

ATTACHMENT D
Mitigated Negative Declaration
ND 18-004

Final Initial Study/Mitigated Negative Declaration

ND18-004

Mission 24 Townhomes

GPA18-0003

R18-0003

TSM18-0002

MFS18-0002

V18-0001

City of San Marcos

April 2019

Prepared by:

Sophia Mitchell & Associates



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1.0 INTRODUCTION AND SUMMARY

This Final Initial Study and Mitigated Negative Declaration (IS/MND) has been prepared in accordance with the California Environmental Quality Act (CEQA) as amended (Public Resources Code Section 21000 *et seq.*) and the *CEQA Guidelines* (California Administrative Code Section 15000 *et seq.*).

CEQA Guidelines Sections 15074(b) and (d) state:

“(b) Prior to approving a project, the decision-making body of the lead agency shall consider the proposed negative declaration or mitigated negative declaration together with any comments received during the public review process. The decision-making body shall adopt the proposed negative declaration or mitigated negative declaration only if it finds on the basis of the whole record before it (including the initial study and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment and that the negative declaration or mitigated negative declaration reflects the lead agency's independent judgment and analysis.”

“(d) When adopting a mitigated negative declaration, the lead agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to mitigate or avoid significant environmental effects.”

In accordance with this requirement, the Mission 24 Townhomes IS/MND is comprised of the following:

- Draft IS/MND, January 2019
- This Final IS/MND document, April 2019, that incorporates the information required by §15074 (included in this document); and
- A Mitigation Monitoring and Reporting Program (included in this document).

Format of the Final IS/MND

This document is organized as follows:

Section 1.0 Introduction and Summary

This section describes CEQA requirements and content of this Final IS/MND.

Section 2.0 Corrections and Additions

This section provides a list of those revisions made to the Draft IS/MND subsequent to release of the Draft IS/MND for public review.

1.0 Introduction and Summary

Section 3.0 Responses to Comment Letters Received on the Draft IS/MND

This section includes the comment letters received during the 30-day public review period and individual responses to written comment.

Section 4.0 Mitigation Monitoring and Reporting Program

This section provides a program of monitoring or reporting to ensure that the provisions or revisions are complied with during implementation of the project.

2.0 CORRECTIONS AND ADDITIONS

This section contains revisions to information included in the Draft IS/MND (January 2019).

2.1 REFINEMENTS TO MITIGATION MEASURES

The cultural resources mitigation measures, as shown on pages 37 - 39 and 90 - 91 of the Draft IS/MND that was circulated for public review, were revised based upon input from the Tribes. The revised mitigation measures are shown below.

Subsequent correspondence from the San Luis Rey Band of Mission Indians (April 11, 2019) stated that the Tribe is satisfied and concurs with the revised tribal cultural resources mitigation measures.

MM-CR-1a Prior to the issuance of a Grading Permit, or ground-disturbing activities, the Applicant/Owner shall enter into a Tribal Cultural Resource Treatment and Monitoring Agreement (also known as a pre-excavation agreement) with the San Luis Rey Band of Mission Indians, and/or another Traditionally and Culturally Affiliated Native American Tribe ("TCA Tribe"). The purpose of this agreement shall be to formalize protocols and procedures between the Applicant/Owner and the TCA Tribe for the protection and treatment of Native American human remains, funerary objects, cultural and/or religious landscapes, ceremonial items, traditional gathering areas and other tribal cultural resources, located within and/or discovered during ground disturbing and/or construction activities for the proposed project, including any additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, preparation for wet and dry infrastructure, and all other ground disturbing activities.

MM-CR-1b The landowner shall relinquish ownership of all non-burial related tribal cultural resources collected during the grading monitoring program and from any previous archaeological studies or excavations on the project site to the TCA Tribe for proper treatment and disposition per the Cultural Resources Treatment and Monitoring Agreement. Any burial related tribal cultural resources (as determined by the Most Likely Descendant) shall be repatriated to the Most Likely Descendant as determined by the Native American Heritage Commission pursuant to California Public Resources Code Section 5097.98. If none of the TCA Tribes accept the return of the cultural resources, then the cultural resources will be subject to the curation requirements contained herein. Additionally, in the event that curation of tribal cultural resources is required by a superseding regulatory agency, curation shall be conducted by an approved facility and the curation shall be guided by California State Historic Resource Commissions Guidelines for the Curation of Archaeological Collections. The City of San Marcos shall provide the developer final curation language and guidance on the project grading plans prior to issuance of the grading permit, if applicable, during project construction. The applicant shall provide to the City written documentation from the TCA Tribe, the Most Likely Descendant, and/or

2.0 Corrections and Additions

the curation facility, whichever is most applicable, that the repatriation and/or curation have been completed.

MM-CR-1c Prior to the issuance of a Grading Permit or ground-disturbing activities, the Applicant/Owner or Grading Contractor shall provide a written and signed letter to the Development Services Department stating that a Qualified Archaeologist and TCA Native American monitor have been retained at the Applicant/Owner or Grading Contractor's expense to implement the monitoring program, as described in the Tribal Cultural Resource Treatment and Monitoring Agreement.

MM-CR-1d Prior to submittal of grading and/or improvement as-built plans, or prior to the issuance of any project Certificate of Occupancy, a monitoring report, which describes the results, analysis and conclusions of the archaeological monitoring program shall be submitted by the Qualified Archaeologist, along with the TCA Native American monitor's notes and comments, to the Planning Division Manager for approval. A copy of any submitted monitoring report shall be provided to the San Luis Rey Band of Mission Indians and any other TCA Tribe that requests the report.

MM-CR1e The Qualified Archaeologist shall maintain ongoing collaborative consultation with the TCA Native American monitor during all ground disturbing activities. The requirement for the monitoring program shall be noted on all applicable construction documents, including demolition plans, grading plans, etc. The Applicant/Owner or Grading Contractor shall notify the Planning Division, preferably through e-mail, of the start and end of all ground disturbing activities.

MM-CR-1f The Qualified Archaeologist and TCA Native American Monitor shall attend all applicable pre-construction meetings with the General Contractor and/or associated Subcontractors to present the archaeological monitoring program. The Qualified Archaeologist and TCA Native American monitor shall be present on-site full-time during grubbing, grading and/or other ground disturbing activities, including the placement of imported fill materials or fill used from other areas of the project site, to identify any evidence of potential archaeological or cultural resources. All fill materials shall be absent of any and all cultural resources. The Applicant/Owner or Grading Contractor may submit written documentation to the City to substantiate if any fill material is absent of cultural resources. Should the City concur that the fill material is absent of cultural resources, in consultation with a Qualified Archaeologist and/or the TCA Native American monitor, then no monitoring of that fill material is required.

MM-CR-1g The Qualified Archaeologist or the TCA Native American monitor may halt ground disturbing activities if unknown archaeological artifact deposits or cultural features are discovered. Ground disturbing activities shall be directed away from these deposits to allow a determination of potential importance. Isolates and clearly non-significant deposits (as determined by the Qualified Archaeologist, in consultation with the TCA Native American monitor) will be minimally documented in the field, collected and be given to the TCA Tribe so that they may be reburied at the site on a

2.0 Corrections and Additions

later date. If a determination is made that the unearthed artifact deposits or tribal cultural resources are considered potentially significant, the San Luis Rey Band of Mission Indians and/or the TCA Tribe referenced in CR-1 shall be notified and consulted with in regards to the respectful and dignified treatment of those resources. All sacred sites, significant tribal cultural resources and/or unique archaeological resources encountered within the project area shall be avoided and preserved as the preferred mitigation, if feasible. If, however, a data recovery plan is authorized by the City as the Lead Agency under CEQA, the contracted San Luis Rey Band of Mission Indians and/or the TCA Tribe referenced in CR-1 shall be notified and consulted regarding the drafting and finalization of any such recovery plan. For significant artifact deposits, tribal cultural resources or cultural features that are part of a data recovery plan, an adequate artifact sample to address research avenues previously identified for sites in the area will be collected using professional archaeological collection methods. If the Qualified Archaeologist collects such resources, the TCA Native American monitor must be present during any testing or cataloging of those resources. Moreover, if the Qualified Archaeologist does not collect the cultural resources that are unearthed during the ground disturbing activities, the TCA Native American monitor, may at their discretion, collect said resources and provide them to the contracted TCA Tribe referenced in CR-1 for respectful and dignified treatment in accordance with the Tribe's cultural and spiritual traditions. If the Developer, the Qualified Archaeologist and the TCA Tribe cannot agree on the significance or mitigation for such resources, these issues will be presented to the Planning Division Manager for decision. The Planning Division Manager shall make a determination based upon the provisions of the California Environmental Quality Act and California Public Resources Code Section 21083.2(b) with respect to archaeological resources, tribal cultural resources and shall take into account the religious beliefs, cultural beliefs, customs and practices of the TCA Tribe. Notwithstanding any other rights available under law, the decision of the Planning Division Manager shall be appealable to the Planning Commission and/or City Council.

MM-CR-1h As specified by California Health and Safety Code Section 7050.5, if human remains are found on the project site during construction or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Medical Examiner's Office. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Medical Examiner has made the necessary findings as to origin and disposition pursuant to Public Resources Code 5097.98. If such a discovery occurs, a temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected, and consultation and treatment could occur as prescribed by law. By law, the Medical Examiner will determine within two working days of being notified if the remains are subject to his or her authority. If the Medical Examiner recognizes the remains to be Native American, he or she shall contact the Native American Heritage Commission (NAHC), by telephone, within 24 hours. The NAHC will make a

2.0 Corrections and Additions

determination as to the Most Likely Descendent. If suspected Native American remains are discovered, the remains shall be kept in-situ, or in a secure location in close proximity to where they were found, and the examination of the remains shall only occur on-site in the presence of a TCA Native American monitor.

2.2 REVISED AND SUPPLEMENTAL TEXT

The following table summarizes the changes to the Draft IS/MND. These changes were based upon input from local Tribes on the cultural resources mitigation measures presented in the Draft IS/MND and other refinements.

Page	IS/MND Section	Summary of Change
14	Project Description	Table 1 revised to add that Annexation or payment of in-lieu fees for Community Facilities District for Lighting, Landscaping, Open Space & Preserve Management (CFD 98-02) will be required and is identified as an aesthetics design feature for the project.
37 – 39	Cultural Resources	Revisions to cultural resources mitigation measures based upon input from the local Tribes.
73	Public Services	Correction of mitigation measure number for payment of Public Facility Fee (changed from PS-1 to PS-2).
93 – 96	Findings	Revisions to cultural resources mitigation measures based upon input from the local Tribes.
n/a	Appendices	Appendix H (Stormwater Quality Management Plan) and Appendix I (Drainage Report) were updated to reflect the most current versions of these reports. None of the analysis or conclusions in the hydrology/water quality section of the IS/MND changed based upon these updated reports.

3.0 RESPONSE TO WRITTEN COMMENTS

This section contains responses to all comment letters received on the January 2019 Draft IS/MND. Two letters were received during the 30-day comment period, which closed March 1, 2019. (Table 3-1).

Table 3-1. Comment Letters

Number	Letter Preparer	Date
1	Governor's Office of Planning and Research, State Clearinghouse & Planning Unit	3/4/19
2	Federal Emergency Management Agency (FEMA)	2/11/19

3.0 Response to Written Comments

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3.0 Response to Written Comments



Gavin Newsom
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Kate Gordon
Director

March 4, 2019

Sean del Solar
City of San Marcos
1 Civic Center Drive
San Marcos, CA 92069-2918

Subject: Mission 24 Townhomes (GPA18-0003)
SCH#: 2019011064

Dear Sean del Solar:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. The review period closed on March 1, 2019, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,


Scott Morgan
Director, State Clearinghouse

RECEIVED

MAR 12 2019

**CITY OF SAN MARCOS
PLANNING DIVISION**

1-1

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
TEL 1-916-445-0613 state.clearinghouse@opr.ca.gov www.opr.ca.gov

3.0 Response to Written Comments

Document Details Report State Clearinghouse Data Base

SCH# 2019011064
Project Title Mission 24 Townhomes (GPA18-0003)
Lead Agency San Marcos, City of

Type MND Mitigated Negative Declaration
Description Note: Review Per Lead

The project applicant is requesting a GPA, Rezone, multi family site development permit, tentative subdivision map and a setback variance to construct 24 two-story townhomes. The project will demolish the existing vacant commercial building (formerly a bank), parking lot and landscaping to prepare the site for the proposed residential uses.

Lead Agency Contact

Name Sean del Solar
Agency City of San Marcos
Phone (760) 744-1050 x 3223
Fax
email
Address 1 Civic Center Drive
City San Marcos
State CA
Zip 92069-2918

Project Location

County San Diego
City San Marcos
Region
Lat / Long 33° 8' 15" N / 117° 7' 53" W
Cross Streets East Mission Rd/Avenida Chapala
Parcel No. 226-071-07-00
Township 12S
Range 2W
Section 18
Base SB

Proximity to:

Highways SR 78
Airports
Railways NCTD
Waterways San Marcos Crk
Schools Knob Hill, Woodland Pa
Land Use GP & Z: NC

Project Issues Biological Resources; Geologic/Seismic; Noise; Public Services; Recreation/Parks; Schools/Universities; Toxic/Hazardous; Landuse

Reviewing Agencies Resources Agency; Department of Conservation; Department of Fish and Wildlife, Region 5; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 11; Regional Water Quality Control Board, Region 9; Department of Toxic Substances Control; Native American Heritage Commission; Public Utilities Commission; State Water Resources Control Board, Division of Drinking Water

Date Received 01/28/2019
Start of Review 01/28/2019
End of Review 03/01/2019

Note: Blanks in data fields result from insufficient information provided by lead agency.

3.0 Response to Written Comments

Letter 1

Governor's Office of Planning and Research, State Clearinghouse and Planning Unit

- 1-1 This letter from the State Clearinghouse confirms that the CEQA document was circulated for public review. It also indicates that no state agencies submitted comment letters on the project via the State Clearinghouse.

3.0 Response to Written Comments

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FEB 19 2019

CITY OF SAN MARCOS
PLANNING DIVISION

U.S. Department of Homeland Security
FEMA Region IX
1111 Broadway, Suite 1200
Oakland, CA. 94607-4052



FEMA

February 11, 2019

Sean del Solar, AICP, Associate Planner
City of San Marcos
1 Civic Center Drive
San Marcos, California 92069

Dear Mr. Solar:

This is in response to your request for comments regarding the City of San Marcos Notice of Intent to Adopt Mitigated Negative Declaration, APN 226-071-07-00.

Please review the current effective Flood Insurance Rate Maps (FIRMs) for the City of San Marcos (Community Number 060296), Maps revised May 16, 2012 and San Diego County (Community Number 060284), Maps revised April 5, 2016. Please note that the City of San Marcos, San Diego County, California is a participant in the National Flood Insurance Program (NFIP). The minimum, basic NFIP floodplain management building requirements are described in Vol. 44 Code of Federal Regulations (44 CFR), Sections 59 through 65.

A summary of these NFIP floodplain management building requirements are as follows:

- All buildings constructed within a riverine floodplain, (i.e., Flood Zones A, AO, AH, AE, and A1 through A30 as delineated on the FIRM), must be elevated so that the lowest floor is at or above the Base Flood Elevation level in accordance with the effective Flood Insurance Rate Map.
- If the area of construction is located within a Regulatory Floodway as delineated on the FIRM, any **development** must not increase base flood elevation levels. **The term development means any man-made change to improved or unimproved real estate, including but not limited to buildings, other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, and storage of equipment or materials.** A hydrologic and hydraulic analysis must be performed *prior* to the start of development, and must demonstrate that the development would not cause any rise in base flood levels. No rise is permitted within regulatory floodways.

2-1

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3.0 Response to Written Comments

Sean del Solar, AICP, Associate Planner
Page 2
February 11, 2019

- All buildings constructed within a coastal high hazard area, (any of the “V” Flood Zones as delineated on the FIRM), must be elevated on pilings and columns, so that the lowest horizontal structural member, (excluding the pilings and columns), is elevated to or above the base flood elevation level. In addition, the posts and pilings foundation and the structure attached thereto, is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components.
- Upon completion of any development that changes existing Special Flood Hazard Areas, the NFIP directs all participating communities to submit the appropriate hydrologic and hydraulic data to FEMA for a FIRM revision. In accordance with 44 CFR, Section 65.3, as soon as practicable, but not later than six months after such data becomes available, a community shall notify FEMA of the changes by submitting technical data for a flood map revision. To obtain copies of FEMA’s Flood Map Revision Application Packages, please refer to the FEMA website at <http://www.fema.gov/business/nfip/forms.shtm>.

2-1
Cont.

Please Note:

Many NFIP participating communities have adopted floodplain management building requirements which are more restrictive than the minimum federal standards described in 44 CFR. Please contact the local community’s floodplain manager for more information on local floodplain management building requirements. The San Marcos floodplain manager can be reached by calling Mike Edwards, Director, Department of Public Works, at (760) 744-1050. The San Diego County floodplain manager can be reached by calling Sara Agahi, Flood Control District Manager, at (858) 694-2665.

If you have any questions or concerns, please do not hesitate to call Mark Delorey of the Mitigation staff at (510) 627-7015.

Sincerely,



Gregor Blackburn, CFM, Branch Chief
Floodplain Management and Insurance Branch

cc:

Mike Edwards, Director, Public Works Department, City of San Marcos
Sara Agahi, Flood Control District Director, San Diego County
Garret Tam Sing, State of California, Department of Water Resources, Southern Region Office
Mark Delorey, NFIP Planner, DHS/FEMA Region IX
Alessandro Amaglio, Environmental Officer, DHS/FEMA Region IX

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3.0 Response to Written Comments

Letter 2

Federal Emergency Management Agency (FEMA)

- 2-1** This letter provides general provisions for projects located within floodplains or floodways. As detailed on page 56 of the Draft IS/MND, the project site does not contain any areas mapped on a federal Flood Hazard Boundary, FIRM, or other flood hazard map. The project site is mapped as “Zone X” by FEMA (Flood Map No. 06073C0794G), which means the project site is in an area of minimal flood hazard. Therefore, none of the provisions in this letter would apply to the project.

