolone, difethialone, and difenacoum) on site during Project implementation and for long-term management, operations, and maintenance activities.
- 12) Use of Native Plants and Trees. CDFW recommends the City require the Project Proponent to provide a native plant palette for the Project. The Project's landscaping plan should be disclosed and evaluated in the DEIR for potential impacts on biological resources such as natural communities adjacent to the Project site (e.g., introducing non-native, invasive species). CDFW supports the use of native plants for the Project especially considering the Project's location adjacent to protected open space and natural areas. CDFW strongly recommends avoiding non-native, invasive species for landscaping and restoration, particularly any species listed as 'Moderate', 'High', 'Limited', and 'Watch' by the [California Invasive Plant Council](https://www.cal-ipc.org/plants/inventory/)<sup>7</sup> CDFW supports the use of native species found in naturally occurring plant communities within or adjacent to the Project site. In addition, CDFW supports planting native species of trees, such as oaks (*Quercus* genus), and understory vegetation (e.g., ground cover, vines, subshrubs, and shrubs) that create habitat and provide a food source for birds. CDFW recommends retaining any standing, dead, or dying tree (snags) where possible because snags provide perching and nesting habitat for birds

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<sup>7</sup> <https://www.cal-ipc.org/plants/inventory/>

Chris Garcia  
City of San Marcos  
July 11, 2025  
Page 8 of 15

and raptors. Finally, CDFW supports planting species of vegetation with high insect and pollinator value.

## General Comments

- 1) Disclosure. The DEIR should provide an adequate, complete, and detailed disclosure about the effects which a proposed project is likely to have on the environment (Pub. Resources Code, § 20161; CEQA Guidelines, § 15151). Such disclosure is necessary so CDFW may provide comments on the adequacy of proposed avoidance, minimization, or mitigation measures, as well as assess the significance of the specific impact relative to plant and wildlife species impacted (e.g., current range, distribution, population trends, and connectivity).
- 2) Project Description and Alternatives. To enable adequate review and comment on the proposed Project from the standpoint of the protection of fish, wildlife, and plants, CDFW recommends the following information be included in the DEIR.
  - a. A complete discussion of the purpose and need for, and description of the proposed Project.
  - b. A range of feasible alternatives to the Project location to avoid or otherwise minimize direct and indirect impacts on sensitive biological resources and wildlife movement areas. CDFW recommends the City select Project designs and alternatives that would avoid or otherwise minimize direct and indirect impacts on biological resources. CDFW also recommends the City consider establishing appropriate setbacks from sensitive and special status biological resources. Setbacks should not be impacted by ground disturbance or hydrological changes from any future Project-related construction, activities, maintenance, and development.
  - c. Project alternatives should be thoroughly evaluated, even if an alternative would impede, to some degree, the attainment of the Project objectives or would be more costly (CEQA Guidelines, § 15126.6). The DEIR shall include sufficient information about each alternative to allow meaningful evaluation, public participation, analysis, and comparison with the proposed Project (CEQA Guidelines, § 15126.6).
  - d. Where the Project may impact aquatic and riparian resources, CDFW recommends the City select Project designs and alternatives that would fully avoid impacts to such resources. CDFW also recommends an alternative that would not impede, alter, or otherwise modify existing surface flow, watercourse and meander, and water-dependent ecosystems and natural communities. Project designs should consider elevated crossings to avoid channelizing or narrowing of watercourses. Any modifications to a river, creek, or stream may cause or magnify upstream bank erosion, channel incision, and drop in water level, which may cause the watercourse to alter its course of flow.

Chris Garcia  
City of San Marcos  
July 11, 2025  
Page 9 of 15

- 3) Biological Baseline Assessment. An adequate biological resources assessment should provide a complete assessment and impact analysis of the flora and fauna within and adjacent to the Project site and where the Project may result in ground disturbance. The assessment and analysis should place emphasis on identifying endangered, threatened, rare, and sensitive species; regionally and locally unique species; and sensitive habitats. An impact analysis will aid in determining the Project's potential direct, indirect, and cumulative biological impacts, as well as specific mitigation or avoidance measures necessary to offset those impacts. CDFW also considers impacts to Species of Special Concern (SSC) a significant direct and cumulative adverse effect without implementing appropriate avoidance and/or mitigation measures. The DEIR should include the following information.
- a. Information on the regional setting, with special emphasis on resources that are rare or unique to the region (CEQA Guidelines, § 15125(c)). The DEIR should include measures to fully avoid and otherwise protect Sensitive Natural Communities. CDFW considers Sensitive Natural Communities as threatened habitats having both regional and local significance. Natural communities, alliances, and associations with a State-wide rarity ranking of S1, S2, and S3 should be considered sensitive and declining at the local and regional level. These ranks can be obtained by visiting the [Vegetation Classification and Mapping Program - Natural Communities webpage](#)<sup>8</sup>.
  - b. A thorough, recent, floristic-based assessment of special status plants and natural communities following CDFW's [Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities](#)<sup>9</sup>. Botanical field surveys should be comprehensive over the entire Project site, including areas that will be directly or indirectly impacted by the Project. Adjoining properties should also be surveyed where direct or indirect Project effects could occur, such as those from fuel modification, herbicide application, invasive species, and altered hydrology. Botanical field surveys should be conducted in the field at the times of year when plants will be both evident and identifiable. Usually, this is during flowering or fruiting. Botanical field survey visits should be spaced throughout the growing season to accurately determine what plants exist in the Project site. This usually involves multiple visits to the Project site (e.g., in early, mid, and late season) to capture the floristic diversity at a level necessary to determine if special status plants are present.
  - c. Floristic alliance- and/or association-based mapping and vegetation impact assessments conducted in the Project site and within adjacent areas. The [Manual of California Vegetation](#)<sup>10</sup>, second edition, (Sawyer, Keeler-Wolf, & Evens, 2009) should also be used to inform this mapping and assessment.

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<sup>8</sup> <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities>

<sup>9</sup> <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>

<sup>10</sup> <https://vegetation.cnps.org/>

Chris Garcia  
City of San Marcos  
July 11, 2025  
Page 10 of 15

Adjoining habitat areas should be included in this assessment where the Project's construction and activities could lead to direct or indirect impacts off site.

- d. A complete and recent assessment of the biological resources associated with each habitat type in the Project site and within adjacent areas. A full literature review includes but is not limited to CDFW's [California Natural Diversity Database](#)<sup>11</sup> (CNDDDB). The CNDDDB should be accessed to obtain current information on any previously reported sensitive species and habitat. An assessment should include a minimum nine-quadrangle search of the CNDDDB to determine a list of species potentially present in the Project site. A nine-quadrangle search should be provided in the Project's CEQA document for adequate disclosure of the Project's potential impact on biological resources.
- e. A complete, recent, assessment of endangered, rare, or threatened species and other sensitive species within the Project site and adjacent areas, including SSC and California Fully Protected Species (Fish & G. Code, §§ 3511, 4700, 5050, and 5515). Species to be addressed should include all those which meet the CEQA definition of endangered, rare, or threatened species (CEQA Guidelines, § 15380). Seasonal variations in use of the Project site should also be addressed such as wintering, roosting, nesting, and foraging habitat. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, may be required if suitable habitat is present. See [CDFW's Survey and Monitoring Protocols and Guidelines](#)<sup>12</sup> for established survey protocol. Acceptable species-specific survey procedures may be developed in consultation with CDFW and U.S. Fish and Wildlife Service.
- f. A recent wildlife and rare plant survey. A lack of records in the CNDDDB does not mean that rare, threatened, or endangered plants and wildlife do not occur. Field verification for the presence or absence of sensitive species is necessary to provide a complete biological assessment for adequate CEQA review (CEQA Guidelines, § 15003(i)). CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of the proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if Project implementation build out could occur over a protracted time frame or in phases.

4) Direct and Indirect Impacts on Biological Resources. The DEIR should provide a thorough discussion of direct and indirect impacts expected to affect biological

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<sup>11</sup> <https://wildlife.ca.gov/Data/CNDDDB>

<sup>12</sup> <https://wildlife.ca.gov/conservation/survey-protocols>

Chris Garcia  
City of San Marcos  
July 11, 2025  
Page 11 of 15

resources with specific measures to offset such impacts. The DEIR should address the following.

- a. A discussion of potential impacts from lighting, noise, temporary and permanent human activity, and exotic species, and identification of any mitigation measures. A discussion regarding Project-related indirect impacts on biological resources. These include resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands (e.g., preserve lands associated with a Natural Community Conservation Plan (Fish & G. Code, § 2800 et. seq.)).
- b. A discussion of both the short-term and long-term effects of the Project on species population distribution and concentration, as well as alterations of the ecosystem supporting those species impacted (CEQA Guidelines, § 15126.2(a)).
- c. Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in areas adjacent to the Project, should be fully analyzed and discussed in the DEIR.
- d. A discussion of post-Project fate of drainage patterns, surface flows, and soil erosion and/or sedimentation in streams and water bodies. The discussion should also address the potential water extraction activities and the potential resulting impacts on habitat supported by the groundwater. Measures to mitigate such impacts should be included.
- e. An analysis of impacts from proposed changes to land use designations and zoning, and existing land use designation and zoning located nearby or adjacent to natural areas that may inadvertently contribute to wildlife-human interactions. A discussion of possible conflicts and mitigation measures to reduce these conflicts should be included in the DEIR.

5) Mitigation Measures. Public agencies have a duty under CEQA to prevent significant, avoidable damage to the environment by requiring changes in a project through the use of feasible alternatives or mitigation measures (CEQA Guidelines, §§ 15002(a)(3), 15021). Pursuant to CEQA Guidelines section 15126.4, an environmental document shall describe feasible measures which could mitigate impacts below a significant level under CEQA. Mitigation measures must be feasible, effective, implementable, and fully enforceable/imposed by the lead agency through permit conditions, agreements, or other legally binding instruments (Pub. Resources Code, § 21081.6(b); CEQA Guidelines, § 15126.4).

- a. The DEIR should provide mitigation measures that are specific and detailed (i.e., responsible party, timing, specific actions, location) in order for a mitigation measure to be fully enforceable and implemented successfully via a mitigation

Chris Garcia  
City of San Marcos  
July 11, 2025  
Page 12 of 15

monitoring and/or reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097).

- b. If a proposed mitigation measure would cause one or more significant effects, in addition to impacts caused by the proposed Project, the DEIR should include a discussion of the effects of proposed mitigation measures (CEQA Guidelines, § 15126.4(a)(1)). In that regard, the DEIR should provide an adequate, complete, and detailed disclosure about the Project's proposed mitigation measure(s). Adequate disclosure is necessary so CDFW may assess the potential impacts of proposed mitigation measures.

## ENVIRONMENTAL DATA

CEQA requires information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The [CNDDDB website](#)<sup>13</sup> provides directions regarding the types of information to be reported and allows on-line submittal of field survey forms.

In addition, information on special status native plant populations and sensitive natural communities, should be submitted to CDFW's Vegetation Classification and Mapping Program using the [Combined Rapid Assessment and Relevé Form](#)<sup>14</sup>.

The City should ensure data collected for the preparation of the DEIR is properly submitted.

## FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

## CONCLUSION

CDFW appreciates the opportunity to comment on the NOP to assist the City of San Marcos in identifying and mitigating Project impacts on biological resources.

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<sup>13</sup> <https://wildlife.ca.gov/Data/CNDDDB>

<sup>14</sup> <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities/Submit>

Chris Garcia  
City of San Marcos  
July 11, 2025  
Page 13 of 15

Questions regarding this letter or further coordination should be directed to [Alison Kalinowski](#)<sup>15</sup>, Environmental Scientist.

Sincerely,

Signed by:  
  
AD7D070BCB66466...

Glen M. Lubcke  
Environmental Program Manager  
South Coast Region

## ATTACHMENTS

Attachment A: Project Location Map, Notice of Preparation

cc: [California Department of Fish and Wildlife](#)  
Glen M. Lubcke, Environmental Program Manager  
Jennifer Turner, Senior Environmental Scientist (Supervisor)  
Alison Kalinowski, Environmental Scientist

[United States Fish and Wildlife Service](#)  
Jonathan Snyder, [jonathan\\_d\\_snyder@fws.gov](mailto:jonathan_d_snyder@fws.gov)

[Office of Planning and Research](#)  
[State.Clearinghouse@opr.ca.gov](mailto:State.Clearinghouse@opr.ca.gov)

## REFERENCES

California Department of Fish and Game. 2011. *CNDDDB Data Use Guidelines*. Retrieved from:  
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<sup>15</sup> Phone: 858-775-6320; Email: [alison.kalinowski@wildlife.ca.gov](mailto:alison.kalinowski@wildlife.ca.gov)

Chris Garcia  
City of San Marcos  
July 11, 2025  
Page 14 of 15

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Chris Garcia  
City of San Marcos  
July 11, 2025  
Page 15 of 15

**ATTACHMENT A. PROJECT LOCATION MAP (City of San Marcos 2025).**

**Project Location Map:**



## California Department of Transportation

DISTRICT 11  
4050 TAYLOR STREET, MS-240  
SAN DIEGO, CA 92110  
(619) 985-1587 | FAX (619) 688-4299 TTY 711  
[www.dot.ca.gov](http://www.dot.ca.gov)



July 10, 2025

11-SD-78  
PM 13.84  
Oakcrest Specific Plan  
NOP/SCH#2025060511

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 Notice of Preparation of a Draft Environmental Impact Report (NOP) for Oakcrest Specific Plan 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.

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.

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

between various modes of travel, with the goal of improving the experience of those who use the transportation system.

Caltrans has the following comments:

### **Traffic Impact Study**

- A Vehicle Miles of Travel (VMT) based Traffic Impact Study (TIS) may be needed for this project. Please use the Governor's Office of Planning and Research Guidance to identify VMT related impacts.<sup>1</sup>
- The TIS may also need to identify the proposed project's near-term and long-term safety or operational issues, on or adjacent any existing or proposed State facilities.
- For the Draft Environmental Impact Report please reference the Caltrans "Local Development Review (LDR) Safety Review Practitioner's Guidance"  
<https://dot.ca.gov/-/media/dot-media/programs/safety-programs/documents/202402-ldr-safety-review-practitioners-guidance-a11y.pdf> to determine if the project meets both of the screening criteria. If both screening criteria are not met, then a safety review will be needed.

### **Environmental**

Caltrans welcomes the opportunity to be a Responsible Agency under the California Environmental Quality Act (CEQA), as we have some discretionary authority of a portion of the project that is in Caltrans' Right-of-Way (R/W) through the form of an encroachment permit process. We look forward to the coordination of our efforts to ensure that Caltrans can adopt the alternative and/or mitigation measure for our R/W. We would appreciate meeting with you to discuss the elements of the Environmental Document that Caltrans will use for our subsequent environmental compliance.

An encroachment permit will be required for any work within the Caltrans' R/W prior to construction. As part of the encroachment permit process, the applicant must provide approved final environmental documents for this project, corresponding technical studies, and necessary regulatory and resource agency permits. Specifically, CEQA determination or exemption. The supporting documents must address all environmental impacts within the Caltrans' R/W and address any impacts from avoidance and/or mitigation measures.

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<sup>1</sup> California Governor's Office of Planning and Research (OPR) 2018. "Technical Advisory on Evaluating Transportation Impacts in CEQA." [https://opr.ca.gov/docs/20190122-743\\_Technical\\_Advisory.pdf](https://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf)

We recommend that this project specifically identifies and assesses potential impacts caused by the project or impacts from mitigation efforts that occur within Caltrans' R/W that includes impacts to the natural environment, infrastructure including but not limited to highways, roadways, structures, intelligent transportation systems elements, on-ramps and off-ramps, and appurtenant features including but not limited to fencing, lighting, signage, drainage, guardrail, slopes and landscaping. Caltrans is interested in any additional mitigation measures identified for the project's draft Environmental Document.

### **Land Use and Smart Growth**

Caltrans recognizes there is a strong link between transportation and land use. Development can have a significant impact on traffic and congestion on State transportation facilities. In particular, the pattern of land use can affect both local vehicle miles traveled and the number of trips. Caltrans supports collaboration with local agencies to work towards a safe, functional, interconnected, multi-modal transportation network integrated through applicable "smart growth" type land use planning and policies.

The City should continue to coordinate with Caltrans to implement necessary improvements at intersections and interchanges where the agencies have joint jurisdiction.

### **Complete Streets and Mobility Network**

Caltrans views all transportation improvements as opportunities to improve safety, access and mobility for all travelers in California and recognizes bicycle, pedestrian and transit modes as integral elements of the transportation network. Caltrans supports improved transit accommodation through the provision of Park and Ride facilities, improved bicycle and pedestrian access and safety improvements, signal prioritization for transit, bus on shoulders, ramp improvements, or other enhancements that promotes a complete and integrated transportation network. Early coordination with Caltrans, in locations that may affect both Caltrans and the City of San Marcos is encouraged.

To reduce greenhouse gas emissions and achieve California's Climate Change target, Caltrans is implementing Complete Streets and Climate Change policies into State Highway Operations and Protection Program (SHOPP) projects to meet multi-modal mobility needs. Caltrans looks forward to working with the City to evaluate potential Complete Streets projects.

### **Broadband**

Caltrans recognizes that teleworking and remote learning lessen the impacts of traffic on our roadways and surrounding communities. This reduces the amount of VMT and decreases the amount of greenhouse gas (GHG) emissions and other pollutants. The availability of affordable and reliable, high-speed broadband is a key component in supporting travel demand management and reaching the state's transportation and climate action goals.