3.0 Response to Written Comments

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4.0 Mitigation Monitoring and Reporting Program

4.0 MITIGATION MONITORING AND REPORTING PROGRAM

4.1 INTRODUCTION AND SUMMARY

Pursuant to Section 21081.6 of the Public Resources Code and the *California Environmental Quality Act (CEQA) Guidelines* Section 15097, public agencies are required to adopt a monitoring or reporting program to assure that mitigation measures and revisions identified in the Mitigated Negative Declaration (MND) are implemented. As stated in Section 21081.6 of the Public Resources Code:

“... the public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.”

Pursuant to Section 21081(a) of the Public Resources Code, findings must be adopted by the decision makers coincidental to certification of the MND. The Mitigation Monitoring and Reporting Program (MMRP) must be adopted when making the findings (at the time of approval of the project).

As defined in the CEQA Guidelines, Section 15097, “reporting” is suited to projects that have readily measureable or quantitative measures or which already involve regular review. “Monitoring” is suited to projects with complex mitigation measures, such as wetland restoration or archaeological protection, which may exceed the expertise of the local agency to oversee, are expected to be implemented over a period of time, or require careful implementation to assure compliance. Both reporting and monitoring would be applicable to the proposed project.

The Initial Study/Mitigated Negative Declaration prepared for the Mission 24 Townhome project provided an analysis of the environmental effects resulting from construction and operation of the project.

4.2 MITIGATION MATRIX

To sufficiently track and document the status of mitigation measures, a mitigation matrix has been prepared and includes the following components:

- Impact
- Mitigation Measure
- Action
- Timing
- Responsibility

The mitigation matrix is included in Table 4-1. Additionally, the project will be required to adhere to the design features presented in Table 4-2.

4.0 Mitigation Monitoring and Reporting Program

Table 4-1. Mitigation Measures

Impact	Mitigation Measure	Action	Timing	Responsibility
BIOLOGICAL RESOURCES				
Potential for the project to impact bird species protected under the Migratory Bird Treaty Act through removal of ornamental trees.	<p>MM-BIO-1a In order to avoid and minimize impacts to nesting birds (pursuant to the Migratory Bird Treaty Act), no removal of ornamental trees will occur during the avian breeding season (February 15 through August 31) within the project area, unless preconstruction surveys indicate that active nests are not present on the site or in surrounding areas. If surveys show that nesting birds are present, mitigation measures MM-BIO-1b would be implemented.</p> <p>MM-BIO-1b If nesting birds are found during the preconstruction survey performed under MM-BIO-1a, a no-work buffer would be placed around the nest. The no-work buffer size would be determined by a qualified biologist and would vary based on site conditions and type of work to be conducted. The no-work buffer would be maintained until the end of the breeding season or until surveys by a qualified biologist confirm that fledglings are no longer dependent on nest. If no nesting birds are detected during pre-construction surveys, no restrictions would be necessary and construction may proceed as planned.</p>	If construction is proposed during the breeding season, conduct a pre-construction survey. Install a no-work buffer if nesting birds are present.	For construction activities proposed for the period of February 15 to August 31, conduct a nesting bird survey no more than three days prior to construction activities. No-work buffer to be maintained until the end of the breeding season.	Applicant, Biologist, Contractor.

4.0 Mitigation Monitoring and Reporting Program

Impact	Mitigation Measure	Action	Timing	Responsibility
CULTURAL RESOURCES				
Impact CR-1 While no resources were identified on the project site, there is a potential to impact unidentified resources during ground disturbing activities.	MM-CR-1a Prior to the issuance of a Grading Permit, or ground-disturbing activities, the Applicant/Owner shall enter into a Tribal Cultural Resource Treatment and Monitoring Agreement (also known as a pre-excavation agreement) with the San Luis Rey Band of Mission Indians, and/or another Traditionally and Culturally Affiliated Native American Tribe ("TCA Tribe"). The purpose of this agreement shall be to formalize protocols and procedures between the Applicant/Owner and the TCA Tribe for the protection and treatment of Native American human remains, funerary objects, cultural and/or religious landscapes, ceremonial items, traditional gathering areas and other tribal cultural resources, located within and/or discovered during ground disturbing and/or construction activities for the proposed project, including any additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, preparation for wet and dry infrastructure, and all other ground disturbing activities.	Development of a Cultural Resource Treatment and Monitoring Agreement.	Prior to the issuance of a Grading Permit or ground-disturbing activities.	Applicant and TCA Tribe.
	MM-CR-1b The landowner shall relinquish ownership of all non-burial related tribal cultural resources collected during the grading monitoring program and from any previous archaeological studies or excavations on the project site to the TCA Tribe for proper treatment and disposition per the Cultural Resources Treatment and Monitoring Agreement. Any burial related tribal cultural resources (as determined by the Most Likely Descendant) shall be repatriated to the Most Likely Descendant as determined by the Native American Heritage Commission pursuant to California Public Resources Code Section 5097.98. If none of the TCA Tribes accept the return of the cultural resources, then the cultural resources will be subject to the curation requirements contained herein. Additionally, in the event that curation of tribal cultural resources is required by a superseding regulatory agency, curation shall be conducted by	Relinquish all cultural resources.	Before, during and after construction.	Applicant.

4.0 Mitigation Monitoring and Reporting Program

Impact	Mitigation Measure	Action	Timing	Responsibility
	an approved facility and the curation shall be guided by California State Historic Resource Commissions Guidelines for the Curation of Archaeological Collections. The City of San Marcos shall provide the developer final curation language and guidance on the project grading plans prior to issuance of the grading permit, if applicable, during project construction. The applicant shall provide to the City written documentation from the TCA Tribe, the Most Likely Descendant, and/or the curation facility, whichever is most applicable, that the repatriation and/or curation have been completed.			
	MM-CR-1c Prior to the issuance of a Grading Permit or ground-disturbing activities, the Applicant/Owner or Grading Contractor shall provide a written and signed letter to the Development Services Department stating that a Qualified Archaeologist and TCA Native American monitor have been retained at the Applicant/Owner or Grading Contractor's expense to implement the monitoring program, as described in the Tribal Cultural Resource Treatment and Monitoring Agreement.	Letter to the City's Development Services Department stating a Qualified Archaeologist and TCA Native American monitor have been retained.	Prior to the issuance of a Grading Permit or ground-disturbing activities.	Applicant.
	MM-CR-1d Prior to submittal of grading and/or improvement as-built plans, or prior to the issuance of any project Certificate of Occupancy, a monitoring report, which describes the results, analysis and conclusions of the archaeological monitoring program shall be submitted by the Qualified Archaeologist, along with the TCA Native American monitor's notes and comments, to the Planning Division Manager for approval. A copy of any submitted monitoring report shall be provided to the San Luis Rey Band of Mission Indians and any other TCA Tribe that requests the report.	Monitoring report submitted to Planning Division Manager, with a copy of the monitoring report provided to the San Luis Rey Band of Mission Indians and any other TCA Tribe that requests the report.	Prior to submittal of grading and/or improvement as-built plans.	Applicant, Qualified Archaeologist, TCA Native American monitor.
	MM-CR1e The Qualified Archaeologist shall maintain ongoing collaborative consultation with the TCA Native American monitor during all ground disturbing activities. The requirement for the	Ongoing collaboration between Qualified Archaeologist and TCA	During ground-disturbing activities.	Qualified Archaeologist and TCA Native

4.0 Mitigation Monitoring and Reporting Program

Impact	Mitigation Measure	Action	Timing	Responsibility
	monitoring program shall be noted on all applicable construction documents, including demolition plans, grading plans, etc. The Applicant/Owner or Grading Contractor shall notify the Planning Division, preferably through e-mail, of the start and end of all ground disturbing activities.	Native American monitor. Notification to Planning Division.		American monitor.
	MM-CR-1f The Qualified Archaeologist and TCA Native American Monitor shall attend all applicable pre-construction meetings with the General Contractor and/or associated Subcontractors to present the archaeological monitoring program. The Qualified Archaeologist and TCA Native American monitor shall be present on-site full-time during grubbing, grading and/or other ground disturbing activities, including the placement of imported fill materials or fill used from other areas of the project site, to identify any evidence of potential archaeological or cultural resources. All fill materials shall be absent of any and all cultural resources. The Applicant/Owner or Grading Contractor may submit written documentation to the City to substantiate if any fill material is absent of cultural resources. Should the City concur that the fill material is absent of cultural resources, in consultation with a Qualified Archaeologist and/or the TCA Native American monitor, then no monitoring of that fill material is required.	Attendance at applicable pre-construction meetings. Presentation of the archaeological monitoring program. Submit letter to City regarding fill material.	During applicable pre-construction meetings. At the time the fill material is brought to the site.	Qualified Archaeologist, TCA Native American monitor, and City.
	MM-CR-1g The Qualified Archaeologist or the TCA Native American monitor may halt ground disturbing activities if unknown archaeological artifact deposits or cultural features are discovered. Ground disturbing activities shall be directed away from these deposits to allow a determination of potential importance. Isolates and clearly non-significant deposits (as determined by the Qualified Archaeologist, in consultation with the TCA Native American monitor) will be minimally documented in the field, collected and be given to the TCA Tribe so that they may be reburied at the site on a later date. If a determination is	Halting of ground disturbing activities if cultural resources are discovered. Redirection of ground disturbing activities, if needed.	During ground disturbing activities.	Qualified Archaeologist or the TCA Native American monitor and TCA Tribe.

4.0 Mitigation Monitoring and Reporting Program

Impact	Mitigation Measure	Action	Timing	Responsibility
	made that the unearthed artifact deposits or tribal cultural resources are considered potentially significant, the San Luis Rey Band of Mission Indians and/or the TCA Tribe referenced in CR-1 shall be notified and consulted with in regards to the respectful and dignified treatment of those resources. All sacred sites, significant tribal cultural resources and/or unique archaeological resources encountered within the project area shall be avoided and preserved as the preferred mitigation, if feasible. If, however, a data recovery plan is authorized by the City as the Lead Agency under CEQA, the contracted San Luis Rey Band of Mission Indians and/or the TCA Tribe referenced in CR-1 shall be notified and consulted regarding the drafting and finalization of any such recovery plan. For significant artifact deposits, tribal cultural resources or cultural features that are part of a data recovery plan, an adequate artifact sample to address research avenues previously identified for sites in the area will be collected using professional archaeological collection methods. If the Qualified Archaeologist collects such resources, the TCA Native American monitor must be present during any testing or cataloging of those resources. Moreover, if the Qualified Archaeologist does not collect the cultural resources that are unearthed during the ground disturbing activities, the TCA Native American monitor, may at their discretion, collect said resources and provide them to the contracted TCA Tribe referenced in CR-1 for respectful and dignified treatment in accordance with the Tribe's cultural and spiritual traditions. If the Developer, the Qualified Archaeologist and the TCA Tribe cannot agree on the significance or mitigation for such resources, these issues will be presented to the Planning Division Manager for decision. The Planning Division Manager shall make a determination based upon the provisions of the California Environmental Quality Act and California Public Resources Code Section 21083.2(b) with respect to archaeological resources, tribal cultural resources and shall take into account the religious beliefs, cultural beliefs, customs and	Coordination regarding treatment and disposition of cultural resources, if identified.		

4.0 Mitigation Monitoring and Reporting Program

Impact	Mitigation Measure	Action	Timing	Responsibility
	practices of the TCA Tribe. Notwithstanding any other rights available under law, the decision of the Planning Division Manager shall be appealable to the Planning Commission and/or City Council.			
	MM-CR-1h As specified by California Health and Safety Code Section 7050.5, if human remains are found on the project site during construction or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Medical Examiner's Office. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Medical Examiner has made the necessary findings as to origin and disposition pursuant to Public Resources Code 5097.98. If such a discovery occurs, a temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected, and consultation and treatment could occur as prescribed by law. By law, the Medical Examiner will determine within two working days of being notified if the remains are subject to his or her authority. If the Medical Examiner recognizes the remains to be Native American, he or she shall contact the Native American Heritage Commission (NAHC), by telephone, within 24 hours. The NAHC will make a determination as to the Most Likely Descendent. If suspected Native American remains are discovered, the remains shall be kept in-situ, or in a secure location in close proximity to where they were found, and the examination of the remains shall only occur on-site in the presence of a TCA Native American monitor.	Halting of construction and contact NAHC.	At the time human remains are encountered.	Applicant, Contractor.

4.0 Mitigation Monitoring and Reporting Program

Impact	Mitigation Measure	Action	Timing	Responsibility
GEOLOGY/SOILS				
Impact GEO-1 The majority of the site was found to be underlain by a surficial layer of potentially compressible fill materials. Additionally, the proposed grading scheme and recommended site preparation will result in cut/fill transitions underlying the proposed building pads which may result in differential settlements detrimental to the proposed structures.	MM-GEO-1 The project applicant shall implement the geotechnical recommendations identified on pages 8 - 18 of the Report of Geotechnical Investigation (Geocon 2018b). These recommendations address grading, foundations, seismic design factors, foundations/on-grade slabs, retaining walls, and site drainage. These requirements shall be included as notes on the grading plan for the project.	Implementation of recommendation in the project's geotechnical report.	During project construction.	Applicant/ Civil Engineer.
HAZARDS/HAZARDOUS MATERIALS				
Impact HAZ-1 Potential for asbestos-containing materials in the structure proposed for demolition.	MM-HAZ-1 As a requirement for the Demolition Permit for the project, during building demolition, the project applicant shall use a licensed contractor registered with Cal/OSHA for all asbestos-related work. The contractor shall be responsible for informing the landfill of the contractor's intent to dispose of asbestos waste and shall also be responsible for segregating and characterizing waste streams prior to disposal.	Inspect structure for asbestos-containing materials and document the findings. If asbestos-containing materials are identified, proper abatement shall be conducted.	Prior to issuance of a Demolition Permit.	Applicant, Contractor.

4.0 Mitigation Monitoring and Reporting Program

Impact	Mitigation Measure	Action	Timing	Responsibility
Impact HAZ-2 Potential for lead-based-paint in the structure proposed for demolition.	MM-HAZ-2 As a requirement for the Demolition Permit for the project, during building demolition, the project applicant shall handle all lead-containing paint in accordance with Cal/OSHA lead standards. Compliance and training requirements for activities where workers may be exposed to lead are presented in Title 8, CCR, Section 1532.1(e)(1). Additionally, in accordance with Title 8, CCR, Section 15321(p), written notification to the nearest Cal/OSHA office is required at least 24 hours prior to certain lead-related work.	Inspect structure for lead-based paint and document the findings. If lead-based paint materials are identified, proper abatement shall be conducted.	Prior to issuance of a Demolition Permit.	Applicant, Contractor.
Impact HAZ-3 Potential for Universal Waste in the structure proposed for demolition.	MM-HAZ-3 As a requirement for the Demolition Permit for the project, the following protocol shall be implemented for handling universal waste during building demolition: <ul style="list-style-type: none"> • Fluorescent light tubes, fluorescent lights with internal ballasts, and HIG light bulbs should be removed from lighting fixtures and managed for recycling prior to demolition. • All light ballasts shall be inspected for PCB status (labeling) and removed prior to demolition. All light ballasts that are unlabeled or lack a “No PCBs” designation shall be treated as PCB-containing components and managed as hazardous waste. • Potential lead-acid, NiCad, or other rechargeable batteries used in emergency lighting and exit signs should be managed for recycling. • Refrigeration equipment (roof top HVAC units) shall be moved and managed for reuse or the CFC refrigerants in the equipment shall be reclaimed for recycling prior to disposing of the equipment. • Removal of universal waste or suspect hazardous building materials shall be conducted by contractors licensed to handle, transport and/or dispose of universal wastes and hazardous wastes. 	Inspect structure for Universal Wastes and dispose of in accordance with all regulatory requirements.	Prior to issuance of a Demolition Permit.	Applicant, Contractor

4.0 Mitigation Monitoring and Reporting Program

Impact	Mitigation Measure	Action	Timing	Responsibility
NOISE				
Impact N-1 Due to the combination of roadway and train activities, noise levels at the private outdoor use areas located adjacent to East Mission Road and Avenida Chapala (Receptors 1, 2 and 10), were found to exceed the City's 65 dBA CNEL threshold without mitigation.	MM-N-1 Noise mitigation in the form of a 6-foot barrier along East Mission Road for the southern units having direct line of sight to the roadways and railroad is required to comply with the City of San Marcos Noise standards for multifamily uses based on transportation related noise sources (i.e., vehicle or train). The barriers must be constructed of a non-gapping material (i.e., masonry, stucco, ¼ inch thick glass or Plexiglas). The location of the proposed barrier is provided in Figure 6 of the IS/MND.	Construction a 6-foot noise barrier along East Mission Road to minimize transportation related noise.	Prior to project occupancy.	Applicant.
Impact N-2 Building façade levels are forecast to exceed 60 dBA CNEL, which means interior noise limits could be exceeded.	MM-N-2 Prior to issuance of the first building permit, a final noise assessment is required for the interior of the residential units since noise levels at the building facades are above 60 dBA CNEL. This final report shall identify the interior noise requirements based upon architectural and building plans to meet the City's established interior noise limit of 45 dBA CNEL. Interior noise levels of 45 dBA CNEL can easily be obtained with conventional building construction methods and providing a closed window condition requiring a means of mechanical ventilation (e.g. air conditioning) for each building and upgraded windows for all sensitive rooms (e.g. bedrooms and living spaces). The noise assessment shall be submitted to the Planning Division Manager.	Noise assessment for the interior of all residential units. Submit the noise assessment to the Planning Division Manager.	Prior to the issuance of the first building permit.	Applicant, Noise Consultant, Planning Division.

4.0 Mitigation Monitoring and Reporting Program

Impact	Mitigation Measure	Action	Timing	Responsibility
PUBLIC SERVICES/RECREATION				
Impact PS-1 Development of the project will contribute to District-wide capacity shortages within the San Marcos Unified School District.	MM-PS-1 The project applicant shall pay school mitigation fees pursuant to California Education Code Section 17620 et seq. and Government Code Sections 65995(h) and 65996(b) in effect at the time of building permit issuance. Current Level II school fees are \$5.61/s.f. for residential development.	Payment of Level II school mitigation fees.	Prior to issuance of a building permits.	Applicant, developer or property owner.
Impacts PS-1 and REC-1 Development of the project will contribute to the incremental increase in demand for park and recreation facilities.	MM-PS-2/REC-1 The project applicant shall pay the City's Public Facility Fee (PFF), a portion of which is designated for parks. The PFF money would go towards the acquisition and development of local and community park facilities throughout the City. Payment of the PFF shall be made prior to issuance of a building permit.	Payment of PFF	Prior to issuance of building permit.	Applicant, developer or property owner.

4.0 Mitigation Monitoring and Reporting Program

Table 4-2. Project Design Features

<p>Aesthetics</p> <ul style="list-style-type: none"> • Implementation of the landscape concept plan • Planting of 65 trees to replace lost trees at a nearly 3:1 ratio. • Annexation or payment of in-lieu fees for Community Facilities District for Lighting, Landscaping, Open Space & Preserve Management (CFD 98-02).
<p>Air Quality</p> <ul style="list-style-type: none"> • The project shall comply with Section 87.426 of the City's Grading Ordinance and implement dust control measures. These measures include watering of active grading sites and unpaved roads a minimum of twice daily, replacement of ground cover as quickly as possible, reducing speeds on unpaved roads/surfaces to 15 miles per hour or less, and reducing dust during unloading and loading operations. • Low-VOC coatings shall be used for all buildings, as required under SDAPCD Rule 67.0. • Heavy diesel construction equipment will be rated Tier IV.
<p>Greenhouse Gases</p> <ul style="list-style-type: none"> • Installation of rooftop photovoltaic solar panels to generate a portion of the project's electricity demand. • Installation of 75 percent light emitting diode (LED) lighting for both interior and exterior lighting. • Installation of smart meters and programmable thermostats. • Installation of low-flow water fixtures in all the units per Title 24. • Installation of ENERGY STAR qualified appliances. • No hearth options/fireplaces within any of the units. • Installation of low maintenance and drought tolerant landscaping to minimize landscaping irrigation needs. • Use of state-of-the-art irrigation system to reduce water consumption. • Compliance with the City's Water Efficient Landscape Ordinance. • Installation of shade trees along the project frontage both west and south in the public right-of-way and on adjacent private slopes.
<p>Hazards - Airports</p> <ul style="list-style-type: none"> • All residential development within Review Area 2 shall be required to record overflight notification documents as outlined in the McClellan-Palomar Airport Land Use Compatibility Plan, and per Chapter 20.265 of the City's Municipal Code, notifying residents of potential annoyances commonly associated with proximity to airports, such as noise, vibration, and overflights.
<p>Hydrology/Water Quality</p> <ul style="list-style-type: none"> • The project will be required to provide a design to mitigate water quality under the land development requirements deemed to be in effect. • Implementation of all construction-related best management practices (BMPs) identified in the SWPPP. <p>Implementation of the following source control BMPs:</p> <ul style="list-style-type: none"> • Mark all inlets with the words "No Dumping! Drains to Waterways" and "No Contaminate" in Spanish, or functionally equivalent phrases. • Interior floor drains will be plumbed into sanitary sewer. • During construction, any vehicle washing area provided shall be bermed and covered. Signage prohibiting carwashing shall be provided otherwise. • Plaza, sidewalks, and parking lots shall be swept and/or cleaned regularly to prevent the accumulation of litter and debris.

4.0 Mitigation Monitoring and Reporting Program

<ul style="list-style-type: none">• Dumpsters shall be covered and trash enclosures shall be designed to prevent runoff. Trash enclosures shall drain into BMPs and be made of concrete masonry unit walls on three sides.• Post signs on all dumpsters stating that hazardous materials are not to be disposed of therein.• Landscaping has been designed to minimize irrigation and runoff and to minimize the use of fertilizers and pesticides that can contribute to storm water.• Roofing, gutters and trim will not be constructed of copper or other unprotected metals that may leach into the runoff.
Noise <ul style="list-style-type: none">• All construction equipment shall be properly fitted with mufflers.• All staging and maintenance shall be conducted as far away from the existing residence as possible.
Public Services – Police <ul style="list-style-type: none">• Annexation or payment of in-lieu fees for Community Facilities District for police protection (CFD 98-01, Improvement Area No. 1).
Public Services – Fire <ul style="list-style-type: none">• Annexation into or payment of in-lieu fees for Community Facilities District for fire and paramedic services (CFD 2001-01).
Transportation/Traffic <ul style="list-style-type: none">• Financial participation in the Congestion Management Community Facilities District to reduce traffic congestion (CFD 2011-01).
Utilities and Services Systems – Water and Wastewater <ul style="list-style-type: none">• Payment of Vista Irrigation District fees• Payment of Wastewater Capital Facility Fees per Vallecitos Water District Ordinance No. 176.

4.0 Mitigation Monitoring and Reporting Program

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Appendix A.3	Architectural Concepts
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Appendix B	Air Quality Report
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I. INTRODUCTION

I. PURPOSE

This document is an Initial Study (IS) for evaluation of environmental impacts resulting from implementation of the Mission 24 project. For the purposes of this document, the proposed development as described in Section II, Project Description, will be called the “project.”

II. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) REQUIREMENTS

As defined by Section 15063 of the California Code of Regulations (“CEQA Guidelines”), an IS is prepared to provide the Lead Agency with information to use in deciding to prepare either an Environmental Impact Report (EIR) or a Negative Declaration (ND) as the most appropriate environmental documentation for the proposed discretionary action. The City of San Marcos (City) is designated the Lead Agency, in accordance with Section 15050 of the CEQA Guidelines. The Lead Agency is the public agency with the principal responsibility for approving a project that may have significant effects upon the environment.

Through this IS, the City has determined that although the project could have a significant effect on the environment, mitigation has been included to bring all potential impacts to less than significant levels. This determination was made based upon technical analysis, factual data, and other supporting documentation. Therefore, a Mitigated Negative Declaration (MND) is being proposed. The IS/MND will be circulated for a period of 30 days for public review. Comments received on the document will be considered by the City before it acts on the proposed project.

This IS has been prepared in conformance with CEQA of 1970, as amended (Public Resources Code, Section 21000 et. seq.) and Section 15070 of the State Guidelines for Implementation of CEQA of 1970, as amended (California Code of Regulations, Title 14, Chapter 3, Section 15000, et seq.).

III. INTENDED USES OF INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

This IS, along with the attached MND, is an informational document intended to inform City decision-makers, other responsible or interested agencies, and the public of potential environmental effects of the proposed project. The environmental review process has been established to enable public agencies to evaluate environmental consequences and to examine and implement methods of eliminating or reducing any potentially adverse impacts.

IV. CONTENTS OF DOCUMENT

This IS/MND is organized to facilitate a basic understanding of the existing setting and environmental implications of the proposed project as follows:

I. INTRODUCTION identifies the City contact persons involved in the process, scope of environmental review, environmental procedures, and incorporation by reference documents.

II. PROJECT DESCRIPTION describes the proposed project. A description of proposed discretionary approvals and permits required for project implementation is also included.

III. ENVIRONMENTAL CHECKLIST FORM presents the results of the environmental evaluation for the proposed project and those issue areas that would have a significant impact, potentially significant impact, a less than significant impact with mitigation incorporated, or no impact.

IV. ENVIRONMENTAL ANALYSIS evaluates each response provided in the environmental checklist form. Each response checked is discussed and supported with sufficient data and analysis. As appropriate, each response discussion describes and identifies specific impacts anticipated with project implementation. In this section, mitigation measures are also recommended, as appropriate, to reduce adverse impacts to levels of “less than significant” where possible.

V. MANDATORY FINDINGS OF SIGNIFICANCE presents Mandatory Findings of Significance in accordance with Section 15065 of the CEQA Guidelines.

VI. PREPARERS identifies those persons consulted and involved in preparation of this IS.

VII. REFERENCES lists bibliographical materials used in preparation of this document.

VIII. MITIGATED NEGATIVE DECLARATION

IX. FINDINGS

V. SCOPE OF ENVIRONMENTAL ANALYSIS

For evaluation of environmental impacts, each question from the environmental checklist form is stated and responses are provided according to the analysis undertaken as part of the IS. All responses take into account the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts. Project impacts and effects will be evaluated and quantified, when appropriate. To each question, there are four possible responses, including:

1. **No Impact:** A “No Impact” response is adequately supported if the referenced information sources show that the impact simply does not apply to the proposed project.
2. **Less Than Significant Impact:** Development associated with project implementation will have the potential to impact the environment. These impacts, however, will be less than the thresholds that are considered significant and no additional analysis is required.
3. **Less Than Significant With Mitigation Incorporated:** This applies where incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to “Less Than Significant Impact.” The Lead Agency must describe the mitigation measures and explain how the measures reduce the effect to a less than significant level.
4. **Potentially Significant Impact:** Future implementation will have impacts that are considered significant and additional analysis and possibly an EIR are required to identify mitigation measures that could reduce these impacts to less than significant levels.

VI. PERMITS AND ENTITLEMENTS FOR PROJECT APPROVAL

The requested entitlements for the project include the following:

- **General Plan Amendment (GPA18-0003)** to change the project site from Neighborhood Commercial (NC) to Medium Density Residential 2 (MDR2).
- **Rezone (R18-0003)** to change the Neighborhood Commercial zoning to Residential 3 (R-3-10).

- **Tentative Subdivision Map (TSM18-0002)** for right-of-way dedication, formation of residential condominium units, private driveways, and open space areas.
- **Multi Family Site Development Permit (MFS18-0002)** to construct 24 residential townhomes and address the details of architectural styles, building elevations, plotting layouts, fencing, landscaping, among other criteria, within the development.
- **Variance (V18-0001)** request to reduce the front yard setbacks on East Mission from 86 feet to 70.3 feet.
- Additional permits required for project construction including Grading Permit, Improvement Plans, Landscape Plans, Demolition Permit, and Building Permits.

II. PROJECT DESCRIPTION

PROJECT LOCATION AND SETTING

The 1.52-acre project site is located at 1210 East Mission Road in the City of San Marcos in northern San Diego County. The project site is bounded by East Mission Road on the south, Avenida Chapala and multifamily residences on the west, single-family detached residences along Via Belleza to the north, a neighborhood commercial center anchored by Stater Bros. Market, to the east. The Assessor Parcel Number (APN) is 226-071-07-00. **Figure 1** provides a location of the project within the City.

PROJECT DESCRIPTION

The project applicant is requesting a General Plan Amendment, Rezone, Multi Family Site Development Permit, Tentative Subdivision Map and a setback variance to construct 24 two-story townhomes. The project will demolish the existing vacant commercial building (formerly a bank) and landscaping to prepare the site for the proposed residential uses.

Residential - The project proposes to construct four two-story buildings. Each building will have six attached townhomes. In total, the project will have 16 three-bedroom units and 8 four-bedroom units that will range in size from 1,445 to 1,590 square feet (s.f.). Each townhome will also have a private first-floor patio area ranging from 260 to 994 s.f., depending on the location of the unit. **Figure 2** presents the Site Development Plan and the complete project plans are included in **Appendix A.1**.

Architectural Design - Buildings 1, 2, 3, and 4 will be two stories high and approximately 29 feet in height. The project design includes architectural concepts with varying exterior treatments. The project proposes the use of tile roofing, stucco, exterior plaster cement, wood fascia, accent shutters and awning, decorative gable accents and decorative elements, such as pot shelves. Two architectural elevations are proposed to provide variety and visual interest. The two architectural elevation concepts are included in Appendix A.3 and **Figure 3a and Figure 3b**.

Common Open Space for Recreation Purposes - The project includes 3,988 s.f. of common open space for recreation purposes. This includes a 2,642 s.f. area along the project's eastern boundary that will be developed with recreational amenities. Additionally, a 1,346 s.f. area adjacent to the project entrance and Building 4 will be planted with turf species that will serve as a passive open space area.

Landscape Concept Plan - Existing landscaping on the project site includes 22 mature trees in addition to shrubs and other ornamental plantings. The existing landscaping will be removed as part of the project. New landscaping will be planted consistent with the landscape concept plan and includes 65 trees, a variety of shrubs, accent plantings, and turf. The proposed planting palette detailing the specific types of the plant material is included in **Appendix A.2**. Landscaping will cover 36.3 percent of the project site. The project will also comply with the City's Model Water Efficient Landscape Ordinance (WELO).

Circulation Network and Emergency Access - Access to the project site would be via Avenida Chapala via a 24-foot wide driveway/alley (Private Driveway A). Internal vehicular movement is along Private Driveway B, which ranges from 24 to 26-feet wide. Eight guest parking spaces are accessed from Private Driveway B. The Fire Marshal has reviewed the project plans and there is adequate access for emergency vehicles, including fire trucks.