### **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 visiting the website at <https://dot.ca.gov/programs/traffic-operations/ep>. Projects with the following:

- require a Caltrans Encroachment Permit
- have completed the Caltrans Local Development Review (LDR) process
- have an approved environmental document

need to have documents submitted for Quality Management Assessment Process (QMAP) process via email to [D11.QMAP.Permits@dot.ca.gov](mailto:D11.QMAP.Permits@dot.ca.gov). 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](mailto:shannon.aston@dot.ca.gov).

Sincerely,

*Kimberly D. Dodson*

KIMBERLY D. DODSON, GISP  
Branch Chief  
Local Development Review



**Yana Garcia**  
Secretary for  
Environmental Protection



**Department of Toxic Substances Control**

Katherine M. Butler, MPH, Director  
8800 Cal Center Drive  
Sacramento, California 95826-3200  
[dtsc.ca.gov](http://dtsc.ca.gov)



**Gavin Newsom**  
Governor

**SENT VIA ELECTRONIC MAIL**

June 18, 2025

Chris Garcia  
Senior Planner  
City of San Marcos  
1 Civic Center Drive  
San Marcos, CA 92069  
[cgarci@san-marcos.net](mailto:cgarci@san-marcos.net)

RE: NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT  
FOR THE OAKCREST SPECIFIC PLAN DATED JUNE 11, 2025, STATE  
CLEARINGHOUSE NUMBER [2025060511](#)

Dear Chris Garcia,

The Department of Toxic Substances Control (DTSC) reviewed the Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the Oakcrest Specific Plan (Project). The Project applicant is requesting approval of a Specific Plan, a General Plan Amendment to change the site's land use designation from Rural Residential/Agricultural Residential to Specific Plan Area (SPA), a Rezone to change the site's zoning designation from Residential Estate/Agriculture-1 to SPA, a Tentative Subdivision Map for 172 lots, and a Site Development Plan for 257 detached single-family homes and associated facilities.

DTSC recommends and requests consideration of the following comments:

1. When agricultural crops and/or land uses are proposed or rezoned for residential use, a number of contaminants of concern (COCs) can be present. The Lead Agency shall identify the amounts of Pesticides and Organochlorine Pesticides (OCPs) historically used on the property. If present, OCPs

requiring further analysis are dichloro-diphenyl-trichloroethane, toxaphene, and dieldrin. Additionally, any level of arsenic present would require further analysis and sampling and must meet [HHRA NOTE NUMBER 3, DTSC-SLs](#) approved local area baselines or thresholds. If they do not, remedial action must take place to mitigate them below those thresholds. Additional COCs may be found in mixing/loading/storage areas, drainage ditches, farmhouses, or any other outbuildings and should be sampled and analyzed. If smudge pots had been routinely utilized, additional sampling for Polycyclic Aromatic Hydrocarbons and/or Total Petroleum Hydrocarbons may be required.

2. That all imported soil and fill material should be tested to assess any contaminants of concern meet screening levels as outlined in [DTSC's Preliminary Endangerment Assessment Guidance Manual](#). Additionally, DTSC advises referencing the [DTSC Information Advisory Clean Imported Fill Material Fact Sheet](#) if importing fill is necessary. To minimize the possibility of introducing contaminated soil and fill material there should be documentation of the origins of the soil or fill material and, if applicable, sampling be conducted to ensure that the imported soil and fill material are suitable for the intended land use. The soil sampling should include analysis based on the source of the fill and knowledge of prior land use. Additional information can be found by visiting [DTSC's Human and Ecological Risk Office \(HERO\) webpage](#).

DTSC reserves the right to comment on any concerns revealed by future Project documents. DTSC would like to thank you for the opportunity to comment on the MND for the Oakcrest Specific Plan. Thank you for your assistance in protecting California's people and environment from the harmful effects of toxic substances. If you have any questions or would like clarification on DTSC's comments, please respond to this letter or via our [CEQA Review email](#) for additional guidance.

Chris Garcia  
June 18, 2025  
Page 3

Sincerely,



Dave Kereazis  
Associate Environmental Planner  
HWMMP-Permitting Division – CEQA Unit  
Department of Toxic Substances Control  
[Dave.Kereazis@dtsc.ca.gov](mailto:Dave.Kereazis@dtsc.ca.gov)

cc: (via email)

Governor's Office of Land Use and Climate Innovation  
State Clearinghouse  
[state.clearinghouse@lci.ca.gov](mailto:state.clearinghouse@lci.ca.gov)

Vanessa Scheidel  
Forward Planning Manager / Project Applicant  
Meritage Homes  
[Vanessa.Scheidel@meritagehomes.com](mailto:Vanessa.Scheidel@meritagehomes.com)

Sophia Habl Mitchell  
Principal

Sophia Mitchell & Associates  
[sophia@mitchellplanning.net](mailto:sophia@mitchellplanning.net)

Tamara Purvis  
Associate Environmental Planner  
HWMMP - Permitting Division – CEQA Unit  
Department of Toxic Substances Control  
[Tamara.Purvis@dtsc.ca.gov](mailto:Tamara.Purvis@dtsc.ca.gov)

Scott Wiley  
Associate Governmental Program Analyst  
HWMMP - Permitting Division – CEQA Unit  
Department of Toxic Substances Control  
[Scott.Wiley@dtsc.ca.gov](mailto:Scott.Wiley@dtsc.ca.gov)



# NATIVE AMERICAN HERITAGE COMMISSION

June 13, 2025

Chris García  
City of San Marcos  
1 Civic Center Drive  
San Marcos CA 92069

CHAIRPERSON  
**Reginald Pagaling**  
Chumash

**Re: 2025060511 Oakcrest Specific Plan Project, San Diego County**

VICE-CHAIRPERSON  
**Buffy McQuillen**  
Yokayo Pomo, Yuki,  
Nomlaki

Dear Mr. García:

SECRETARY  
**Sara Dutschke**  
Miwok

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, § 15064.5 (b) (CEQA Guidelines § 15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines § 15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

PARLIAMENTARIAN  
**Wayne Nelson**  
Luiseño

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

COMMISSIONER  
**Isaac Bojorquez**  
Ohlone-Costanoan

COMMISSIONER  
**Stanley Rodriguez**  
Kumeyaay

COMMISSIONER  
**Reid Milanovich**  
Cahuilla

COMMISSIONER  
**Bennae Calac**  
Pauma-Yuima Band of  
Luiseño Indians

COMMISSIONER  
**Vacant**

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

ACTING EXECUTIVE  
SECRETARY  
**Steven Quinn**

**Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**

**NAHC HEADQUARTERS**  
1550 Harbor Boulevard  
Suite 100  
West Sacramento,  
California 95691  
(916) 373-3710  
[nahc@nahc.ca.gov](mailto:nahc@nahc.ca.gov)

AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

- 1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:** Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

  - a. A brief description of the project.
  - b. The lead agency contact information.
  - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
  - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).
- 2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report:** A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).

  - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).
- 3. Mandatory Topics of Consultation If Requested by a Tribe:** The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

  - a. Alternatives to the project.
  - b. Recommended mitigation measures.
  - c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).
- 4. Discretionary Topics of Consultation:** The following topics are discretionary topics of consultation:

  - a. Type of environmental review necessary.
  - b. Significance of the tribal cultural resources.
  - c. Significance of the project's impacts on tribal cultural resources.
  - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).
- 5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process:** With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources 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 Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).
- 6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document:** If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

  - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
  - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
  - b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
- 10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
- a. Avoidance and preservation of the resources in place, including, but not limited to:
    - i. Planning and construction to avoid the resources and protect the cultural and natural context.
    - ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
  - b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
    - i. Protecting the cultural character and integrity of the resource.
    - ii. Protecting the traditional use of the resource.
    - iii. Protecting the confidentiality of the resource.
  - c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
  - d. Protecting the resource. (Pub. Resource Code §21084.3 (b)).
  - e. Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
  - f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
- 11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
  - b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
  - c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: [http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation\\_CalEPAPDF.pdf](http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf)

## SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: [https://www.opr.ca.gov/docs/09\\_14\\_05\\_Updated\\_Guidelines\\_922.pdf](https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf).

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
  - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
  - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

### NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center ([https://ohp.parks.ca.gov/?page\\_id=30331](https://ohp.parks.ca.gov/?page_id=30331)) for an archaeological records search. The records search will determine:
  - a. If part or all of the APE has been previously surveyed for cultural resources.
  - b. If any known cultural resources have already been recorded on or adjacent to the APE.
  - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
  - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
  - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
  - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
  - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
  
4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
  - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, § 15064.5(f) (CEQA Guidelines § 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
  - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
  - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code § 7050.5, Public Resources Code § 5097.98, and Cal. Code Regs., tit. 14, § 15064.5, subdivisions (d) and (e) (CEQA Guidelines § 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address:  
[Andrew.Green@NAHC.ca.gov](mailto:Andrew.Green@NAHC.ca.gov).