Figure 1. Vicinity Map

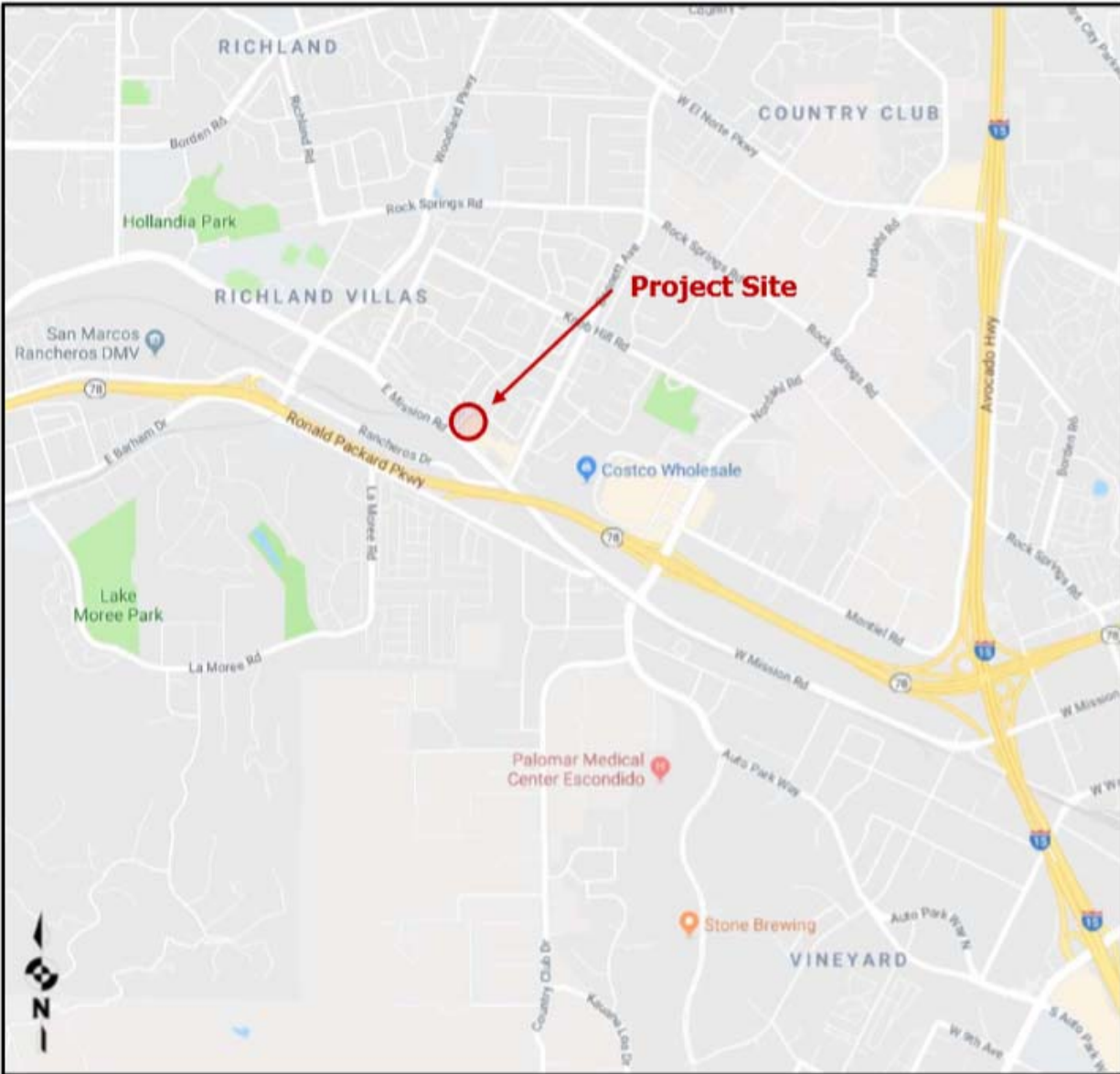


Figure 2. Site Development Plan

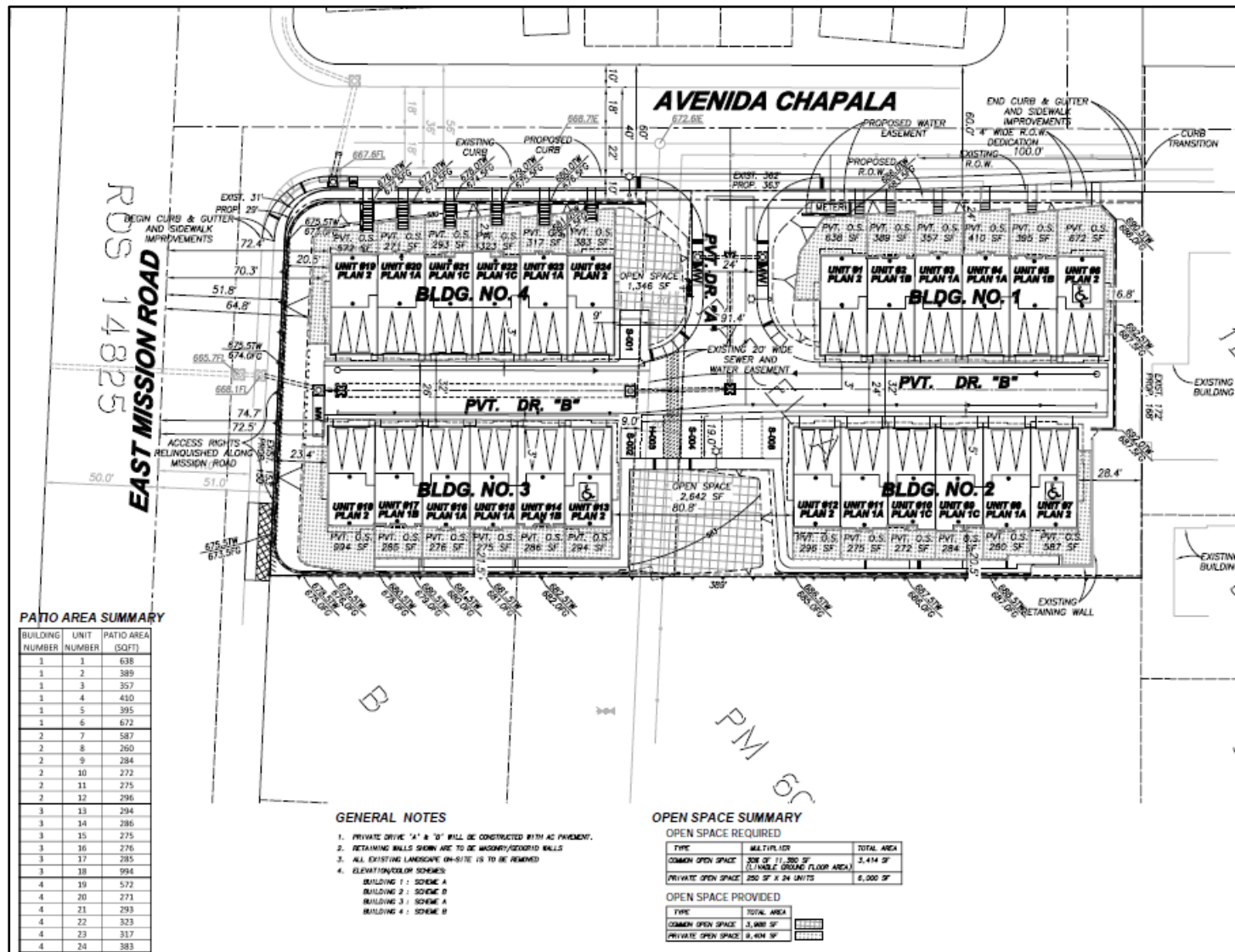
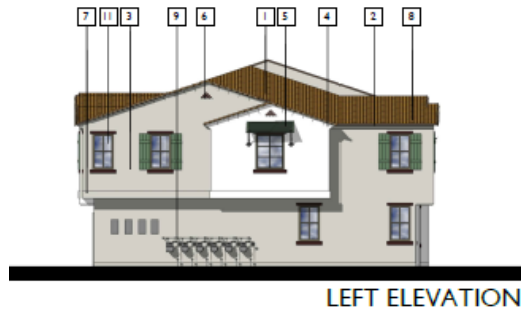
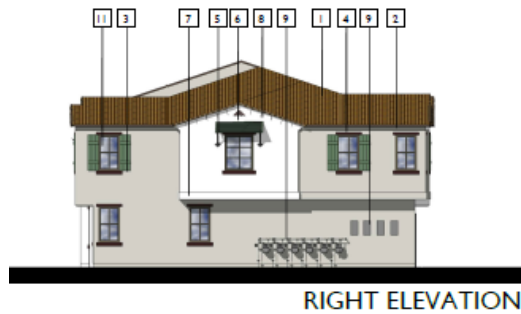


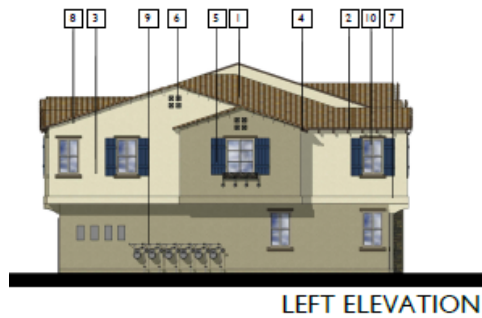
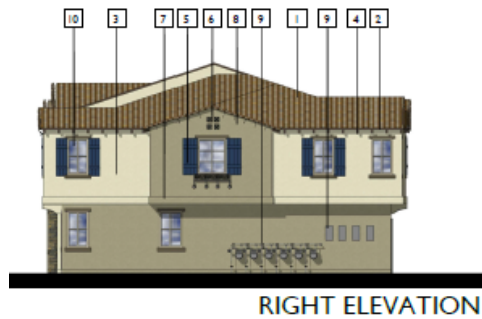
Figure 3a. Residential Building Architectural Elevation (Concept A)



ELEVATION NOTES

- 1 CLASS 'A' S-TILE ROOFING
- 2 2x WOOD FASCIA
- 3 EXTERIOR PLASTER CEMENT
- 4 FOAM CORNICE
- 5 ACCENT SHUTTERS/AWNINGS
- 6 DECORATIVE CABLE ACCENT
- 7 2x FOAM TRIM
- 8 SCALLOPED GABLE
- 9 UTILITIES
- 10 SPANISH TILE
- 11 VINYL WINDOW WITH TRIM
- 12 SECTIONAL STEEL GARAGE DOOR
- 13 SOLID CORE WOOD ENTRY DOOR

Figure 3b. Residential Building Architectural Elevation (Concept B)



ELEVATION NOTES

- 1 CLASS 'A' S-TILE ROOFING
- 2 2x WOOD FASCIA
- 3 EXTERIOR PLASTER CEMENT
- 4 RAFTER TAIL
- 5 ACCENT SHUTTERS/AWNINGS
- 6 DECORATIVE GABLE ACCENT
- 7 2x FOAM TRIM
- 8 SCALLOPED GABLE
- 9 UTILITIES
- 10 VINYL WINDOW WITH TRIM
- 11 SECTIONAL STEEL GARAGE DOOR
- 12 SOLID CORE WOOD ENTRY DOOR

Parking – The project includes 56 onsite parking spaces. This includes a private two-car garage in each town home plus an additional eight onsite guest parking spaces. Additionally, Avenida Chapala would be widened an additional two feet to provide a fully paved width of 40 feet in order to allow for parking on both sides of the street. Currently parking is only permitted on the west side of Avenida Chapala.

Utility Improvements – The project site is within the Vista Irrigation District (VID) water service boundary and the Vallecitos Water District (VWD) sewer service boundary. There is existing VID and VWD infrastructure on the project site, including water and sewer mains that run through the middle of the site in an east-west direction. There is also a 20-foot wide easement associated with the VID and VWD infrastructure. The project applicant has been coordinating with VWD and VID and both have provided a preliminary review of the project; the applicant has incorporated their preliminary comments into the project design. VWD and VID will conduct a full review once the final engineering plans are available. Additionally, the project applicant will pay Wastewater Capital Facility Fees per VWD Ordinance No. 176 and applicable VID fees.

As part of the project design, the project will install a 41 kW DC photovoltaic grid (the equivalent of 137 300-watt solar panels) to generate a portion of the project's electricity demand.

Greenhouse Gas Emissions Reductions Features

The project includes features that will reduce the emissions of greenhouse gases. These features include:

- Installation of rooftop photovoltaic solar panels;
- Installation of 75 percent light emitting diode (LED) lighting for both interior and exterior lighting;
- Installation of smart meters and programmable thermostats;
- Installation low-flow water fixtures in all the units per Title 24;
- Installation of ENERGY STAR qualified appliances;
- Installation of low-maintenance and drought tolerant landscaping;
- Use of state-of-the-art irrigation system to reduce water consumption;
- Installation of shade trees;
- Compliance with the City's Water Efficient Landscape Ordinance; and
- No hearth options/fireplaces within any of the units.

Demolition and Grading – Project construction includes the demolition and removal of the existing commercial structure and all existing onsite parking lots and landscaping will be removed. Once the site is cleared, minor grading activities will be required for the project to prepare the site for the new construction. The project is anticipated to have 1,400 cubic yards (cy) of cut and 1,400 cy of fill. The project will balance on site and no import or export of grading earthwork materials is expected.

Construction Schedule – Assuming receipt of all necessary approvals, demolition of the existing structure is expected to start in the spring of 2020 with utility infrastructure and construction to start shortly thereafter. Construction is expected to take 18 months and all construction would be completed in 2022.

Project Design Features – The project includes design considerations and would adhere to applicable regulatory requirements, as identified in **Table 1**.

Table 1. Project Design Features

<p>Aesthetics</p> <ul style="list-style-type: none"> • Implementation of the landscape concept plan • Planting of 65 trees to replace lost trees at a nearly 3:1 ratio. • <u>Annexation or payment of in-lieu fees for Community Facilities District for Lighting, Landscaping, Open Space & Preserve Management (CFD 98-02).</u>
<p>Air Quality</p> <ul style="list-style-type: none"> • The project shall comply with Section 87.426 of the City's Grading Ordinance and implement dust control measures. These measures include watering of active grading sites and unpaved roads a minimum of twice daily, replacement of ground cover as quickly as possible, reducing speeds on unpaved roads/surfaces to 15 miles per hour or less, and reducing dust during unloading and loading operations. • Low-VOC coatings shall be used for all buildings, as required under SDAPCD Rule 67.0. • Heavy diesel construction equipment will be rated Tier IV.
<p>Greenhouse Gases</p> <ul style="list-style-type: none"> • Installation of rooftop photovoltaic solar panels to generate a portion of the project's electricity demand. • Installation of 75 percent light emitting diode (LED) lighting for both interior and exterior lighting. • Installation of smart meters and programmable thermostats. • Installation of low-flow water fixtures in all the units per Title 24. • Installation of ENERGY STAR qualified appliances. • No hearth options/fireplaces within any of the units. • Installation of low maintenance and drought tolerant landscaping to minimize landscaping irrigation needs. • Use of state-of-the-art irrigation system to reduce water consumption. • Compliance with the City's Water Efficient Landscape Ordinance. • Installation of shade trees along the project frontage both west and south in the public right-of-way and on adjacent private slopes.
<p>Hazards - Airports</p> <ul style="list-style-type: none"> • All residential development within Review Area 2 shall be required to record overflight notification documents as outlined in the McClellan-Palomar Airport Land Use Compatibility Plan, and per Chapter 20.265 of the City's Municipal Code, notifying residents of potential annoyances commonly associated with proximity to airports, such as noise, vibration, and overflights.
<p>Hydrology/Water Quality</p> <ul style="list-style-type: none"> • The project will be required to provide a design to mitigate water quality under the land development requirements deemed to be in effect. • Implementation of all construction-related best management practices (BMPs) identified in the SWPPP. <p><i>Implementation of the following source control BMPs:</i></p> <ul style="list-style-type: none"> • Mark all inlets with the words "No Dumping! Drains to Waterways" and "No Contaminate" in Spanish, or functionally equivalent phrases. • Interior floor drains will be plumbed into sanitary sewer. • During construction, any vehicle washing area provided shall be bermed and covered. Signage prohibiting carwashing shall be provided otherwise. • Plaza, sidewalks, and parking lots shall be swept and/or cleaned regularly to prevent the

<p>accumulation of litter and debris.</p> <ul style="list-style-type: none"> • Dumpsters shall be covered and trash enclosures shall be designed to prevent runoff. Trash enclosures shall drain into BMPs and be made of concrete masonry unit walls on three sides. • Post signs on all dumpsters stating that hazardous materials are not to be disposed of therein. • Landscaping has been designed to minimize irrigation and runoff and to minimize the use of fertilizers and pesticides that can contribute to storm water. • Roofing, gutters and trim will not be constructed of copper or other unprotected metals that may leach into the runoff.
<p>Noise</p> <ul style="list-style-type: none"> • All construction equipment shall be properly fitted with mufflers. • All staging and maintenance shall be conducted as far away from the existing residence as possible.
<p>Public Services – Police</p> <ul style="list-style-type: none"> • Annexation or payment of in-lieu fees for Community Facilities District for police protection (CFD 98-01, Improvement Area No. 1).
<p>Public Services – Fire</p> <ul style="list-style-type: none"> • Annexation into or payment of in-lieu fees for Community Facilities District for fire and paramedic services (CFD 2001-01).
<p>Transportation/Traffic</p> <ul style="list-style-type: none"> • Financial participation in the Congestion Management Community Facilities District to reduce traffic congestion (CFD 2011-01).
<p>Utilities and Services Systems – Water and Wastewater</p> <ul style="list-style-type: none"> • Payment of Vista Irrigation District fees • Payment of Wastewater Capital Facility Fees per Vallecitos Water District Ordinance No. 176.

III. ENVIRONMENTAL CHECKLIST

BACKGROUND

1. **Project Title:** Mission 24 (GPA18-003)
2. **Lead Agency Name and Address:**
City of San Marcos
1 Civic Center Drive
San Marcos, CA 92069
3. **Contact Person and Phone Number:**
Sean del Solar, AICP, Associate Planner
760-744-1050 ext. 3223
sdelsolar@san-marcos.net
4. **Project Location:** The 1.52-acre project site is located at 1210 East Mission Road in the City of San Marcos in North San Diego County. The project site is bounded by East Mission Road on the south, Avenida Chapala and multifamily residences on the west, single-family detached residences along Via Belleza to the north, and a neighborhood commercial center anchored by Stater Bros. Market, to the east.
5. **Projects Sponsor's Name and Address:**
Hall Land Company, Inc.
Attn: Sean Santa Cruz
740 Lomas Santa Fe Drive, Suite 204
Solana Beach, CA 92075
6. **General Plan and Zoning Designations:** The project site has a General Plan designation of Neighborhood Commercial (NC) and a zoning designation of NC (Neighborhood Commercial). The project is proposing a General Plan Amendment to change the NC designation to MDR2 (Medium Density Residential 2) and a rezone to change the designation from NC to Residential 3 (R-3-10).
7. **Description of Project:** Please see Section II for project description.
8. **Surrounding Land Uses and Setting:** The project site is bounded by East Mission Road on the south, Avenida Chapala and multifamily residences on the west, single-family detached residences along Via Belleza to the north, and a neighborhood commercial center to the east.
9. **Other Public Agencies Whose Approval is Required:** None.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

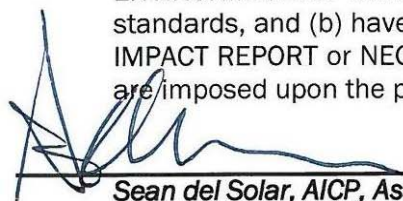
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Mitigated to Below a Level of Significance," as indicated by the checklist on the following pages. All impacts identified for the project will be mitigated to below a level of significance. Detailed responses to this checklist are provided in Section IV, Environmental Analysis.

- | | |
|--|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Land Use and Planning |
| <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Mineral Resources |
| <input type="checkbox"/> Air Quality | <input checked="" type="checkbox"/> Noise |
| <input checked="" type="checkbox"/> Biological Resources | <input type="checkbox"/> Population and Housing |
| <input checked="" type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Public Services |
| <input type="checkbox"/> Geology and Soils | <input checked="" type="checkbox"/> Recreation |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Transportation / Traffic |
| <input checked="" type="checkbox"/> Hazards and Hazardous Materials | <input checked="" type="checkbox"/> Tribal Cultural Resources |
| <input type="checkbox"/> Hydrology and Water Quality | <input type="checkbox"/> Utilities and Service Systems |
| | <input checked="" type="checkbox"/> Mandatory Findings of Significance |

DETERMINATION

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect: 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier ENVIRONMENTAL IMPACT REPORT or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier ENVIRONMENTAL IMPACT REPORT or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.


Sean del Solar, AICP, Associate Planner

1/18/2019
Date

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
I. AESTHETICS. Would the project:				
a) Have a substantial adverse effect on a scenic vista?			X	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State Scenic Highway?				X
c) Substantially degrade the existing visual character or quality of the site and its surroundings?			X	
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?			X	
II. AGRICULTURE AND FORESTRY RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest Legacy Assessment Project and the carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined in Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
e) Involve other changes in the existing environment that, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				X
III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?			X	
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			X	
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region			X	

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?				
d) Expose sensitive receptors to substantial pollutant concentrations?			X	
e) Create objectionable odors affecting a substantial number of people?			X	
IV. BIOLOGICAL RESOURCES. Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?		X		
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?				X
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X	
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X
V. CULTURAL RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?		X		
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X
d) Disturb any human remains, including those interred outside of dedicated cemeteries?		X		

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
VI. GEOLOGY AND SOILS. Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning map, issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?				X
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?				X
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				X
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?			X	
e) Have soils capable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				X
VII. GREENHOUSE GAS EMISSIONS. Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?			X	
VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?			X	
b) Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment?		X		
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to			X	

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X	
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X
IX. HYDROLOGY AND WATER QUALITY. Would the project:				
a) Violate any water quality standards or waste discharge requirements?			X	
b) Have a potentially significant adverse impact on groundwater quality or cause or contribute to an exceedance of applicable groundwater receiving water quality objectives or degradation of beneficial uses?			X	
c) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of preexisting nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?			X	
e) Create a significant adverse environmental impact to drainage patterns due to changes in runoff flow rates or volumes?			X	
f) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?			X	
g) Create or contribute runoff water which would			X	

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?				
h) Result in increased impervious surfaces and associated increased runoff?			X	
i) Result in significant alteration of receiving water quality during or following construction?			X	
j) Result in an increase in pollutant discharges to receiving waters? Consider water quality parameters such as temperature, dissolved oxygen, turbidity and other typical storm water pollutants (e.g., heavy metals, pathogens, petroleum derivatives, synthetic organics, sediment, nutrients, oxygen-demanding substances, and trash).			X	
k) Be tributary to an already impaired water body as listed on the Clean Water Act Section 303(d) list? If so, can it result in an increase in any pollutant for which the water body is already impaired?			X	
l) Be tributary to environmentally sensitive areas (e.g., MSCP, RARE, Areas of Special Biological Significance, etc.)? If so, can it exacerbate already existing sensitive conditions?			X	
m) Have a potentially significant environmental impact on surface water quality, to either marine, fresh or wetland waters?			X	
n) Otherwise substantially degrade water quality?			X	
o) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
p) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
q) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
r) Inundation by seiche, tsunami, or mudflow?				X
X. LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community?				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			X	
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XI. MINERAL RESOURCES. Would the project:				
a) Result in the loss of availability of a known mineral resource that would be a value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X
XII. NOISE. Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?		X		
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			X	
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?			X	
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X
XIII. POPULATION AND HOUSING. Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			X	
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X
XIV. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
a) Fire protection?			X	
b) Police protection?			X	

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Schools?		X		
d) Parks?		X		
e) Other public facilities?			X	
XV. RECREATION.				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities, such that substantial physical deterioration of the facility would occur or be accelerated?		X		
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?			X	
XVI. TRANSPORTATION/TRAFFIC. Would the project:				
a) Conflict with the applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?			X	
b) Conflict with an applicable congestion management plan, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?				X
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
e) Result in inadequate emergency access?			X	
f) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?			X	
XVII. TRIBAL CULTURAL RESOURCES. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?		X		
b) A resource determined by the lead agency, in its		X		

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.				
XVIII. UTILITIES AND SERVICE SYSTEMS. Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			X	
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
d) Have sufficient water supplies available to serve the project from existing entitlements and resources or are new or expanded entitlements needed?			X	
e) Result in a determination by the wastewater treatment provider, which serves or may serve the project, that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			X	
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			X	
g) Comply with federal, state, and local statutes and regulations related to solid waste?			X	
XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?		X		

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?		X		
c) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a 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.)		X		
d) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?		X		

IV. ENVIRONMENTAL ANALYSIS

This section provides an evaluation of the impact categories and questions contained in the Environmental Checklist.

I. AESTHETICS

a) Have a substantial adverse effect on a scenic vista? Less than Significant Impact

The project site is located within the Richland Neighborhood of the City of San Marcos. The Richland Neighborhood was one of the first communities in San Marcos to develop and is primarily characterized by single-family residential developments except for the areas located along East Mission Road and along State Route 78. This area contains neighborhood and regional serving commercial uses, such as the Nordahl Marketplace, and light industrial uses between East Mission Road and State Route 78.

The City has a Ridgeline Protection and Management Overlay Zone to protect natural viewsheds and unique natural resources, minimize physical impacts to ridgelines, and to establish innovative sensitive architectures standards. The project site is not located in the Ridgeline Protection and Management Overlay Zone. Further, the project site does not include any primary or secondary ridgelines, as identified in Figure 4-5 of the Conservation and Open Space Element of the General Plan. Therefore, the project would not have a substantial adverse effect on a scenic vista. Impacts would be less than significant.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State Scenic Highway? No Impact

The project site is located approximately 0.65 miles north of State Route 78 (SR-78). A portion of SR-78 is recognized as a Scenic Highway by Caltrans; however, that portion is not in the project vicinity. The portion identified as a Scenic Highway is approximately 50 miles east of the project site near Anza Borrego (Caltrans 2018). At a local level, SR-78 is designated by the City of San Marcos as a view corridor. The highway corridor provides view of the Merriam Mountains, Mount Whitney, and Double Peak.

The project would not impact views to these peaks from SR-78 since it is situated at a lower elevation than SR-78 and there is also intervening development between the project and SR-78. Development of the proposed project is not proposed on any area identified as a primary or secondary ridgeline in the City's Ridgeline Protection and Management Overlay Zone.

Moreover, the project site does not support any historic buildings. The existing commercial structure on the project site was constructed in 1980 and would not be considered historic. The project site does not support any significant trees, rock outcroppings, or historic buildings as identified in or protected by the City's General Plan. In summary, the project would not damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State Scenic Highway. No impact would occur.

c) Substantially degrade the existing visual character or quality of the site and its surroundings? Less than Significant Impact

The project site is located in a developed part of the city. The project vicinity is developed with a mix of multifamily residential, single-family residential, neighborhood commercial and light industrial uses. Multifamily residential is located to the west and single-family detached residential is located

to the north. Neighborhood commercial is located to the east and industrial uses are located to the south, on the opposite side of Mission Road.

Topographically, the project site is generally flat and located in the lower valley portion of the City. The site is currently developed with a vacant commercial building, which was last used as a bank, a parking lot and ornamental landscaping including mature trees. This building would be demolished and replaced with 24 residential townhomes.

The project design includes architectural concepts with varying exterior treatments. The project proposes the use of tile roofing, stucco, exterior plaster cement, wood fascia, accent shutters and awning, decorative gable accents and decorative pot shelves. Two architectural elevations are proposed to provide variety and visual interest. The two architectural elevation concepts are included in Appendix A.3 and Figure 3a and Figure 3b. Implementation of the proposed landscape concept will further enhance the appearance of the project. The project would not substantially degrade the existing visual character or quality of the site or its surroundings. Impacts would be less than significant.

d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area? Less than Significant Impact

The project site is currently developed with a commercial building which is no longer in use. The project proposes residential uses that incorporate exterior lighting for safety and security and will replace the existing onsite lighting. The project proposes using 15-foot 52-watt light emitting diode (LED) street lights, 42-inch tall 8.5-watt LED bollards for walkways, and 8-watt LED step lights. Architectural lights on the homes will be can-style lighting. The Lighting Concept Plan is included as **Appendix A.4** of this document.

Development of the proposed project would be required to comply with the City's lighting standards, and the location, type, and direction of the lighting would be reviewed during Improvement Plan review to ensure compliance.

Additionally, proposed exterior finishes (concrete tile roofing, stucco) would not be characterized as inducing glare. Therefore, the project would not create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area. Impacts would be less than significant.

II. AGRICULTURE AND FORESTRY RESOURCES

e) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? No Impact

The project site is not mapped as prime farmland, unique farmland, or farmland of statewide importance, as determined by the Farmland Mapping and Monitoring Program, as shown in the San Marcos General Plan (Figure 4-4, Agricultural Areas). Therefore, the project would not result in the conversion of prime farmland, unique farmland, or farmland of statewide importance. No impact is identified.

f) Conflict with existing zoning for agricultural use, or a Williamson Act contract? No Impact

The project site has a General Plan designation of NC (Neighborhood Commercial) and a zoning designation of Neighborhood Commercial (NC). The project site is not located within a Williamson Act

contract area. Therefore, the project would not conflict with existing zoning for agricultural use or a Williamson Act contract. No impact is identified.

- g) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined in Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?** No Impact

The project site has a General Plan designation of NC (Neighborhood Commercial) and a zoning designation of Neighborhood Commercial (NC). Therefore, the proposed project is not located in an area that is zoned for forest land, timber land or for timber production. Implementation of the proposed project would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production. No impact is identified.

- h) Result in the loss of forest land or conversion of forest land to non-forest use?** No Impact

The project site does not support forests, nor is there any forest land adjacent to the project site. The project site is currently developed with vacant commercial building and does not support any forest land. Therefore, the proposed project would not result in the loss of forest land or the conversion of forest land to non-forest use. No impact is identified for this issue area.

- i) Involve other changes in the existing environment that, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?** No Impact

The project site is surrounded by developed land including a neighborhood commercial center, residential uses and a middle school. The project area does not support any agricultural or forest land. Therefore, the project would not involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland to non-agricultural use or conversion of forest land to non-forest use. No impact is identified for this issue area.

III. AIR QUALITY

An air quality report was prepared by Ldn Consulting (2018a) and is included as **Appendix B**.

- a) Conflict with or obstruct implementation of the applicable air quality plan?** Less than Significant Impact

The proposed project is related to the Regional Air Quality Strategy (RAQS) and/or State Implementation Plan (SIP) through the land use and growth assumptions that are incorporated into the air quality planning process. Both air quality plans contain strategies for the region to attain and maintain the ambient air quality standards. Projects that are consistent with existing General Plan documents and subsequent SANDAG population projections, which are used to develop air emissions budgets for air quality planning and attainment demonstrations, would be consistent with the San Diego Air Basin's (SDAB) air quality plans, including the RAQS and SIP. Provided a project proposes the same or less development as accounted for in the General Plan document, and provided the project is in compliance with applicable Rules and Regulations adopted by the San Diego Air Pollution Control District (SDAPCD) through their air quality planning process, the project would not conflict with or obstruct implementation of the RAQS or SIP.

The project involves construction of 24 multifamily townhomes. The project would serve existing and future housing needs within the City of San Marcos. The project represents a reduction in vehicular emissions compared to the currently allowable Neighborhood Commercial use on the project site.

Specifically, vehicular trips and associated emissions would be reduced by 91 percent (2,280 average daily traffic (ADT)) for a bank with a drive-through, the last use on the site, compared to 192 ADT under proposed uses). Thus, the intensity of development considered for the site in the General Plan is more than what is currently being proposed.

Furthermore, the project would comply with all applicable rules and regulations that have been adopted as part of the SIP. Therefore, the project would not conflict with or obstruct implementation of the applicable air quality plan. Impacts would be less than significant.

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? Less Than Significant Impact

Air quality emissions were calculated as part of the air quality assessment prepared by Ldn Consulting (2018a).

Table 2 shows the state and federal attainment status for criteria pollutants in the SDAB. As shown, the SDAB is a nonattainment area for the state and federal O₃ standards and for the state PM₁₀ and PM_{2.5} standards.

Table 2. Attainment Status of Criteria Pollutants in San Diego Air Basin

Pollutant	State	Federal
1-hour Ozone (O ₃)	Nonattainment	Revoked June 2005
8-hour O ₃	Nonattainment	Nonattainment
Particulate Matter–10 microns (PM ₁₀)	Nonattainment	Unclassified
Particulate Matter–2.5 microns (PM _{2.5})	Nonattainment	Attainment
Carbon Monoxide (CO)	Attainment	Attainment
Nitrogen Dioxide (NO ₂)	Attainment	Attainment
Sulfur Dioxide (SO ₂)	Attainment	Attainment
Lead	Attainment	Attainment
Sulfates	Attainment	No Federal Standard
Hydrogen Sulfide	Unclassified	No Federal Standard
Visibility	Unclassified	No Federal Standard

Source: SDAPCD 2018.

The SDAPCD establishes significance criteria for air quality emissions through Rule 20.2. The screening thresholds are shown in **Table 3**. These criteria can be used as numeric indicators that demonstrate whether a project's emissions would result in a significant impact to air quality. Any project with daily construction- or operation-related emissions that exceed any of the following thresholds would be considered to have a significant air quality impact and modeling would be required to demonstrate that the project's total air quality impacts result in ground-level concentrations that are below State and Federal Ambient Air Quality Standards, including appropriate background levels. For nonattainment pollutants (O₃, with ozone precursors NO_x and VOCs, and PM₁₀), if emissions exceed the thresholds shown below, the project could have the potential to result in a cumulatively considerable net increase in these pollutants.

Table 3. Screening-Level Criteria for Air Quality Impacts

Pollutant	Total Emissions (lbs per day)
Construction Emissions	
Respirable Particulate Matter (PM ₁₀)	100
Fine Particulate Matter (PM _{2.5})	55
Oxides of Nitrogen (NO _x)	250
Oxides of Sulfur (SO _x)	250
Carbon Monoxide (CO)	550
Volatile Organic Compounds (VOCs) ¹	75
Reactive Organic Gases (ROG) SCAQMD	75
Operational Emissions	
Respirable Particulate Matter (PM ₁₀)	100
Fine Particulate Matter (PM _{2.5})	55
Oxides of Nitrogen (NO _x)	250
Oxides of Sulfur (SO _x)	250
Carbon Monoxide (CO)	550
Lead and Lead Compounds	3.2
Volatile Organic Compounds (VOC)	75
Reactive Organic Gases (ROG) SCAQMD	75

Note: (1) SDAPCD does not have an air quality impact threshold for VOCs. The South Coast Air Quality Management District threshold for the Coachella Valley is used for this analysis.

Construction Emissions

Construction activities for the project would include building demolition, minor site grading and preparation, paving, building construction, and architectural coating application. The project is anticipated to have 1,400 cubic yards (cy) of cut and 1, 400 cy of fill. The project will balance on site and no import or export of grading earthwork materials will be required.

Demolition of the existing structure is expected to start in the spring of 2020 with utility infrastructure and construction to start shortly thereafter. Construction would take approximately 18 months and would be expected to be complete by 2022.

Consistent with SDAPCD's fugitive dust rules/fugitive dust control measures outlined in Section 87.426 of the City's Grading Ordinance, the project would implement fugitive dust control measures during grading, which would include watering the site a minimum of twice daily to control dust, as well as reducing speeds on unpaved surfaces to 15 mph or less, replacing ground cover in disturbed areas quickly, and reducing dust during loading/unloading of dirt and other materials. In addition, the project would use low-VOC paints that would not exceed 100 grams of VOC per liter for interior surfaces and 150 grams of VOC per liter for exterior surfaces, in accordance with the requirements of SDAPCD Rule 67.0 for architectural coatings. The project would also require that all heavy diesel construction equipment be rated Tier IV. These requirements have been identified as project design features for the project in Table 1.

Table 4 presents the anticipated construction emissions for the project, incorporating the identified project design features. Assumptions for the type of construction equipment and their duration of use are provided in Table 3.1 of the Air Quality report, which is included as Appendix B of this document. As shown, maximum daily emissions would be below the significance thresholds for all criteria pollutants and impacts would be less than significant.

Table 4. Construction Emissions (Proposed Project) (lbs/day)

Year	ROG	NOx	CO	SO ₂	PM ₁₀ (Total)	PM _{2.5} (Total)
2020	2.187	21.425	15.127	0.027	6.475	3.704
2021	4.009	15.513	15.325	0.028	0.965	0.806
Significance Threshold	75	250	550	250	100	55
Exceeds Screening Threshold?	No	No	No	No	No	No

Source: Ldn Consulting 2018a.

Operational Emissions

Operational impacts associated with the project would include area sources, energy use, mobile sources, waste, and water use. Area sources include consumer products, landscaping, and architectural coatings applied during routine maintenance. Emissions associated with project operations were estimated based on the project's overall trip generation of 192 (LLG 2018). An average trip length of 5.8 miles was used. **Table 5** provides a summary of the estimated operational emissions for the proposed project. As shown, operational emissions associated with the project would be below the significance thresholds for all criteria pollutants.

Table 5. Operations Emissions (lbs/day)

	VOC	NOx	CO	SO ₂	PM ₁₀	PM _{2.5}
Summer Scenario						
Area Source	0.656	0.023	1.982	0.000	0.011	0.011
Energy Emissions	0.010	0.087	0.037	0.001	0.007	0.007
Mobile Emissions	0.268	1.029	2.609	0.009	0.736	0.202
Total	0.934	1.139	4.628	0.009	0.754	0.220
Screening Level Threshold	75	250	550	250	100	55
Significant?	No	No	No	No	No	No
Winter Scenario						
Area Source	0.656	0.023	1.982	0.000	0.011	0.011
Energy Emissions	0.010	0.087	0.037	0.001	0.007	0.007
Mobile Emissions	0.260	1.048	2.633	0.008	0.736	0.202
Total	0.926	1.158	4.652	0.009	0.754	0.220
Screening Level Threshold	75	250	550	250	100	55
Significant?	No	No	No	No	No	No

Source: Ldn 2018a

In summary, since the project would not result in any construction- or operation-related emissions above the significance thresholds, the project would not violate any air quality standard or contribute substantially to an existing or projected air quality violation. Impacts would be less than significant.

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? Less Than Significant Impact

The project would generate air emissions during project construction and operation. As identified above, the SDAB is a nonattainment area for state and federal O₃ standards and for state PM₁₀ and PM_{2.5} standards. Evaluating whether the project could result in a cumulatively considerable impact on air quality relies on both the project's consistency with the RAQS and the SIP, which address attainment of the O₃ standards, and the potential for the project to result in a cumulatively considerable impact due to particulate emissions.

As part of the RAQS and SIP planning process, the SDAPCD develops an emission inventory, based on projections from SANDAG, of growth in the region as well as on information maintained by the SDAPCD on stationary source emissions within the SDAB. The SDAPCD then uses the emission inventory to conduct airshed modeling, to demonstrate that the SDAB will attain and maintain the O₃ standards. Provided a project's emissions are consistent with the projections within the RAQS and SIP, the project would not result in a cumulatively considerable impact on O₃ within the SDAB. As detailed in Section III.a, above, the project represents a 91 percent reduction in trip generation compared to the last use on the project site (a bank with a drive-through). Thus, the emissions from the project are below what was anticipated for the site in the RAQS and SIP.