Sincerely,

*Andrew Green*

Andrew Green  
Cultural Resources Analyst

cc: State Clearinghouse

**From:** [Wendy Barksdale](#)  
**To:** [Chris Garcia](#)  
**Subject:** Oakcrest Development: Concerns Regarding Scale & Community Impact  
**Date:** Friday, June 13, 2025 6:27:14 PM

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Att: Chris Garcia

Dear City Planning Division,

I am writing to express my concerns about the proposed Oakcrest development along Twin Oaks Road, which would introduce more than 250 housing units into a rural area with limited infrastructure and that is common to wildfires.

I am not opposed to the development of new homes in this amazing city, one that we have had the privilege of experiencing as residents and have benefited from such developments. I recognize the importance of thoughtful growth and the need for housing; however, the scale of this particular development is significant, and in its current form, it raises serious concerns related to traffic safety, fire preparedness, community character, and zoning changes.

### **Road Infrastructure Limitations**

Twin Oaks Road was originally intended to serve as a utility road, according to your very own Planning Division. It was never designed to support the level of residential and commuter traffic that would result from a development of this size. The road's current design, limited width, and rural setting make it inadequate for safely accommodating the traffic load from over 250 new homes. Without substantial improvements, this development could create long-term safety and mobility issues.

Additionally, the cumulative effect of multiple new housing developments connected to Twin Oaks Road over the years, along with individuals using Twin Oaks Road from Deer Springs Rd. / 15fwy on-ramp as a shortcut to San Marcos Blvd area services, universities, etc. has substantially impacted the living experience of residents in the Twin Oaks community. The increase in traffic volume, speed, and congestion has compromised the safety, peace, and rural character that many residents value.

### **Concerns About Zoning Changes**

Changing the zoning from agricultural or rural residential to high-density housing in this area raises important issues. Such a change alters the land use that has preserved open space and farmland, and the current infrastructure is not designed to support the increased population. Without proper planning and upgrades, rezoning may lead to safety risks, strain public services, and impact the Twin Oaks community's rural character.

### **Wildfire Risk and Emergency Preparedness**

This area of San Marcos, and Twin Oaks Road in general, is common to wildfires. Concentrating such a large number of homes and families in a high-risk fire zone with limited evacuation routes poses a serious threat to public safety. The current plans that I have seen appear to show only one exit from the development to Twin Oaks Rd, which is frightening to

consider in an emergency situation when all residents would need to evacuate quickly. A comprehensive wildfire risk assessment and emergency response plan should be required before this project advances.

San Marcos has experienced significant wildfire events in recent years. The recent San Elijo fire this week. The Lilac fire in Fallbrook in 2023, the fire behind Twin Oaks Elementary School in 2020 in the preserve area, the San Marcos fire 2016, the Cocos Fire in 2014 and so on. These fires prompted evacuations of residential neighborhoods and local colleges, highlighting the area's vulnerability to wildfires, underscoring that the wildfire threat is ongoing and directly impacts areas near this development.

### **Loss of Rural and Agricultural Character**

The area in question is farmland, not vacant or blighted land, and it plays an essential role in the identity of the Twin Oaks community. Its scenic, open-space value and agricultural roots contribute to the area's appeal and should be preserved where possible. Replacing it with dense housing would result in a permanent and irreversible shift in community character.

### **Impact on Local Services and Infrastructure**

Beyond traffic, this development will increase strain on schools, emergency services, and public utilities. Many of these resources are already stretched thin. Without a detailed impact study and clear mitigation plans, the long-term effects could be severe.

Again, I want to emphasize that I support new housing when it is thoughtfully planned, sustainable, and appropriate to its location. I respectfully urge the City Planning Division to reconsider the location, the size and scope of the Oakcrest development and to prioritize the safety, infrastructure limitations, and rural heritage of Twin Oaks.

Thank you for your time and consideration.

Sincerely,  
*Wendy Barksdale*

**From:** [Wendy Barksdale](#)  
**To:** [Chris Garcia](#)  
**Subject:** EIR Comment – Post Meeting Oakcrest Development  
**Date:** Friday, June 27, 2025 7:29:05 PM

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Dear Chris and associated parties,

Following the recent Environmental Impact Report (EIR) meeting on the Oakcrest development, I continue to share serious concerns about the project's scale, design, and long-term impact on the Twin Oaks Valley community.

### **Proposed 112 two-story detached condos & 145 single units**

The 112 two-story portion of the project referred to as the courtyard area brings the highest housing density and clearly conflicts with the Twin Oaks Valley General Plan, which was created to preserve the area's rural character.

Additionally, the 145 individual lots do not conform to current zoning either. When combined with the overall clustering design, as explained in the EIR meeting, this is a significant wildfire risk. I support responsible growth, but this proposal is extreme and out of step with the area's long-term planning goals as dictated in the General Plan.

### **Fire Safety Issues**

The fire-prone geography, coupled with a clustered layout, comes across as a fire risk, a concern shared by many in the EIR meeting. The final EIR must include a comprehensive and site-specific wildfire risk analysis.

The Oakcrest development has one main exit to Twin Oaks Rd, and one smaller locked access gate along the south side. This is especially risky due to the nature of the fires we've experienced in the area in the past decade. Emergency vehicle access must be specifically analyzed, as the dense layout and limited roadways could severely delay response times during a wildfire or medical emergency.

### **Water Supply**

The EIR should also assess water supply adequacy for the area. Adding hundreds of homes in a region already strained by drought raises serious concerns about long-term water sustainability and reliability.

### **Accessible / affordable housing units limits**

While labeled as "affordable" or "accessible," the two-story condos are inaccessible to many in our community should the plan proceed as designed, and excludes major segments - super seniors and people with disabilities. The EIR should analyze ADA-compliance and single-level options for this area. The "more affordable" options are all two-story condos which would exclude several populations in its current form.

### **Wildlife corridor known as Twin Oaks Rd.**

This site is also part of a vital wildlife corridor, and the proposed development would fragment habitat. The EIR must evaluate species disruption, movement patterns, and explore mitigation options such as buffer zones and crossings.

Twin Oaks Road is not built for high traffic, as the Planning Division has stated “it is a utility road”. It already suffers from excessive volume and will be further strained. It is also a no-parking zone, and the need for overflow parking due to the density of the Oakcrest project will create safety hazards on a 50 mph road where cars often speed up to 65 mph should they choose to park along Twin Oaks Rd or not follow signals, or turn right on red out of the community.

### **The EIR Meeting**

Comments during the meeting also raised concern. The vibe in the meeting was that this project is the best thought out option and we were warned that something worse could be built if this isn't approved, such as a school or a public park. Also, that other parts of San Marcos have been impacted by unwanted dense housing developments, Twin Oaks Valley community should simply take its turn. This framing is inappropriate and dismissive of community input. Residents of the area felt defeated as some asked “do we even get a say [in the matter]? Why are we even here?”

The community is understandably sensitive to major changes like this. I recommend a more empathetic approach throughout this process to help foster trust and ensure that residents feel genuinely heard, and not feel dismissed.

### **Final thoughts**

I strongly encourage the Planning Division to hold a follow-up public workshop focused on wildfire evacuation, infrastructure limitations, defining the purpose of a General Plan in communities, and environmental impacts so the public can meaningfully engage before final approval decisions are made.

Regards,

*Wendy Barksdale*

**To:** City of San Marcos Planning Division

**Subject:** Comments on Oakcrest Specific Plan EIR (SP25-004 / GPA25-005 / TMS25-006 / SDP25-0002 / SPD25-0003 / CUP25-0001 / EIR25-004)

Dear Planning Staff,

I am writing to express my strong concerns regarding the proposed Oakcrest Specific Plan and its associated entitlements currently under review. While I recognize the importance of responsible development, this project raises significant environmental, infrastructure, and community compatibility concerns that must be addressed comprehensively before any approvals are granted.

### **1. Environmental Impact Concerns**

The Initial Study and project materials lack adequate analysis of:

- **Traffic congestion and cumulative impacts** on Twin Oaks Valley Road and surrounding arterials.
- **Water resource availability**, particularly in light of recurring drought conditions and regional water planning constraints.
- **Wildlife habitat disruption**, especially considering potential impacts on nearby open space corridors.

I respectfully request additional studies under CEQA to more thoroughly evaluate these concerns and include feasible alternatives with reduced impacts.

### **2. Inconsistency with Community Character**

The proposed density, design, and scale of development appear out of sync with the surrounding neighborhood's rural and semi-rural nature. The Specific Plan would significantly alter the visual and experiential landscape, which conflicts with the City's General Plan goals around preserving community character and identity.

### **3. Infrastructure and Public Services**

The project would place further strain on existing infrastructure and services, including schools, emergency response, and wastewater systems, without clear mitigation or funding mechanisms in place.