With regard to emissions of O₃ precursors NO_x and VOCs during construction, the SIP includes emissions associated with construction in its emissions budget and therefore within its attainment demonstration. As identified above, the O₃ precursor emissions associated with project construction are well below the screening level thresholds. Therefore, the project would not result in additional emissions of O₃ precursors above those projected in the attainment demonstration for O₃. The project would therefore not result in a cumulatively considerable impact to O₃ levels within the SDAB. In summary, the project would not result in a cumulatively considerable net increase of O₃, PM₁₀, or PM_{2.5} standards, for which the project region is non-attainment.

d) Expose sensitive receptors to substantial pollutant concentrations? Less Than Significant Impact

Sensitive receptors are defined as schools, hospitals, resident care facilities, and day-care centers, as well as residential receptors in the project vicinity. Pursuant to SDAPCD Rule 1200, new, relocated, or modified emission units that may increase emissions of one or more toxic air contaminant (TAC) must be evaluated for risk to sensitive receptors. If a project has the potential to result in emissions of any TAC which results in an increased cancer risk between 1 and 10 in one million, the project would be deemed to have a potentially significant impact and toxics best available control technology (T-BACT) would need to be implemented. All heavy diesel equipment to be used by the project will be Tier IV¹. Residential uses, such as those proposed under the project, do

¹ Tier IV refers to the latest emissions milestone established by the US EPA and CARB. Tier 4 compliant engines significantly reduce emissions of PM and NO_x to near zero levels. Relative to previous emissions standards, Tier 4 compliant engines reduce emissions by over 95 percent for most agricultural and construction equipment. Tier 4 standards are now required for all new and remanufactured diesel engines found in off-road equipment including construction, mining and agricultural equipment.

not typically emit substantial amounts of TACs; however, a health risk assessment was performed for the project.

Based on the air quality modeling, worst-case PM₁₀ from onsite construction exhaust would cumulatively produce 0.00071 tons over the anticipated construction duration. The associated peak maximum annual concentration was calculated to be 0.013 µg/m³, which translates to an inhalation cancer risk of 4.17 at the point of maximum exposure (64 meters away). This risk level is less than 10 in one million. With the use of T-BACT measures, the risk would decrease below 1 in one million. Therefore, the project would not expose sensitive receptors to substantial pollutant concentrations. Impacts would be less than significant.

e) Create objectionable odors affecting a substantial number of people? Less Than Significant Impact

Project construction could result in minor amounts of odor compounds associated with diesel heavy equipment exhaust and architectural coating application. These compounds would be emitted in various amounts and at various locations during construction. Odors are highest near the source and would quickly dissipate offsite; any odors associated with construction would be temporary. The project proposes residential development and would not include land uses that would be sources of nuisance odors during project operation. Therefore, the project would not create objectionable odors affecting a substantial number of people. Impacts would be less than significant.

IV. BIOLOGICAL RESOURCES

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? Less than Significant with Mitigation Incorporated

The project site is currently developed and is located in an urbanized portion of the city. The project site has ornamental vegetation including trees, which will be removed as part of the project and replaced with new plantings consistent with the proposed landscape concept plan. Ornamental vegetation can provide nesting places for species protected under the Migratory Bird Treaty Act (MBTA). If ornamental vegetation is removed during the breeding season, a potential impact could occur. Implementation of the following mitigation measures, which would be required as a condition of project approval, would reduce this potential impact to below a level of significance.

MM-BIO-1a In order to avoid and minimize impacts to nesting birds (pursuant to the Migratory Bird Treaty Act), no removal of ornamental trees will occur during the avian breeding season (February 15 through August 31) within the project area, unless preconstruction surveys indicate that active nests are not present on the site or in surrounding areas. If surveys show that nesting birds are present, mitigation measure MM-BIO-1b would be implemented.

MM-BIO-1b If nesting birds are found during the preconstruction survey performed under MM-BIO-1a, a no-work buffer would be placed around the nest. The no-work buffer size would be determined by a qualified biologist and would vary based on site conditions and type of work to be conducted. The no-work buffer would be maintained until the end of the breeding season or until surveys by a qualified biologist confirm that fledglings are no longer dependent on nest. If no nesting birds are detected during pre-construction surveys, no restrictions would be necessary and construction may proceed as planned.

Implementation of MM-BIO-1a and MM-BIO-1b would reduce impacts to MBTA-covered species to less than significant.

- b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? No Impact**

The project site is currently developed and is located in an urbanized portion of the city. Based upon a review of aerial photos and a site visit conducted on September 10, 2018 it was determined that the project site does not support any riparian habitat nor does it support any sensitive natural communities identified in local or regional plans, policies, regulations by the California Department of Fish and Wildlife (CDFW) or the United States Fish and Wildlife Service (USFWS). No impact is identified for this issue area.

- c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? No Impact**

The project site is currently developed. Based upon a review of aerial photographs and a site visit conducted on September 10, 2018, it was determined that the site does not support any federally protected wetlands as defined by Section 404 of the Clean Water Act. No impact is identified for this issue area.

- d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? No Impact**

The project site is developed and is located within an urbanized area of the City. Further, the project site is not identified as being in a wildlife corridor area, as depicted in Figure 4-2, Wildlife Corridors and Linkage, in the Open Space and Conservation Element of the City's General Plan. Therefore, the project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites. No impact is identified for this issue area.

- e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? Less than Significant Impact**

The project will remove existing vegetation on the project site, including 22 mature trees. Removal of the trees is required to prepare the site for project construction. General Plan policy COS-2.6 requires preservation of healthy mature trees where feasible, and replacement at a 1:1 ratio when removal is necessary. The landscape concept plan for the project includes the planting of 65 trees. Thus, the project replaces the lost trees at a nearly 3:1 ratio. The proposed planting palette detailing the specific types of replacement trees is included in Appendix A.2. Thus, the project would comply with the city's tree policy and impacts would be less than significant.

- f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? No Impact**

The project site is not located within a Focused Planning Area (FPA) of the City's Draft Subarea Plan for the Multiple Habitat Conservation Program (MHCP) nor is the project subject to a Natural Community Conservation Plan (NCCP) (Figure 4, Draft NCCP for the City of San Marcos). The project site is developed and has ornamental vegetation. Therefore, the project would not conflict with the

provisions of an adopted Habitat Conservation Plan, NCCP, or other approved local, regional, or state habitat conservation plan. No impact is identified.

V. CULTURAL RESOURCES

A Sacred Lands File search request was submitted to California Native American Heritage Commission (NAHC) by Helix Environmental Planning. The purpose of the request was to inquire about known areas of cultural concern, such as traditional cultural places, sacred sites, archaeological sites, or cultural landscapes that may exist within or within one mile of the originally proposed project. Helix Environmental Planning received a response from the NAHC dated March 30, 2018 stating that a records search of the sacred land file failed to indicate the presence of Native American cultural resources in or within the vicinity of the project area. The NAHC response included a list of tribes that should be contacted for any relevant information on the project site as it related to cultural resources. The response from the NAHC is included as **Appendix C**.

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? No Impact

The project site is currently developed with a 6,915 square foot commercial structure surrounding by an asphalt parking lot and landscaping. The building was constructed in 1980 and would not be considered an historical resource as defined in Section 15064.5. No impact is identified for this issue area.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? Less Than Significant with Mitigation Incorporated

Tribal Consultation

Senate Bill 18 (SB 18)

Senate Bill (SB) 18, which went into effect January 1, 2005, set forth requirements for local governments to consult with Native American tribes to aid in the protection of traditional tribal cultural places through local land use planning. The intent of SB 18 is to provide California Native American tribes an opportunity to participate in local land use decisions at an early stage of planning for the purpose of protecting, or mitigating impacts to, cultural places. Under SB 18, pursuant to Government Code Section 65352.3, local governments are required to conduct consultation with California Native American tribes when a General Plan Amendment occurs.

An SB 18 notification letter was sent on June 7, 2018 to the tribal cultural resource departments listed on a NAHC list provided to the City on May 22, 2018 via the project applicant's cultural consultant.

A letter was received on June 12, 2018 from Viejas stating that the project site has cultural significance or ties to the Viejas tribe, and as such, requesting that San Pasqual of Mission Indians be notified by the City. San Pasqual Band of Mission Indians was also notified per NAHC list and to date no correspondence has been received from the San Pasqual Band of Mission Indians.

San Luis Rey Band of Mission Indians submitted request for information in a letter dated June 28, 2018. The City has continued to provide requested project information as part of the consultation process and awaiting further response from San Luis Rey as of November 29, 2018.

Assembly Bill 52 (AB 52)

Assembly Bill (AB) 52) (Public Resources Code Section 21080.3.1) added new requirements regarding consultation with California Native American Tribes and consideration of tribal cultural resources, requiring consultation prior to the release of an environmental document if requested by a California Native American Tribe. Outreach to local tribes by the City, consistent with AB 52, was initiated as part of the preparation of this environmental document. The City sent out AB 52 notification letters on November 29, 2018. No responses have been received.

The project site was previously disturbed for the construction of the commercial building and associated parking lot. However, it is possible that intact subsurface cultural deposits are still present in previously undisturbed soils. This represents a significant impact (**Impact CR-1**) and mitigation is required.

The following mitigation measures apply to grading and construction activity that occur within areas of previously-undisturbed soils. Implementation of these mitigation measures would be required as a condition of project approval:

MM-CR-1a Prior to the issuance of a Grading Permit, or ground-disturbing activities, the Applicant/Owner shall enter into a Tribal Cultural Resource Treatment and Monitoring Agreement (also known as a pre-excavation agreement) with the San Luis Rey Band of Mission Indians, and/or another Traditionally and Culturally Affiliated Native American Tribe ("TCA Tribe"). The purpose of this agreement shall be to formalize protocols and procedures between the Applicant/Owner and the TCA Tribe for the protection and treatment of Native American human remains, funerary objects, cultural and/or religious landscapes, ceremonial items, traditional gathering areas and other tribal cultural resources, located within and/or discovered during ground disturbing and/or construction activities for the proposed project, including any additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, preparation for wet and dry infrastructure, and all other ground disturbing activities.

MM-CR-1b The landowner shall relinquish ownership of all non-burial related tribal cultural resources collected during the grading monitoring program and from any previous archaeological studies or excavations on the project site to the TCA Tribe for proper treatment and disposition per the Cultural Resources Treatment and Monitoring Agreement. Any burial related tribal cultural resources (as determined by the Most Likely Descendant) shall be repatriated to the Most Likely Descendant as determined by the Native American Heritage Commission pursuant to California Public Resources Code Section 5097.98. If none of the TCA Tribes accept the return of the cultural resources, then the cultural resources will be subject to the curation requirements contained herein. Additionally, in the event that curation of tribal cultural resources is required by a superseding regulatory agency, curation shall be conducted by an approved facility and the curation shall be guided by California State Historic Resource Commissions Guidelines for the Curation of Archaeological Collections. The City of San Marcos shall provide the developer final curation language and guidance on the project grading plans prior to issuance of the grading permit, if applicable, during project construction. The applicant shall provide to the City written documentation from the TCA Tribe, the Most Likely Descendant, and/or the curation facility, whichever is most applicable, that the repatriation and/or curation have been completed.

- MM-CR-1c** Prior to the issuance of a Grading Permit or ground-disturbing activities, the Applicant/Owner or Grading Contractor shall provide a written and signed letter to the Development Services Department stating that a Qualified Archaeologist and TCA Native American monitor have been retained at the Applicant/Owner or Grading Contractor's expense to implement the monitoring program, as described in the Tribal Cultural Resource Treatment and Monitoring Agreement.
- MM-CR-1d** Prior to submittal of grading and/or improvement as-built plans, or prior to the issuance of any project Certificate of Occupancy, a monitoring report, which describes the results, analysis and conclusions of the archaeological monitoring program shall be submitted by the Qualified Archaeologist, along with the TCA Native American monitor's notes and comments, to the Planning Division Manager for approval. A copy of any submitted monitoring report shall be provided to the San Luis Rey Band of Mission Indians and any other TCA Tribe that requests the report.
- MM-CR1e** The Qualified Archaeologist shall maintain ongoing collaborative consultation with the TCA Native American monitor during all ground disturbing activities. The requirement for the monitoring program shall be noted on all applicable construction documents, including demolition plans, grading plans, etc. The Applicant/Owner or Grading Contractor shall notify the Planning Division, preferably through e-mail, of the start and end of all ground disturbing activities.
- MM-CR-1f** The Qualified Archaeologist and TCA Native American Monitor shall attend all applicable pre-construction meetings with the General Contractor and/or associated Subcontractors to present the archaeological monitoring program. The Qualified Archaeologist and TCA Native American monitor shall be present on-site full-time during grubbing, grading and/or other ground disturbing activities, including the placement of imported fill materials or fill used from other areas of the project site, to identify any evidence of potential archaeological or cultural resources. All fill materials shall be absent of any and all cultural resources. The Applicant/Owner or Grading Contractor may submit written documentation to the City to substantiate if any fill material is absent of cultural resources. Should the City concur that the fill material is absent of cultural resources, in consultation with a Qualified Archaeologist and/or the TCA Native American monitor, then no monitoring of that fill material is required.
- MM-CR-1g** The Qualified Archaeologist or the TCA Native American monitor may halt ground disturbing activities if unknown archaeological artifact deposits or cultural features are discovered. Ground disturbing activities shall be directed away from these deposits to allow a determination of potential importance. Isolates and clearly non-significant deposits (as determined by the Qualified Archaeologist, in consultation with the TCA Native American monitor) will be minimally documented in the field, collected and be given to the TCA Tribe so that they may be reburied at the site on a later date. If a determination is made that the unearthed artifact deposits or tribal cultural resources are considered potentially significant, the San Luis Rey Band of Mission Indians and/or the TCA Tribe referenced in CR-1 shall be notified and consulted with in regards to the respectful and dignified treatment of those resources. All sacred sites, significant tribal cultural resources and/or unique archaeological resources encountered within the project area shall be avoided and preserved as the preferred mitigation, if feasible. If, however, a data recovery plan is authorized by the City

as the Lead Agency under CEQA, the contracted San Luis Rey Band of Mission Indians and/or the TCA Tribe referenced in CR-1 shall be notified and consulted regarding the drafting and finalization of any such recovery plan. For significant artifact deposits, tribal cultural resources or cultural features that are part of a data recovery plan, an adequate artifact sample to address research avenues previously identified for sites in the area will be collected using professional archaeological collection methods. If the Qualified Archaeologist collects such resources, the TCA Native American monitor must be present during any testing or cataloging of those resources. Moreover, if the Qualified Archaeologist does not collect the cultural resources that are unearthed during the ground disturbing activities, the TCA Native American monitor, may at their discretion, collect said resources and provide them to the contracted TCA Tribe referenced in CR-1 for respectful and dignified treatment in accordance with the Tribe's cultural and spiritual traditions. If the Developer, the Qualified Archaeologist and the TCA Tribe cannot agree on the significance or mitigation for such resources, these issues will be presented to the Planning Division Manager for decision. The Planning Division Manager shall make a determination based upon the provisions of the California Environmental Quality Act and California Public Resources Code Section 21083.2(b) with respect to archaeological resources, tribal cultural resources and shall take into account the religious beliefs, cultural beliefs, customs and practices of the TCA Tribe. Notwithstanding any other rights available under law, the decision of the Planning Division Manager shall be appealable to the Planning Commission and/or City Council.

MM-CR-1h As specified by California Health and Safety Code Section 7050.5, if human remains are found on the project site during construction or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Medical Examiner's Office. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Medical Examiner has made the necessary findings as to origin and disposition pursuant to Public Resources Code 5097.98. If such a discovery occurs, a temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected, and consultation and treatment could occur as prescribed by law. By law, the Medical Examiner will determine within two working days of being notified if the remains are subject to his or her authority. If the Medical Examiner recognizes the remains to be Native American, he or she shall contact the Native American Heritage Commission (NAHC), by telephone, within 24 hours. The NAHC will make a determination as to the Most Likely Descendent. If suspected Native American remains are discovered, the remains shall be kept in-situ, or in a secure location in close proximity to where they were found, and the examination of the remains shall only occur on-site in the presence of a TCA Native American monitor.

MM-CR-1a ~~An archeological monitor and a Luiseño Native American monitor shall be present during all earth moving and grading activities to areas of previously undisturbed soil to assure that any potential cultural resources, including tribal, found during project grading are protected.~~

MM-CR-1b ~~Prior to beginning project construction, the applicant/developer shall retain a San Diego County qualified archaeological monitor to monitor all ground disturbing activities in an effort to identify any unknown archaeological resources. Any newly~~

~~discovered cultural resource deposits shall be subject to cultural resources evaluation, which shall include archaeological documentation, analysis and report generation and take into account tribal customs and traditions.~~

- MM-CR-1c** — ~~At least 30 days prior to beginning project construction, the applicant/developer shall enter into a Cultural Resource Treatment and Monitoring Agreement (also known as a pre-excavation agreement) with a Luiseño Tribe. The Agreement shall address the treatment of known cultural resources; the designation, responsibilities, and participation of professional Native American Tribal monitors during grading, excavation and ground disturbing activities; project grading and development scheduling; terms of compensation for the monitors; and treatment and final disposition of any cultural resources, sacred sites, and human remains discovered on-site.~~
- MM-CR-1d** — ~~Prior to beginning project construction, the project archaeologist shall file a pre-grading report with the City to document the proposed methodology for grading activity observation, which would be determined in consultation with the contracted Luiseño Tribe. Said methodology shall include the requirement for a qualified archaeological monitor to be present and to have the authority to stop and redirect grading activities. In accordance with the required agreement, the archaeological monitor's authority to stop and redirect grading would be exercised in consultation with the Luiseño Native American monitor in order to evaluate the significance of any archaeological resources discovered on the property. Tribal and archaeological monitors shall be allowed to monitor all grading, excavation, and groundbreaking activities, and shall also have the authority to stop and redirect grading activities.~~
- MM-CR-1e** — ~~The preconstruction meeting with the developer, contractor, and City Staff shall include the project archaeologist and tribal monitor in discussion with the proposed earth disturbing activities for the site, including excavation schedules and safety protocol, as well as consultation with the project archaeologist regarding proposed archaeological techniques and strategies for the project.~~
- MM-CR-1f** — ~~Import fill shall be clean of cultural resources and documented as such.~~
- MM-CR-1g** — ~~The landowner shall relinquish ownership of all cultural resources collected during the grading monitoring program and, if appropriate, from any previous archaeological studies or excavations on the project site to the appropriate Tribe for proper treatment and disposition per the Cultural Resources Treatment and Monitoring Agreement. All cultural materials that are deemed by the tribe to be associated with burial and/or funerary goods will be repatriated to the Most Likely Descendant as determined by the NAHC per California Public Resources Code Section 5097.98. In the event that curation of cultural resources is required, curation shall be conducted by an approved facility and the curation shall be guided by the California State Historic Resource Commission Guidelines for the Curation of Archaeological Collections. The City of San Marcos shall provide the developer final curation language and guidance on the project grading plans prior to issuance of the grading permit, if applicable, during project construction.~~
- MM-CR-1h** — ~~All sacred sites, should they be encountered within the project area, shall be avoided and preserved as the preferred mitigation, if feasible.~~

~~MM-CR-1i~~ If human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the San Diego County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. Suspected Native American remains shall be examined in the field and kept in a secure location at the site, and if the San Diego County Coroner determines the remains to be Native American, the Native American Heritage Commission (NAHC) must be contacted within 24 hours. The NAHC must then immediately notify the “most likely descendant(s)” of the discovery. The most likely descendants(s) shall then make recommendations within 48 hours of being granted access, and engage in consultation concerning treatment of remains as provided in Public Resources Code 5097.98.