### **Request for Action:**

- Extend the public review period for the EIR to allow more robust community input.
- Require a revised EIR that addresses the full scope of potential impacts.
- Deny or substantially modify the project to reflect the concerns of residents and community groups.

I appreciate your time and attention to these concerns and urge the Planning Division and City leadership to uphold the values of smart, sustainable growth for San Marcos.

Sincerely,  
Jeff Boysen  
1336 Duckwalk Rd  
San Marcos, California 92069  
jpboysen@gmail.com

A handwritten signature in black ink, appearing to read 'Jeff Boysen', with a long horizontal flourish extending to the right.

July 8, 2025

City of San Marcos Planning Division  
Chris Garcia, Senior Planner  
1 Civic Center Drive  
San Marcos, CA 92069

Email: [cgarcia@san-marcos.net](mailto:cgarcia@san-marcos.net)

RE: Public Comment on Oakcrest Specific Plan – Follow-up to June 26, 2025, NOP Meeting

Dear Chris,

I am writing to follow up on the Notice of Preparation (NOP) meeting for the Oakcrest Specific Plan held on June 26, 2025. After attending the presentation and hearing the concerns voiced by members of the community, two primary issues emerged as especially significant: traffic safety and development density.

### **Traffic Safety**

Traffic concerns centered around the potential impact of increased vehicle volume on Twin Oaks Valley Road; a major thoroughfare frequently relied upon for emergency evacuation. The community stressed the importance of incorporating acceleration and deceleration lanes to mitigate safety risks associated with merging and turning movements on this high-speed roadway. Without these improvements, evacuation and general roadway safety could be compromised.

### **Development Density**

While current zoning allows for 230 homes, the developer is seeking approval for 257 units, including 112 “airspace condominiums.” Community members expressed that these two-story condos represent a level of density inconsistent with the surrounding housing stock and could significantly alter the area’s character. A potential compromise might be to cap the total number of homes at 230, with the stipulation that each unit be placed on an individual lot to preserve neighborhood cohesion and reflect existing zoning intentions.

### **Visual Compatibility and Placement**

If the developer intends to incorporate airspace condominiums into the plan, a reasonable solution may be to reposition this higher-density housing toward the interior or rear sections of the property. This adjustment would help preserve the character of Twin Oaks Valley by ensuring that the frontage of the project—where new homes are most visible to the public—maintains a density and scale more consistent with surrounding neighborhoods. Strategically

placing higher-density units away from the street-facing edges could mitigate visual impact and foster a more gradual transition between existing and proposed housing types.

Thank you for your consideration and for taking community concerns seriously as this project moves forward.

Regards,

Jeff Boysen  
1336 Duckwalk Road  
San Marcos, CA 92069

**From:** [Laura Dreier](#)  
**To:** [Chris Garcia](#)  
**Subject:** Project site  
**Date:** Friday, June 13, 2025 6:44:31 AM

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Hi Mr. Garcia,

The proposed development of 145 single family homes on Twin Oaks between Legacy Drive and Del Roy Drive would increase congestion. Twin Oaks already already experiences heavy traffic and speeding issues.

I am not in favor of the additional homes and congestion in this area.

Best,  
Laura Dreier  
760-672-5637

1269 Rowena Ave  
San Marcos, CA  
92069

*June 2025*

Chris Garcia Senior Planner  
City of San Marcos  
1 Civic Center Drive

Dear Chris:

I am writing to oppose to Oakcrest Specific Plan

We purchased our home in 1962 at what was called Rancho Twin Oaks ,Lot 21 on Rowena Ave, Just North of where the proposed building site is located.(We still live here) Twin Oaks Valley Road was just two lanes wide with no traffic lights., there was a horse ranch across the street where the golf course now is located. A small airport landing strip off of SM Blvd. No Lake San Marcos, or CSSM. My how things have changed . Some changes have been good but not so much anymore! Twin Oaks Valley Road is now four lanes with a heavy stream of traffic backed up at the traffic lights. Frequently it takes me three green lights get over San Marcos Blvd going South. I know progress happens, BUT there is to much building going on in San Marcos now! We don't need any more!

I know that some of this new building is being forced by the state, The huge new construction by Grace Church, buildings on Pico/Marcos, the two huge buildings in progress by CSSM., and the soon to be built buildings where Restaurant Row used to be.. Enough is enough! I am sure that you have driven down SM Blvd, and been held up by traffic at the numerous red lights.

How can we justify any more buildings?

I am sure others will tell of the water and power these new homes will consume so I won't mention them, Just consider the number of new students our , already full schools will have to absorb. Adding 257 new homes just does not make any sense. Let us absorb the already in construction homes and people that will live in them before adding any more. I know we can not stop progress but at least hold off for a little while longer. .

Sincerely,  
James Hackenberger



Douglas Johnson  
1341 Deerbrook Dr.  
San Marcos, CA 92069

Chris Garcia, Senior Planner  
City of San Marcos Planning Division  
1 Civic Center Drive  
San Marcos, CA 92069

Type to enter text

July 13, 2025

Comments: Oakcrest Development, Heritage Homes of California, Inc.

Mr. Garcia,

After thinking for awhile about the project my largest concerns are of the number of units to be built and the density of this construction.

The very nature of San Marcos has been its rural life style. We continue see horses around this area and there is still a lot of agriculture and single family houses on large properties. My house and all the houses in my tract are on at least .46 acres. They are all single story. We never imagined that two story houses on small lots and 110 condominiums on tiny lots would be moving in next door. I think this development as envisioned now is not really compatible with the history or the current look and feel of the area. Your development will change open grazing land into something that doesn't really fit into this area.

My second concern is fire. This area is considered to be at risk for wild fires. With 257 residences so tightly packed with only one exit, the issue of escape during a wildfire is of concern. My homeowners insurance was

recently not renewed and one of the reasons given was that my closest neighbors house was less than 30 feet from me. I measured and our houses are 25 feet apart. My other next door neighbor is probably 75 to 100 ft away and I have no neighbor behind me. If insurance companies think my house is unsafe how can two story houses and condos on much smaller lots be safe. I know that they are built to be more fire resistant but I don't think it counters the higher density and the number of units. This will be the new wildland-urban interface. It seems to be more risky than our current interface.

Finally, the current plan only has one exit from the tract to Twin Oaks Blvd. I think this is insufficient in an emergency situation. I don't think all of the people living in the tract would be able to flee from a wild fire in a timely manner. Furthermore, how would emergency vehicles and fire fighting equipment be able to enter this tract if the road became blocked with exiting vehicles.

Thank you for reviewing my concerns

Douglas Johnson

**From:** [KAYLA NERI](#)  
**To:** [Chris Garcia](#)  
**Cc:** [Rebecca Jones](#); [Ed Musgrove](#)  
**Subject:** Opposition to Proposed Meritage Homes Development (257 Single-Family Homes)  
**Date:** Saturday, June 28, 2025 10:42:35 AM

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Kayla M Neri

312 Glendale Avenue

San Marcos, CA 92069

akmorganfamily@gmail.com

June 28, 2025

City of San Marcos

Planning Division

1 Civic Center Drive

San Marcos, CA 92069

**Subject: Opposition to Proposed Meritage Homes Development (257 Single-Family Homes)**

Dear City Planner,

My name is Kayla Neri, and I am a lifelong resident of San Marcos — I've called this city home for the past 30 years. I am writing to respectfully express my deep concern and opposition to the proposed project by Meritage Homes to build 257 single-family homes in one of the last remaining open spaces in our city.

This land represents more than just unused acreage — it is a beloved natural area that provides much-needed green space, habitat for wildlife, and peace for nearby residents. I frequently walk this area with my young daughter, and it is one of the few places left in San Marcos where residents can experience the quiet and calm of the countryside. It's where I go to breathe, reflect, and connect with nature — something I believe every community desperately needs, especially in a rapidly urbanizing area.

San Marcos has already experienced significant growth and development over the past two decades. With each new project, we've seen an increase in traffic congestion, strain on public infrastructure, and a decrease in open space and biodiversity. Adding another 257 homes will only exacerbate these issues. We do not need more single-family developments — we need thoughtful, sustainable planning that protects what little natural land we have left for future generations.

I urge you to consider the long-term impacts this development will have on the community, the environment, and the quality of life for residents like myself. Please preserve this rare, peaceful space and reject this proposal.

Thank you for your time and service to our city.

Sincerely,

Kayla M Neri

Resident of San Marcos, CA

David L. Price  
1318 Deerbrook Dr.  
San Marcos, CA 92069  
(760) 213-3054  
Topdawg217@gmail.com

July 10, 2025

CHRIS GARCIA, SENIOR PLANNER  
CITY OF SAN MARCOS PLANNING DIVISION  
1 CIVIC CENTER DRIVE  
SAN MARCOS, CA 92069

**Subject: Environmental Impact Report (EIR) Response**

Regarding the proposed Oakcrest Specific Plan project I submit the following comments:

**1. Eliminate the courtyard homes proposed for Lot “T” along J Street as shown in the drawing on page 3.**

- The City of San Marcos Planning Division, the project consultant, and the developer have all expressed a desire to minimize the environmental impact for the proposed development and maintain scenic vistas, visual quality, and minimize impact to the existing homes adjacent to the development site.
- To accommodate the building pads and street for these courtyard homes as proposed for Lot “T”, the entire hillside will be decimated by the cutting and excavation due to the extreme slope of this hillside. This will have a severe impact on the environmental considerations and result in a butchered, exposed rock hillside, inconsistent with the goal of preserving scenic vistas.
- The excavation for the proposed courtyard homes for Lot “T” will have a significant impact on the current residents living in the homes adjacent to the proposed “Lot T” development. The extensive digging, cutting, grading, blasting, rock crushing, and debris removal required for the excavating operation will last many months and be a severe nuisance to the residents adjacent to Lot “T” in terms of noise and dust pollution and ground vibrations. This is inconsistent with the goal of minimizing impact to existing properties adjacent to the development site.
- The high-density, two-story courtyard homes proposed for Lot “T” are inconsistent with the existing homes in the surrounding neighborhood on Deerbrook Dr. which is comprised of single-story homes on estate sized lots of .5 acres or greater. Building the proposed courtyard homes on Lot “T” will diminish the appeal and have a negative impact on the value of the homes adjacent to Lot “T”. The visual appeal of the hillside and existing community will be substantially diminished if the courtyard homes are built as proposed on Lot “T” and is inconsistent with the goal of preserving scenic vistas.

- Eliminating the development of Lot “T” will have minimal impact on the overall proposed development plan with a reduction of 33 detached condominiums, which is 12.8% of the proposed 257 homes and 5 acres (7.4%) of the approximate 68 acre development area.
- Eliminating development of Lot “T” will be viewed as a goodwill gesture by nearby residents demonstrating that the developer is willing to minimize the impact of traffic, construction noise, dust, dirt, and general commotion to the established neighborhood.

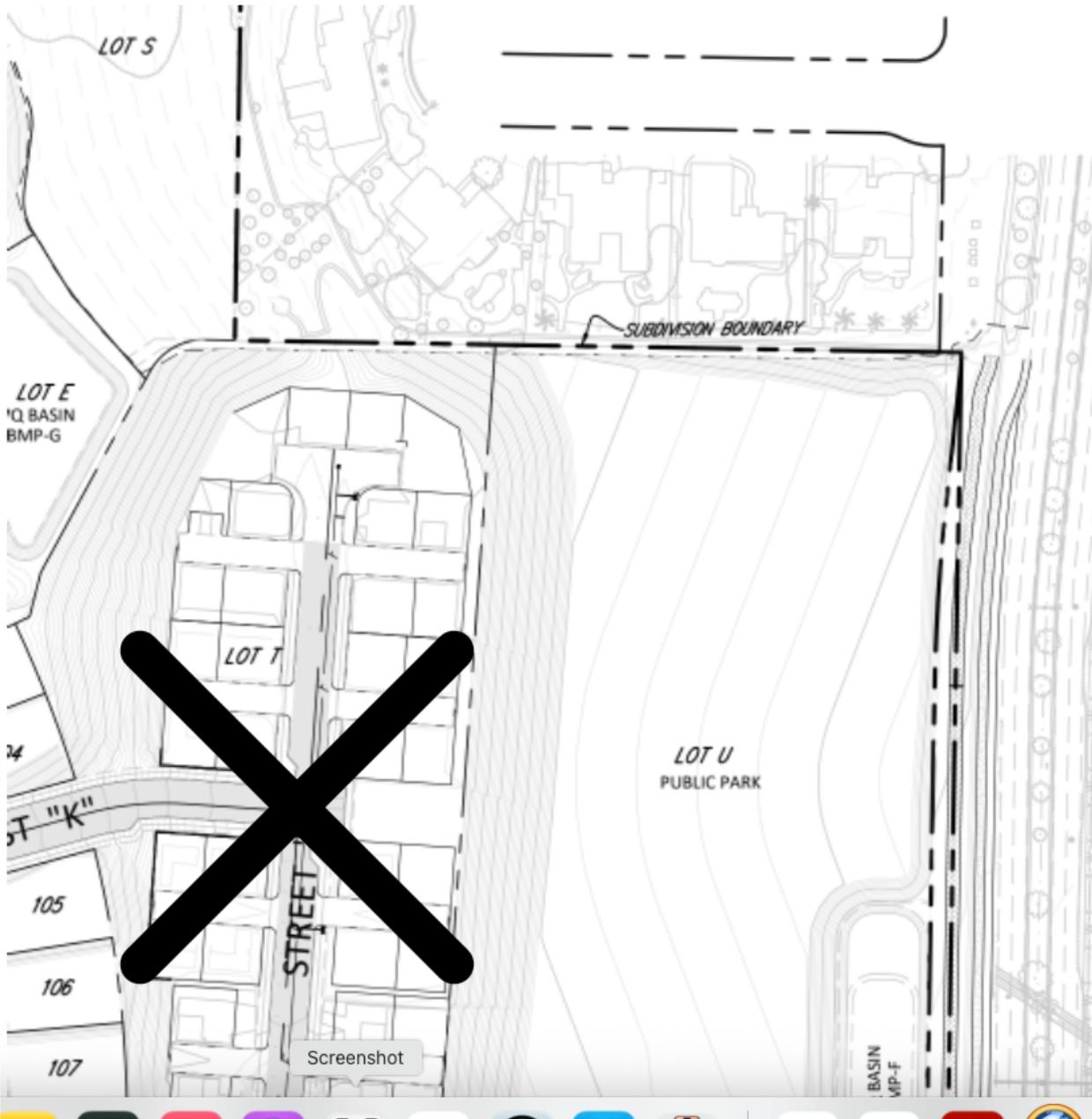
**2. Proposed park on Lot “U” adjacent to existing Deerbrook Dr. homes:**

- The City of San Marcos Planning and Parks and Recreation divisions are considering options for the proposed park within the Oakcrest development with the goal of preserving the privacy of the existing homes adjacent to the development site and minimizing the noise and light pollution created by the park.
- After considering the various options for activities at the proposed park, I think that Pickleball or tennis courts on southwest portion of park would be a great option. These types of activities are inclined to attract more mature users and minimize noise.
- As far as preserving the privacy, views, and security of the existing residents adjacent to the proposed park, I suggest that the north side of the proposed park perimeter be landscaped along fence line with low-profile shrubs with mature height of 4’-5’ to preserve the view across the park to the south, help absorb noise from the park, and add privacy for the residents adjacent to the park.
- The proposed park lighting should be low-profile, dark sky compliant to minimize light pollution for the surrounding community.

Thank you for your consideration of my comments.

Regards,

David Price



Drawing segment showing the elimination of proposed courtyard homes on Lot "T"





**From:** [Hannah Price-Violante](#)  
**To:** [Chris Garcia](#)  
**Subject:** Oakcrest Plan Concerns  
**Date:** Sunday, July 13, 2025 3:58:27 PM

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[You don't often get email from hannahk.price@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To whom it may concern,

I am sending this note in regards to the Oakcrest Plan going between Legacy Dr., Del Roy Dr., and North Twin Oaks Valley Road. I am a recent college graduate from Cal State San Marcos with family that has lived on Deerbrook Drive for over 20 years.

As someone who hopes to build a future in San Marcos, I have major concerns regarding this project. First of all, the impact on the current residents near this project. We have lived with privacy behind our homes for over 20 years and it is now being stripped away from us. Building multi-story condos and parks right behind our properties will make us uncomfortable within our own backyards.

In addition, this project will disturb the wildlife that uses this area as its habitat and push them towards our neighborhood. The city has been continuously displacing wildlife with all its new residential projects, which disturbs current residents who now have to deal with rats infesting their homes and coyotes eating their pets. San Marcos is ruining all of the inhabitable landscapes for the wildlife, and this project would only further that agenda.

In the past 10 years, the city has demolished all of San Marcos' charm and appeal by continuing to build on vacant land. I have seen how they have ruined the hill on the corner of Twin Oaks Valley and the 78, so I can only imagine what they will do to the hill behind our homes. Also, this project will greatly increase the traffic on Twin Oaks Valley Road, which is already heavily congested. Another traffic light will only cause more congestion and accidents on this road.

As someone who has been apart of San Marcos' past and hopes to be apart of it in the future, I do not want to see the city waste away its beautiful landscapes. I understand that there will be a development no matter what, so I propose the plans for the parks and the single-story homes stays in place, but the condos are rejected. I think we can all agree that if that was the developer's plans for "affordable housing," it will not truly be affordable for low or middle-income families.