~~MM-CR-1j~~ If inadvertent discoveries of subsurface archaeological/cultural resources are discovered during project grading, the applicant/developer, the project archaeologist, and the Luiseño Tribe under agreement with the landowner shall assess the significance of such resources and shall meet and confer regarding the mitigation for such resources. Pursuant to California Public Resources Code Section 21083.2(b) avoidance is the preferred method of preservation for archaeological resources. If the applicant/developer, the project archaeologist and the Tribe cannot agree on the significance of mitigation for such resources, these issues would be presented to the Planning Division Manager for decision. The Planning Division Manager shall make a determination based upon the provisions of the California Environmental Quality Act with respect to archaeological resources and shall take into account the religious beliefs, customs, and practices of the tribe. Notwithstanding any other rights available under law, the decision of the Planning Division Manager shall be appealable to the Planning Commission and/or City Council.

Additionally, as required by mitigation measures MM-CR-1a through MM-CR-1h, the City would include as a component of the project activities the presence of an archaeological monitor and a Luiseño Native American monitor during the earth moving and grading activities authorized to ensure proper treatment of any remains to assure that any resources found during project grading would be protected.

With mitigation, the project would not cause a substantial adverse change in the significance of an archaeological resource. Impacts would be reduced to less than significant with incorporation of mitigation.

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? No Impact

The project area is located in the Peninsular Ranges Geomorphic Province, underlain by Santiago Formation and Granitic Rock. In general, the molten origin of the Santiago Peak Volcanics precludes the discovery of fossil remains. Therefore, due to the limited availability of fossil-producing geologic formations, the project would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. No impact is identified for this issue area.

d) Disturb any human remains, including those interred outside of dedicated cemeteries? Less Than Significant with Mitigation Incorporated

Due to the already developed nature of the site, it is unlikely that human remains would be encountered. However, existing regulations through the California Health and Safety Code Section 7050.5 state that if human remains are discovered during project construction, no further disturbance shall occur until the San Diego County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b), remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the San Diego County Coroner determines the remains to be Native American, the NAHC shall be contacted within a reasonable timeframe. Subsequently, the NAHC shall identify the Most Likely Descendant. The Most Likely Descendant shall then make recommendations and engage in consultation concerning the treatment of the remains as provided in Public Resources Code Section 5097.98. Furthermore, while there is no evidence of human remains on the project site, as provided by mitigation measures MM-CR-1a through MM-CR-1h, an archaeological monitor and a Luiseño Native American monitor shall be present during the earth moving and grading activities to assure that any resources found during project grading would be protected. Mitigation measure MM-CR-1i further details the requirements should human remains be encountered during project construction. With mitigation, the project would not disturb any human remains, including those interred outside of formal cemeteries. Impacts would be less than significant with the incorporation of mitigation.

VI. GEOLOGY AND SOILS

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning map, issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. No Impact

The project site is located within a seismically active region, as is all of southern California; however, the project site not located on or adjacent to any known active faults. According to the Alquist-Priolo Earthquake Fault Zones information page, the City of San Marcos is not identified as a jurisdiction affected by Alquist-Priolo Earthquake Fault Zones (California Department of Conservation 2010).

Based upon the geotechnical report by Geocon (2018b), the site is not located on any known active, potentially active, or inactive fault as defined by the California Geological Society. The nearest known active faults are the Newport-Inglewood Fault and the Rose Canyon Fault Zone, located approximately 14 miles west of the project site. Therefore, the project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault. No impact is identified for this area.

ii) Strong seismic ground shaking? Less Than Significant Impact

The proposed project is located in seismically-active southern California and the site could be subject to strong seismic ground shaking from regional seismic activity. The geotechnical report prepared for the project indicated that ground shaking levels at the project site could range from slight to moderate depending on such factors as the magnitude of the seismic event and the distance to the epicenter. As identified above, the nearest identified potentially active fault is located approximately 14 miles from the project area. All structures on the site would be designed in accordance with

seismic parameters of the current California Building Code. Therefore, the project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking. Impacts would be less than significant.

iii) Seismic-related ground failure, including liquefaction? No Impact

The geotechnical report (Geocon 2018b) noted the site is not within an Alquist-Priolo Earthquake Fault Zone, that no active or potentially faults are present at the subject site so the site is not considered susceptible to surface rupture. Additionally, the geotechnical report indicated that the potential for liquefaction and seismically induced settlement occurring within the site soils is “very low” due to the geological conditions encountered, remedial grading that will occur and the depth of groundwater. No impact is identified for this issue area.

iv) Landslides? No Impact

The geotechnical report (Geocon 2018b) indicated that there is no evidence of ancient landslides on the site. Additionally, the project site is generally flat so there is not a potential for landslides on the project site. No impact is identified for this issue area.

b) Result in substantial soil erosion or the loss of topsoil? Less than Significant Impact

The project site is already developed and relatively flat. Redevelopment of the project site will maintain the existing grade on the project site. The project would be under the State Water Resources Control Board (SWRCB) General Construction Permit, which prohibits sediment or pollutant release from the project site and requires preparation of a Stormwater Pollution Prevention Plan (SWPPP) and implementation of best management practices (BMPs) that would incorporate erosion and sediment control measures during and after grading operations to stabilize these areas. Permanent vegetation would also be required to stabilize graded areas. The project would not result in substantial soil erosion or the loss of topsoil. Impacts would be less than significant.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? Less than Significant Impact

The project site is not located on or adjacent to any known active faults nor is the site underlain by soils that are conducive to landslides. Development would be designed in accordance with seismic parameters of the current California Building Code. The project would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse. Impacts would be less than significant.

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? Less Than Significant Impact

According to the geotechnical report prepared for the project (Geocon 2018b), soils encountered during field investigations are considered to be expansive. Expansive soils can result in a potential for differential settlement. This represents a significant impact (**Impact GEO-1**) and mitigation is required. As a condition of project approval, implementation of the following mitigation measure (MM-GEO-1) will be required, and will reduce the impact to below a level of significance:

MM-GEO-1 The project applicant shall implement the geotechnical recommendations identified on pages 8 – 18 of the Report of Geotechnical Investigation (Geocon 2018b). These recommendations address grading, foundations, seismic design

factors, foundations/on-grade slabs, retaining walls, and site drainage. These requirements shall be included as notes on the grading plan for the project.

Implementation of mitigation measures MM-GEO-1 would reduce potential impacts related to expansive soil to below a level of significance.

- e) Have soils capable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?**
No Impact

The project does not propose any septic tanks or alternative wastewater disposal systems. Sewer service would be provided by VWD. Therefore, no impact is identified for this issue area.

VII. GREENHOUSE GAS EMISSIONS

A Greenhouse Gas technical study was prepared for the project by Ldn Consulting (2019) and is included as **Appendix D.1** of this document. Additionally, consistent with AB 32, the City adopted its Climate Action Plan (CAP) in September 2013. A CAP Compliance Worksheet was prepared for the project and is included as **Appendix D.2** of this document, which details the GHG-related design features of the project.

The CAP identifies strategies to reduce GHG from City government operations and community activities to support the State's efforts to mitigate San Marcos' contribution to climate change. As stated in Appendix E of the City's adopted CAP, "Pursuant to CEQA Guidelines Sections 15064(h)(3) and 15130(d), if a project is consistent and complies with the requirements of an adopted plan, such as a CAP, that includes the attributes specified in CEQA Guidelines Section 15183.5(h), the lead agency may determine that the project's GHG impacts are less than significant with no further analysis required."

The City, as spelled out in the CAP, is committed to reducing its GHG emissions by 15 percent below 2005 levels by 2020, consistent with AB 32, and 28 percent below 2005 levels by 2030, working towards the long-term goal of Executive Order S-3-05. To meet these targets, San Marcos will need to reduce its GHG emissions 14 percent below the adjusted forecast by 2020 and 33 percent below the adjusted forecast by 2030 through implementation of local measures and actions (City of San Marcos, 2013).

It should be noted that the City's CAP was prepared in 2013 and does not address the enactment of Senate Bill 32 (SB 32). In addition, data used within the City's 2013 CAP did not include State regulatory measures or reduction strategies contained within California's 2017 Climate Change Scope Plan, prepared to enable the state to meet SB 32 requirements (CARB 2017). Therefore, the CAP does not meet the requirements under CEQA for projects that are proposed to be operational after the year 2020. Since the proposed project horizon year is post 2020, a threshold should be calculated based on the 2030 SB 32 GHG reduction target.

Although the City is updating their CAP to be applicable or consistent with the CARB's latest GHG reduction approach in California's 2017 Climate Change Scope Plan and will include additional updates necessary for SB 32 compliance, in the interim, California's 2017 Climate Change Scope Plan Update recommended a methodology for a project specific threshold for locally-applicable land uses.

California's 2017 Climate Change Scope Plan recognized the need to balance population growth with emissions reductions and provided a new local plan level methodology for target setting that provides consistency with state GHG reduction goals using per capita efficiency targets. These

statewide per capita targets account for all emissions sectors in the State, statewide population forecasts, and the statewide reductions necessary to achieve the 2030 statewide target under SB 32. The targets are generated by dividing the statewide 2030 GHG emissions targets by the statewide service population for that year. Projects that achieve the efficiency target, with or without mitigation, would result in less than significant GHG emissions.

Based on concerns recently raised by the California Supreme Court in *Center for Biological Diversity v. Department of Fish and Wildlife, The Newhall Land and Farming Company* (2015) 62 Cal. 4th 204 (“Newhall Ranch”) regarding the correlation between state and local circumstances and the methodology recommend in a white paper “Beyond Newhall and 2020” by the Association of Environmental Professionals (AEP 2016), the 2030 statewide target should be modified to exclude sources not applicable to the specific planning area. Thus, a locally appropriate evidence-based project-specific threshold can be developed based on statewide emissions derived from the local emissions sectors and statewide service population projections.

California’s 2017 Climate Change Scoping Plan identifies that the 2015 GHG emissions are approximately 440 million metric tons CO₂e (MMTCO₂e) and would need to be reduced to 260 MMTCO₂e to achieve the goals of SB 32 by 2030, as shown in **Table 6a**. Population within California is expected to be 43,939,250 people in 2030 (California Department of Finance 2016) and the average California employment is expected to be 23,459,500 in 2030 per California’s 2017 Climate Change Scoping Plan (CARB 2017).

Table 6a. California’s 2017 Climate Change Scoping Plan Emissions Targets

California’s 2017 Climate Change Scoping Plan Sectors	California’s 2017 Climate Change Scoping Plan Uncertainty Range (MMTCO ₂ e)	Assumed 2030 Emissions (MMTCO ₂ e)
Agriculture	24-25	24
Commercial & Residential	38-40	38
Electrical Power	30-53	53 ⁽¹⁾
High GWP	8-11	11 ⁽¹⁾
Industrial	83-90	83
Recycling & Waste	8-9	8
Transportation	103-111	103
Cap and Trade Reductions	34-79	-60
Total GHG Emissions⁽²⁾		260 MMT CO₂e
Service Population (SP)		67,398,750

Source: LDN Consulting, 2019.

Notes:

(1) The high end was utilized to be consistent with California’s 2017 Climate Change Scoping Plan.

(2) The low end of the range was utilized to be conservative with the exception of the electric power sector, the high-end range is represented by California’s 2017 Climate Change Scoping Plan, due to additional electricity sector measures such as deployment of additional renewable power, greater behind-the-meter solar photovoltaic, and additional energy efficiency.

Because not all statewide emission sources are present within the City, the GHG analysis excludes the Industry Section as defined in California’s 2017 Climate Change Scoping Plan since it includes uses that are not present in the City such as refineries, oil and gas facilities, cement and glass manufacturing, and industrial facilities that employ boilers or general combustion engines. The GHG analysis excludes the agriculture sector, which includes emissions from livestock, i.e., digestive

processes and manure management; combustion of liquid and gaseous fuels used for irrigation and crop production; emissions from fertilizer use and application of other soil additives; and emissions from agricultural residue burning.

The proposed project is a residential project by nature and would not include agricultural, industrial or cap-and-trade sectors and should therefore reduce the total GHG emissions by the requisite sector emissions. Based on this, the 2030 statewide target should be modified to exclude all sector sources not applicable to the City to develop a locally-appropriate evidence-based project-specific threshold.

Removing the industrial and agricultural emissions from Table 6a would result in 213 MMTCO₂e to achieve the goals of SB 32 by 2030. Given this, the localized SB 32 efficiency threshold for the project should be 213 MMTCO₂e / 67,398,750 SP or 3.2 MT CO₂e / SP, as shown in **Table 6b**.

Based on the 2030 emission target, for a project to not contribute to a GHG impact, project emissions would have to be lower than 3.2 MT CO₂e/SP. The average occupancy per dwelling unit in San Marcos is 3.1 (SANDAG 2018). The 24-unit project would have a service population of 74.4 persons (24 units x 3.1 population/unit) For impacts to be less than significant, the project's GHG emission would have to be less than 3.2 MT CO₂e/SP.

Table 6b. Project Specific Emissions Targets

California's 2017 Climate Change Scoping Plan Sectors	California's 2017 Climate Change Scoping Plan Uncertainty Range (MMTCO₂e)	Assumed 2030 Emissions (MMTCO₂e)
Commercial & Residential	38-40	38
Electrical Power	30-53	53
High GWP	8-11	11
Recycling & Waste	8-9	8
Transportation	103-111	103
Total GHG Emissions		213 MMT CO₂e
Service Population (SP)		67,398,750
GHG Emissions/SP		3.2 MG CO₂e/SP

Source: LDN Consulting, 2019.

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? Less Than Significant Impact

As stated in Section 15064.4 of the State CEQA Guidelines, the determination of the significance of GHG emissions calls for a careful judgment by the lead agency consistent with the provisions in Section 15064. A lead agency should make a good-faith effort, based to the extent possible on scientific and factual data, to describe, calculate, or estimate the amount of GHG emissions resulting from a project. A lead agency shall have discretion to determine, in the context of a particular project, whether to:

- Use a model or methodology to quantify GHG emissions resulting from a project, and which model or methodology to use. The lead agency has discretion to select the model or methodology it considers most appropriate provided it supports its decision with substantial evidence. The lead agency should explain the limitations of the particular model or methodology selected for use; and/or
- Rely on a qualitative analysis or performance-based standards.

Additionally, per Section 15064.4 of the State CEQA Guidelines, a lead agency should consider the following factors, among others, when assessing the significance of impacts from greenhouse gas emission on the environment:

- The extent to which the project may increase or reduce greenhouse gas emissions as compared to the existing environmental setting;
- Whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project; and
- The extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions. Such requirements must be adopted by the relevant public agency through a public review process and must reduce or mitigate the project's incremental contribution of greenhouse gas emissions. If there is substantial evidence that the possible effects of a particular project are still cumulatively considerable notwithstanding compliance with the adopted regulations or requirements, an EIR must be prepared for the project.

As discussed earlier, the localized SB 32 efficiency threshold for the project would be 3.2 MT CO₂e/SP.

Projected Emissions

The proposed project would generate GHG emissions through short-term construction activities and long-term operational activities. Construction-related GHG emissions include emissions from heavy construction equipment for demolition, grading, paving, building construction, architectural coatings, truck traffic, and worker trips. Operational GHG emissions associated with the project emissions from area sources including landscaping, and architectural coatings as part of routine maintenance, energy use including electricity and natural gas, vehicular traffic, municipal waste, and water use.

Construction Emissions

Construction-related GHG emissions include emissions from demolition and construction equipment, truck traffic, and worker trips. Emissions for construction of the proposed project were calculated based on emission factors from the latest CalEEMod 2016.3.2 air quality model. Demolition of the existing structures is expected to start sometime in spring 2020 with utility infrastructure and construction to start shortly thereafter. Construction is expected to take 18 months. The project would be fully occupied in 2022. Also, as a design feature of the project, the construction contractor would use Tier IV rated diesel construction equipment to minimize diesel particulates from construction equipment.

Table 4.1 in the GHG report (Appendix D.1 of this document) details the expected construction equipment and duration that was assumed for the GHG analysis. **Table 7a** presents the anticipated construction emissions for the proposed project.

As shown in Table 7a, anticipated construction-related GHG emissions for the project are estimated at 313.37 MT/year of CO₂e over the life of the project. Per SCAQMD guidance, these emissions are amortized over 30 years and added to operational emissions. This amortized figure estimates project construction would contribute 10.45 MT/year of CO₂e.

Table 7a. Construction-Related GHG Emissions (MT/Year)

Year	Bio-CO ₂	NBio-CO ₂	Total CO ₂	CH ₄	N ₂ O	Total CO ₂ e (metric tons/year)
2020	0.00	106.966	106.966	0.022	0.00	107.519
2021	0.00	205.053	205.053	0.032	0.00	205.850
Total	0.00	311.96	311.96	0.06	0.00	313.37
Yearly Average Construction Emissions (Metric Tons/year over 30 years)						10.45

Source: Ldn Consulting 2019.