I ask that you consider mine and others' feedback to have the best interest in mind for your current and future residents, as well as for the wildlife and environment.

Thank you,  
Hannah Price

**From:** [J Quijano](#)  
**To:** [Chris Garcia](#)  
**Subject:** Juliet Quijano  
**Date:** Monday, July 14, 2025 8:51:05 AM

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Please stop the SP 25-0004 Oakcrest Plan  
I live in 802 Legacy Drive. Thank you.

dannyjulietquijano@yahoo.com  
[Sent from Yahoo Mail for iPhone](#)

July 12, 2025

Re: Oakcrest Development by Meritage Homes on North Twin Oaks Valley Road

Mr. Garcia,

Please share the following concerns listed below from our neighborhoods regarding the proposed Oakcrest Development by Meritage Homes with the City's Planning Commission, City Council, and other staff as appropriate.

City of San Marcos Planning Commission & City Council:

**Please do not approve the Oakcrest Development as currently proposed by Meritage Homes for the westerly side of Twin Oaks Valley (TOV) Road for the following reasons:**

1] Cluster density:

- a] Although the "overall" density of the development is said to be approximately two dwelling units per acre, the proposed clustering density will make North Twin Oaks Valley look more like the higher density developments that is obvious in the South Twin Oaks Valley area.
- b] The clustered Oakcrest development is incompatible when compared to any of the existing relatively recent developments directly to the south (Twin Oaks Estates on Legacy Drive, etc.) or to the north (Dove Glen and Rancho El Dorado subdivisions adjacent to Del Roy Drive).

This is especially true with the "Courtyard" (condo) housing proposed by Meritage Homes as part of the Oakcrest development nearest to TOV Road.

Exceptions to the more typical rural & larger lots of North Twin Oaks Valley are the 600 golf course homes by Ryland, but the City now has an 18-hole champion golf course to boast about which is likely well over 100 acres in itself, and the older residential development of about 40 homes on Rowena Avenue, (lower) Del Roy Drive, and the Twin Oaks (frontage) Road that was constructed in the early 1960s prior to the incorporation of the City of San Marcos.

2] High fire hazard area / evacuation route / fire hydrants / water pressure:

- a] Nearly the entire 130+ acres is **in a high fire hazard area per Cal Fire** – with only one proposed (always available) **two-lane** exit to TOV Road - for more than 200 high-density homes - and having the highest density of homes nearest the TOV Road arterial seems like it should earn an A+ in a Poor Planning 101A class. Even "hardened" homes that close together would go up like a matchstick in a wildfire.
- b] Has the City required this developer to inquire if any insurance companies would even be willing to insure these homes for their replacement cost, and if so at what cost to the homeowner? Homeowner insurance in this area has already become impossible to renew or has gone up as much as 50% in recent years.

- c] It is essential the City Fire Department require more than the minimum number of required fire hydrants considering the high fire hazard and confirm with Vallecitos Water District (VWD) that adequate water pressure at the highest elevations of any development here is always available to avoid a San Marcos scenario of the Los Angeles Palisades fire.
- d] At least most of the 100+/- homes to the north between Deerbrook Drive and West La Cienega Road have space between them AND have at least two points of access to the TOV Road arterial during an emergency evacuation...so hopefully the Planning staff, Planning Commission and City Council will realize this proposed development has proposed nothing but eight dead end cul-de-sac street with just one **twenty-four foot wide** exit and no true vehicular circulation – which would be critical during a wildfire evacuation. And it is not clear if the proposed emergency exit at the southerly end is always open, but assuming it will typically be locked, then that should not even considered an evacuation route...

3] Decomposed Granite Pedestrian/Equestrian trails:

- a] North Twin Oaks Valley has decomposed granite pedestrian/equestrian trails in many developments – in particular the two newer residential developments directly north of the “Groth” property (Dove Glen and Rancho El Dorado), so why does the City not require this proposed development to provide interconnectivity and expansion of the pedestrian/equestrian trails to the existing pedestrian/equestrian trail which is located along the southerly edge of the Dove Glen development? A pedestrian/equestrian trail could go by the park and then exit at the new TOV Road intersection and connect to the existing pedestrian/equestrian trail that goes along the easterly side of TOV Road...



4] Park and park access:

- a] The proposed 6-acre City park with its only access via a private street entrance for a 200+ home development seems like a poor deal for the City when compared to a public 100+ acre public golf course that has its own entrance, as well as public (not private) residential streets and TOV Road with a beautiful landscaped median and trails on both sides for the development of 600 homes as developed by Ryland Homes.
- b] Why is only a six-acre park acceptable to the City when a much larger acreage has been proposed on the City’s master park plan for many years? The only other public park in North TOV that has significant acreage is Walnut Grove Park, and excluding the two barns and the annual Easter Egg Hunt, Walnut Grove Park is basically designed for equestrian and soccer.

Since tall ballfield lights will not fit this rural area, what active amenities will this new park have? A third public pool and splash pad? Pickle ball? Will this park also have a resident caretaker like at several other City parks?

- c] Why does the water quality basin for this proposed development have to encroach on the proposed park space – it is for the development’s excess drainage so put the basin within the housing development area...
- d] Is access to a City park by only a private street allowed? With a public park landlocked by a private street can the development’s HOA put restrictions on the park? Will the park have prominent signs letting the public know where it is located? Why does the park not have its own entrance and exit?

Research would be required on the width of the available public right-of-way but maybe consider a park entrance from the southerly terminus of TOV (frontage) Road past its Deerbrook Drive intersection so the park does not seem as an exclusive park for just the Oakcrest development. Also maybe consider a park design that has parking on the northerly side of the park to create a buffer for existing homes along the southerly side of Deerbrook Drive from potential park noise?

5] Irrigation well:

- a] The existing irrigation well near TOV Road should be utilized or at least redrilled with a new well pump house and preferably 480-volt/3-phase electrical source for the benefit of the City to reduce the City’s park maintenance (water and electrical) costs like many other City parks which have wells as an irrigation source rather than potable water.

6] Intersection at TOV Road:

- a] For any development on the “Groth” acreage a new signalized intersection on TOV Road should be conditioned to include a new deacceleration lane on southbound TOV Road – and the land required for that deacceleration lane should not be deducted from the park’s already small (proposed) acreage. Recognizing the signalized intersection at TOV Road at Del Roy Drive intersection is the primary access for roughly 100+/- existing homes and it is disappointing a deacceleration lane was not possible there for southbound TOV Road drivers due to the short throat distance between the TOV Road southbound arterial and its parallel frontage road – but this is not the situation at the proposed Oakcrest development – with 200+ proposed homes.

7] Existing utilities – overhead and drainage:

- a] Assuming any new development is conditioned to underground the existing overhead utilities along its street frontage, in this case the westerly side of TOV Road per the applicable City municipal code, the City should consider also requiring the development to also continue the undergrounding further up the TOV frontage Road to at least Del Roy Drive and Rowena Avenue since it was not done by Ryland (golf course) homes as originally conditioned to that development.

- b] Recommend the City condition any development of the Groth property to replace the existing concrete open channel that parallels the existing five-foot-wide asphalt path near TOV Road with either reinforced concrete pipes (RCP) or reinforced concrete box (RCB). Storm water flow is restricted because the existing concrete open channel has a very flat slope and is clogged with weeds. Since neither RCP or RCB are directly exposed to the atmosphere, weeds would not grow in either and storm water would easily convey with little resistance until it flushes out downstream into the tributary creek.

8] Private streets and substandard widths:

- a] If the City is going to allow private streets, then it should require ALL the private streets within the development to be designed and constructed to the same standards as public streets including the street's structural design, width (40' for residential streets), concrete curb and gutter, drainage, LED street lights, fire hydrants AND concrete sidewalks on BOTH sides for the long term benefit and safety of their property owners – throughout the subdivision, not just one or two streets.

The proposed narrow lanes with parking only on one side is a terrible layout. Even on the TOV frontage Road where there are only houses on the westerly side of the street it does not work. Also as touched on previously, two twelve foot (12') wide lanes as the primary access to the entire subdivision from TOV Road is ridiculously narrow. As an absolute minimum, there should be two lanes to exit for left and right turn movements. And what if a vehicle on southbound TOV Road had an emergency and had to turn into the subdivision temporarily – there would be absolutely no place to park with only two twelve-foot lanes...

In closing, please require any new residential developments in North Twin Oaks Valley to continue keeping its rural and open density that makes North Twin Oaks Valley unique and beautiful.

Respectfully,

Tim & Michelle Regello  
1373 Maloney Street  
San Marcos, CA 92069

Myron Bezenek  
1384 Maloney Street  
San Marcos, CA 92069

Bobby & Heather Graves  
1376 Maloney Street  
San Marcos, CA 92069

Bryce & Madi Mariano  
307 Del Roy Drive  
San Marcos, CA 92069

**From:** [Guadalupe Rivera](#)  
**To:** [Chris Garcia](#)  
**Subject:** Opposition to SP25-0004 Oakcrest Plan Please Help Preserve Our Neighborhood  
**Date:** Sunday, July 13, 2025 10:25:21 PM

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Dear Mr. Garcia,

I am a resident of the North Twin Oaks Valley Road area, and I am writing to express my strong opposition to Project SP25-0004, the proposed Oakcrest Plan.

Adding 257 residential units between Legacy Drive and Del Roy Drive would significantly impact our neighborhood's character and quality of life.

We are deeply concerned about:

- Increased traffic congestion on Twin Oaks Valley Road, a route that already struggles with flow and safety.
- Loss of open space and rural charm—the farmland, cows, and scenic beauty are part of what makes our community special.
- Pressure on local infrastructure and services, including schools, emergency response, and utilities.
- Potential increase in property taxes to support the added demand.

This project directly affects all of us who live nearby, and many of us were not adequately informed or consulted before reaching this stage. We believe smart growth should protect the integrity of existing neighborhoods and preserve open space where possible.

I respectfully ask that you reconsider this project or explore alternatives that would have less impact on our community. We urge you to pause or reject the Oakcrest Plan in its current form.

Thank you for your attention to this matter, and I would appreciate being kept informed of any updates regarding this development.

Sincerely,  
Guadalupe Rivera

**From:** Robert Robey <[robertalanrobeyjr@gmail.com](mailto:robertalanrobeyjr@gmail.com)>

**Sent:** Sunday, July 6, 2025 9:40 PM

**To:** Chris Garcia <[cgarcia@san-marcos.net](mailto:cgarcia@san-marcos.net)>

**Subject:** Oakcrest Specific Plan Disapproval

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Hello Chris,

My name is Robert Robey. I live on Deerbrook Drive in San Marcos and wanted to reach out to you with a written comment about the Oakcrest Specific Plan. I am speaking on behalf of a lot of our neighbors with the disapproval of this huge crowded land development. 257 residential dwelling units is way too crowded for our beautiful neighborhood! The parking situation, the traffic (which already is too much) and the loss of the beautiful natural open space of the farm with the cows that bring so much beauty to the neighbors all around and to people that walk by and drive down Twin Oaks Valley Road from all over! Please contact me anytime

Thank you

Robert Robey

(562) 365-4313

July 6th 2025

**From:** [Angie Sweeney](#)  
**To:** [Chris Garcia](#)  
**Subject:** Project Number SP25-0004  
**Date:** Friday, May 16, 2025 11:32:39 AM

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Hello Mr Garcia.

My name is Angela Sweeney

I live on Rowena Ave off of Del Roy. I am opposed to the change that is proposed for the agriculture/residential project to include 257 homes on this property. The increase in traffic and congestion will greatly impact the current congestion on the morning and evening commutes. With the two lane traffic on both the north bound and south bound lanes there will absolutely be backup's on a daily basis. There are already multiple housing projects currently in process I do not believe we need this going ahead especially at this time. I hope you will consider the impact on our schools that are already overcrowded as well.

I have lived in San Marcos since 1972 and have enjoyed the ruralness of this beautiful city. As a California native, a main reason I moved from LA to San Marcos was because of the rural place this used to be.

Thank you for your consideration in passing this along.

Respectfully, Angela Sweeney

*Jeannie Tinsley*  
219 Red Fox Lane  
San Marcos, CA 92069  
(760) 518-9707

[jeannie.tinsley2@gmail.com](mailto:jeannie.tinsley2@gmail.com)

July 13, 2025

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

Dear Mr. Garcia:

**RE: SP25-0004 - OAKCREST SPECIFIC PLAN**

I am writing my letter to express my concerns with the stated project, which is very close to my half-acre residence, where my husband and I have lived for the past twenty-three years. Twin Oaks Valley is a very rural community and this project will have a very negative impact on the whole valley.

My concerns are:

- **Water** – California is already experiencing water availability issues;
- **Overcrowding** – high density development. Putting 257 detached residential dwelling units, parks and trails on 136.1 acres is an awful plan;
- **Traffic increases** – if 257 residences have, at the minimum, two cars each, there will be an additional 514 vehicles coming in and out onto Twin Oaks Valley Road, which I might add is in terrible shape.
- **Fire Danger** – insufficient entry/exit for residents/fire trucks to flee/enter to fight a wildfire.

I hope the Planning Department and the City Council will turn the current plan from Meritage Homes of California, Inc., down.

Best regards,



Jeannie Tinsley

**From:** [M and M Vanetsky](#)  
**To:** [Chris Garcia](#)  
**Subject:** New Development  
**Date:** Monday, July 14, 2025 3:16:29 PM

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Dear Planner Garcia,

Hope I'm not too late to weigh in on the proposed development plan for the area south of the Twin Oaks Valley Golf Course. We are long time residents of this area, moved here in 2001, and love our home and neighborhood. This new proposed building development will so greatly impact our community and change the face of this whole area in general. As it is driving along Twin Oaks Valley at rush hour is difficult at best and horrible as usual. If ever needed as an escape route we'd be pinned down by congestion. Please leave this area undeveloped as it is now or we will have the reputation of being known as San Congested.

Thank You,

The Vanetsky Family

**From:** [Bill Ward](#)  
**To:** [Chris Garcia](#)  
**Subject:** New Development between Del Roy Dr. and Legacy Dr. on Twin Oaks Valley Road  
**Date:** Monday, July 14, 2025 8:08:46 AM

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Mr. Garcia,

Our neighborhood is very concerned about this development. The plan calls for 257 residences which is completely out of character for this part of Twin Oaks Valley. In addition, I am very concerned about traffic and other infrastructure issues that this size of development creates.

I am hoping as the senior planner for the city that you would consider a plan that is a better fit for the area. San Marcos has plenty of high density housing on the south side of San Marcos Blvd. We need to preserve the precious little open space left in the city.

Please include me in the notification list for the planning process of this project

Bill Ward  
310 Del Roy Dr  
San Marcos, Ca. 92069  
760-798-5676

## **1). Traffic**

1): The Twin Oaks area is already a growing and busy road secondary to the new housing added and planned for this area. The number of drivers currently exiting off of HWY 15 to access the twin Oaks Area is already backed up during commute hours. (Solution: decrease the number of homes built)

2). The volume of housing proposed on this site is ridiculous. These are large two plus car households entering and exiting out of a single entrance. This does not include guest, children, amazon deliveries, door dash, etc. (Solution: decrease the number of homes built on this site).

3). Safety for the mass exit of cars from this area when wildfires evacuations or concerns arise seems poor. (Solution: decrease the number of homes built on this site),

## **2). Construction:**

1). The proximity of the housing to the existing housing off Deerbrook is concerning. The dust and noise during the construction is expected to last for over a year. Noise and Air quality around our homes, the cleanliness of our property (roofs, yards, and pools must be considered.

Solution a: Eliminate or reduce the volume of homes planned for the hill facing twin Oaks/ along Deerbrook Drive Homes.

Solution b: Move the existing town homes further south from the homes located on Deerbrook Drive or eliminate the building on the hill entirely.

2). The structural integrity of the built in pools along this property are a risk with any rock crushing plans. Solution: no rock crushing or vibratory impact permitted close to the any property with an inground pool.

## **3). Property Values:**

1). The duration of construction project will negatively impact our property values and may affect home owner's ability to sale their property at a fair market value during this time

4) All of the homes near the proposed project have solar panels. Some have pools. What is the plan to protect these homes from the dust and dirt that is going to be present? We just paid \$1,800 to have the roof and solar panels cleaned. Given that this project looks to be a multiyear endeavor effecting dozens of homes the cost to keep these homes clean and the solar systems efficient is significant. Please provide the plan to protect the existing neighbors and the efficiency of the existing solar systems and to pay for the cleaning.

5) Please provide a topographical map of the project that includes the existing neighborhood. The cubic yards to be removed. The makeup of the existing soil on which the homes are to be built, especially those closest to Deerbrook Drive. Manner in which the excavation is to be conducted.

6) Covering the existing bare land with concrete is going to create water flow that is now absorbed into the hill. What is the plan to funnel this water away from the existing homes.

7) The area is replete with rodents and other wildlife. What is the plan to insure that the existing neighborhood is not infested with this wildlife?

8) The plan as proposed has new, 2 story homes looking down into the backyards of the existing homes. What is the plan to ensure the privacy of the existing homes. Provide Fence types, specific foliage, trees, etc.

9) Specific plans for the "park". Types of recreation envisioned. Hours of access. How the existing homes will be protected from public access.

10) My mother is 90 years old. Chances are that her last chapters of life will be interrupted by your construction. There needs to be a beginning and end to the project. No business plan that includes building sites and selling them and then building homes extending the project ;for years.

11) There are no condominiums in this area. All single family homes. How will the developer offset the loss in property value to the existing home owners?