Operational Emissions

Once demolition and construction are complete, the proposed project would generate GHG emissions from daily operations which would include sources such as Area (or onsite emissions like landscaping), Energy usage from Electricity and Natural Gas, Mobile sources from vehicular traffic, municipal waste and from water uses, which are calculated within CalEEMod.

The following design features were assumed to be part of the proposed project design:

- Installation of rooftop photovoltaic solar panels;
- Installation of 75 percent LED lighting for both interior and exterior lighting;
- Installation of smart meters and programmable thermostats;
- Install low-flow water fixtures in all the units per Title 24;
- Installation of ENERGY STAR qualified appliances;
- No hearth options/fireplaces within any of the units;
- Installation of low maintenance and drought tolerant landscaping to minimize landscaping irrigation needs.
- Compliance with the City's Water Efficient Landscape Ordinance (WELO).
- Installation of shade trees along the project frontage both west and south in the public right-of-way and on adjacent private slopes.

Projected operational emissions are summarized in **Table 7b**. As shown in Table 7b, the proposed project including construction generate 194.24 MT/year of CO₂e. Therefore, the proposed project would generate 2.3 MT/year of CO₂e per service population which would be below the 3.2 MT/year of CO₂e per service population localized threshold that is being used for this analysis. Therefore, impacts would be less than significant. The project would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment. Impacts would be less than significant.

Table 7b: Proposed Project Operational Emissions Summary (MT/Year)

Source	Bio-CO2	NBio-CO2	Total CO2	CH4	N2O	CO ₂ e (MT/Year)
Area	0.000	0.291	0.291	0.00	0.00	0.298
Electrical	0.00	0.00	43.073	0.001	0.00	43.272
Mobile	0.00	125.940	125.940	0.007	0.00	126.117
Waste	2.241	0.00	2.241	0.132	0.00	5.552
Water	0.496	6.403	6.899	0.051	0.001	8.555
Total Proposed Project Operational Emissions						183.79
Amortized Construction Emissions (from Table 7a)						10.45
Total Project Emissions						194.24
MT/year CO₂e tons per service population						2.3
MT/year CO₂e tons per service population threshold						3.2
Significant Impact?						No

Source: Ldn Consulting 2019

b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases? Less Than Significant Impact

The localized project level efficiency threshold was determined to be 3.2 MT CO₂e/SP in 2030 which is consistent with California's 2017 Climate Change Scoping Plan. As shown in Table 7b, the project would generate 2.3 MT CO₂e/SP which is less than the localized SB 32 threshold. Given this, the project complies the requirements of all adopted plans and impacts would be less than significant.

VIII. HAZARDS AND HAZARDOUS MATERIALS

a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials? Less Than Significant Impact

Hazardous materials include solids, liquids, or gaseous materials that, because of their quantity, concentration, or physical, chemical, or infectious characteristics could pose a threat to human health or the environment. Hazards include the risks associated with potential explosions, fires, or release of hazardous substances in the event of an accident or natural disaster, which may cause or contribute to an increase in mortality or serious illness or pose substantial harm to human health or the environment.

The proposed project would involve the transport of fuels, lubricants, and various other liquids needed for operation of construction equipment at the site on an as-needed basis by equipment service trucks. In addition, workers would commute to the project site via private vehicles and would operate construction vehicles and equipment on both public and private streets. Materials hazardous to humans, wildlife, and sensitive environments, including diesel fuel, gasoline, equipment fluids, concrete, cleaning solutions and solvents, lubricant oils, adhesives, human waste, and chemical toilets, would be present during project construction. The potential exists for direct impacts to human health from accidental spills of small amounts of hazardous materials from construction equipment; however, the proposed project would be required to comply with Federal, State, and City Municipal Code restrictions which regulate and control those materials handled onsite. Compliance with these restrictions and laws would ensure that potentially significant impacts would not occur during project construction.

In addition, as a residential development, the only hazardous materials anticipated for transport or disposal associated with the proposed project during operation are routinely used household products such as cleaners, paint, solvents, motor oil/automotive products, batteries, and garden maintenance products. It is anticipated that the use, handling, and disposal of these products would be addressed by household hazardous waste programs that are part of the Integrated Waste Management Plan of the County of San Diego and other Federal, State, and City Municipal Code regulations.

In summary, the project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. Impacts would be less than significant.

b) Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment? Less Than Significant Impact with Mitigation Incorporated

A Phase 1 Environmental Site Assessment (ESA) and limited pesticide report was prepared for the project site by Geocon in 2017. The complete report is included as **Appendix F** of this document.

Recognized Environmental Conditions (RECs)

The Phase 1 ESA did not identify any RECs on the project site. Non-hazardous waste found on the site included waste oil pans, an oil stained bucket inside the trash enclosure and in side two trash cans adjacent to the drive through lane. The report concluded that based upon the limited amount of staining, limited volume and the nature of the debris, it was considered a de minimus condition and no further actions were recommended.

Pesticide and Arsenic Testing

Prior to construction of the commercial building on the site, the site was in agricultural use from sometime prior to 1939 to sometime between 1964 and 1967. Geocon performed a limited pesticide assessment to evaluate for the potential presence of pesticide and arsenic in soil on the project site due to past agricultural activities. Four discrete soil samples were analyzed for organochlorine pesticides (OCPs) using the US Environmental Protection Agency (EPA) Test Method 8081A and arsenic by EPA Test Method 6010B. The results of the laboratory analysis indicated that OCPs and arsenic did not exceed laboratory reporting limits.

Asbestos, Lead-Containing Paint, and Universal Waste

Due to the age of the building on the project site, a survey report focusing on asbestos, lead-containing paints and universal waste was prepared in 2018. The complete report is included as **Appendix G** of this document.

Asbestos

Black roof mastics and black mirror mastics were identified on the project site. Disturbance of these materials is covered by the California Division of Occupational Health and Safety (Cal/OSHA) asbestos standards. If these materials are not handled properly there is a potential for an impact (**Impact HAZ-1**). Implementation of the following mitigation measure will reduce the potential impact to below a level of significance.

- MM-HAZ-1** As a requirement for the Demolition Permit for the project, during building demolition, the project applicant shall use a licensed contractor registered with Cal/OSHA for all asbestos-related work. The contractor shall be responsible for informing the landfill of the contractor's intent to dispose of asbestos waste and shall also be responsible for segregating and characterizing waste streams prior to disposal.

Lead-Containing Paint

Deteriorated and intact lead-containing paints (LCP) were identified during the survey, however, they were determined not to be a California or Federal hazardous waste based upon lead content. However, the Geocon report (2018) recommend that all paints on the project site be treated as lead-containing for purposes of determining the applicability of the Cal/OSHA lead standard during demolition activities. This recommendation was based on the LCP sample results and the fact that lead was a common ingredient of paints manufactured before 1978. If lead-containing paint materials are not handled properly, there is a potential for impact (**Impact HAZ-2**). Implementation of the following mitigation measures will reduce the potential impact to below a level of significance.

- MM-HAZ-2** As a requirement for the Demolition Permit for the project, during building demolition, the project applicant shall handle all lead-containing paint in accordance with Cal/OSHA lead standards. Compliance and training requirements for activities where workers may be exposed to lead are presented in Title 8, CCR, Section 1532.1(e)(1). Additionally, in accordance with Title 8, CCR, Section 15321(p), written notification to the nearest Cal/OSHA office is required at least 24 hours prior to certain lead-related work.

Universal Waste

Universal waste is common hazardous wastes that is generated by households and businesses that is typically not allowed to be disposed of in solid waste landfills. Universal waste includes such items as fluorescent light tubes and lamps that contain mercury, mercury-containing switches and thermostats, and some electronic equipment. Universal waste observed on the project site included:

- Eight pole-mounted high-intensity discharge (HID) lights (possible mercury-containing components);
- Ten building exterior HID lights, and two loose bulbs on the lower roof (possible mercury-containing components);
- Approximately 62 fluorescent tube bulbs (possible mercury-containing components) and approximately 38 ballasts (potential polychlorinated biphenyl (PCBs)).
- Three roof mounted heating/ventilation/air conditioning (HVAC) units labeled as containing 22R refrigerants (chlorofluorocarbons (CFCs));
- Three dual mercury switch thermostats (possible mercury-containing components);
- Three emergency light units with potential lead-acid or nickel-cadmium (NiCad) batteries; and
- Two exit signs with potential lead-acid or NiCad batteries.

Since there are universal waste in the building proposed for demolition, proper handling of this waste is required. Improper handling could result in an impact (**Impact HAZ-3**). Implementation of the following mitigation measures will reduce the potential impact to below a level of significance.

MM-HAZ-3 As a requirement for the Demolition Permit for the project, the following protocol shall be implemented for handling universal waste during building demolition:

- Fluorescent light tubes, fluorescent lights with internal ballasts, and HID light bulbs should be removed from lighting fixtures and managed for recycling prior to demolition.
- All light ballasts shall be inspected for PCB status (labeling) and removed prior to demolition. All light ballasts that are unlabeled or lack a “No PCBs” designation shall be treated as PCB-containing components and managed as hazardous waste.
- Potential lead-acid, NiCad, or other rechargeable batteries used in emergency lighting and exit signs should be managed for recycling.
- Refrigeration equipment (roof top HVAC units) shall be moved and managed for reuse or the CFC refrigerants in the equipment shall be reclaimed for recycling prior to disposing of the equipment.
- Removal of universal waste or suspect hazardous building materials shall be conducted by contractors licensed to handle, transport and/or dispose of universal wastes and hazardous wastes.

Implementation of mitigation measures MM-HAZ-1, MM-HAZ-2, and MM-HAZ-3 will reduce potential impacts associated with demolition and the disturbance of potentially hazardous materials to below a level of significance.

- c) **Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? No Impact**

The project is not located within one-quarter mile of an existing school. The closest school is Knob Hill Elementary, located approximately one mile from the project site. The project does not propose uses that would emit hazardous emissions or handle hazardous or acutely hazardous materials or substances. No hazards emissions impact to the adjacent school are anticipated and no impact is identified.

- d) **Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? Less than Significant**

The project site is not identified on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. A Phase 1 Environmental Site Assessment (ESA) was prepared for the project site by Geocon in 2017. The complete report is included as Appendix F of this document. The report concluded that there is no evidence of recognized environmental conditions on the project site.

As part of the Phase 1 ESA report preparation, a database search was conducted for listed properties/facilities that are located less than 1/8 mile (or ¼ mile for leaking underground storage tank facilities) from the project site. Four sites were identified:

- *Bioscan Inc, 992 Rancheros Drive.* The site was listed as a small quantity generator in 1986. No violations reported.
- *Byrom Machine, 1010 Rancheros Drive.* The site was listed as a small quantity generator in 1986. No violations reported.
- *Continental Cleaners, 1342 East Mission Road.* This facility was in operation from 1999 to 2012. No violations reported.
- *Compton Plaster (aka Pacific Handrail & Fence Co.), 1312 Barham Drive.* Leaking underground storage tank in 1995. The tank and impacted soils were removed and disposed of offsite. The San Diego County Department of Environmental Health (DEH) closed the case in 1999.

Based upon the Phase 1 ESA (Geocon 2017), none of these listings are of concern for the project site, as they either reported no violation or appropriately cleaned up their site.

GeoTracker and EnviroStor Database Search

The GeoTracker and EnviroStor online databases were reviewed for any listing on the project site or within one-quarter mile of the site. No listings were identified in EnviroStor. GeoTracker lists one facility, Pacific Handrail & Fence Co. (also referenced as Compton Plaster Company) at 1312 Barham Drive, which was already discussed above. DEH closed the case in 1999. Based on the closed status of the case and the distance from the project site, the Phase 1 ESA determined that this facility is unlikely to have caused a REC at the project site. Impacts would be less than significant.

- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? No Impact

The nearest airport is the McClellan-Palomar Airport in Carlsbad, which is located approximately 8 miles west of the project area. While the proposed project is not within two miles of a public airport or public use airport, according Figure 6-5 of the Safety Element of the City's General Plan, the project site is located within Review Area 2 of the airport influence area. This influence area is regulated by the Airport Land Use Commission, which regulates land uses in the area to be compatible with airport-related noise, safety, airspace protection, and overflight factors. Review Area 2 limits the heights of structures in areas of high terrain. The project site would not be characterized as high terrain. Therefore, the project would not result in a safety hazard for people residing or working in the project area. No impact would occur.

Additionally, all residential development within Review Area 2 shall be required to record overflight notification documents as outlined in the McClellan-Palomar Airport Land Use Compatibility Plan (ALUCP), and per Chapter 20.265 of the City's Municipal Code, notifying residents of potential annoyances commonly associated with proximity to airports, such as noise, vibration, and overflights.

- f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? No Impact

The proposed project is not located within the vicinity of a private airstrip. Therefore, the project does not have the potential to result in a safety hazard for people residing or working in the project area. No impact is identified for this issue area.

- g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? Less than Significant Impact

The project does not propose any development that would impair implementation of or physically interfere with any adopted emergency response plan or evacuation plan. Construction of the project would not result in any complete road closures. In addition, the San Marcos Fire Department (SMFD) has reviewed the project and has not identified any issues related to emergency response planning or emergency evacuation planning. Impacts would be less than significant.

- h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? No Impact

The project site is located in an urbanized area of the City and is not adjacent to an open space or wildland areas. The Fire Marshal has reviewed the project and standard City fire conditions have been applied to the project. The project would not expose people or structure to a significant risk of loss, injury or death involving wildland fires. No impact is identified for this issue area.

IX. HYDROLOGY AND WATER QUALITY

- a) Violate any water quality standards or waste discharge requirements? Less than Significant Impact

The San Diego Regional Water Quality Control Board (RWQCB) regulates wastewater discharge. Implementation of the proposed project would result in an increase in wastewater treatment demand. However, the sewer study prepared by VWD (2018) has indicated there is existing near-term capacity in the wastewater treatment plants that would serve the proposed project. Prior to

issuance of building permits, the proposed project shall obtain a service commitment letter from VWD that will ensure there is existing capacity to service the needs of the proposed project, and therefore the proposed project would not exceed wastewater treatment requirements of the RWQCB. Further, the project has been designed to comply with the land development requirements of Regional MS4 Permit and the 2016 Model BMP Design Manual – San Diego Region (BMP Design Manual). Adherence with the Model BMP Design Manual and the Nation Pollutant Discharge Elimination System (NPDES) permit that is in place at the time of development would be required. Impacts would be less than significant.

- b) Have a potentially significant adverse impact on groundwater quality or cause or contribute to an exceedance of applicable groundwater receiving water quality objectives or degradation of beneficial uses? Less than Significant Impact**

As identified above, project adherence with the Model BMP Design Manual and the NPDES permit that is in place at the time of development would be required. Modular wetland units and an underground storage facility are proposed to handle stormwater. In addition, the project would obtain a Construction General Permit and prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) that would further specify low impact development features and BMPs applicable to the project. Furthermore, the proposed project would not irrigate with groundwater or wells. Therefore, the project would not adversely impact groundwater quality or cause or contribute to an exceedance of applicable groundwater receiving water quality objectives or degradation of beneficial uses. Impacts would be less than significant.

- c) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of preexisting nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? No Impact**

The project would not use any groundwater. All water for the project will be provided by VID. Therefore, the project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level. No impact is identified for this issue area.

- d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? Less than Significant Impact**

The project site is already graded and developed and any additional grading for the project will be minor. Grading would not be of a nature that would substantially alter the existing drainage pattern of the site that would result in substantial erosion or siltation on- or off-site. There are no streams or rivers on the project site. The project would implement construction BMPs in compliance with the Construction General Permit. These BMPs focus on areas such as good site management and housekeeping, non-stormwater management, erosion control, sediment control, run-on and run-off control, inspection/maintenance/repair, rain event action plan, and monitoring/reporting requirements. Implementation of stated BMPs would further reduce the potential for erosion and siltation to enter project area waterways. Impacts would be less than significant.

- e) Create a significant adverse environmental impact to drainage patterns due to changes in runoff flow rates or volumes? Less than Significant Impact**

The project site is already graded and developed and any additional grading for the project will be minor. The project has been designed to accommodate 100-year storm floods and modular wetland

units and an underground storage facility are proposed to handle stormwater and moderate flow rate and volumes on site before discharging offsite. The project runoff will exit the project site at the same location as the existing condition. This project considered the existing drainage patterns on the site and designed it in a manner such that the project would not result in significant adverse environmental impact to drainage patterns due to changes in runoff flow rates or volumes. Impacts would be less than significant.

- f) **Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? Less than Significant Impact**

The project site is already graded and developed and any additional grading for the project will be minor. The project has been designed to accommodate 100-year storm floods and modular wetland units and an underground storage facility are proposed to handle stormwater and moderate flow rate and volumes on site before discharging offsite. The project includes revising the current site drainage, although runoff will ultimately empty into the existing inlet along East Mission Road. An internal storm drain system will consist of curb inlets, cleanouts, storm drain, a detention storage facility and stormwater treatment facilities (modular wetlands). A linear detention facility is proposed along the internal private drive to address flow-control hydromodification requirements.

The project will experience a peak flow reduction due to the associated reduction in impervious surfaces and general flattening of the site through the minor project grading. The proposed peak flows from the site was calculated to be 6.97 cubic feet per second (cfs) compared to the 10.25 cfs in the existing condition (Hunsaker 2018b). The project would not result in significant adverse environmental impact due to alteration of drainage patterns in a manner that would substantially increase the rate or amount of surface runoff as to cause flooding onsite or offsite. Impacts would be less than significant.

- g) **Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff? Less than Significant Impact**

There are existing impervious surfaces on the project site (e.g., roofs, driveways, and roadways). With development of the project, these types of impervious surfaces will still exist. Based upon the plans for the project, buildings will cover 34.5 percent of the site, streets and drive areas will cover 20.7 percent of the site and landscaping will cover 42.5 percent of the site.

The project proposes a comprehensive stormwater management plan that includes stormwater improvements within the project boundary. This includes the incorporation of modular wetlands and an underground storage facility to provide water quality treatment for on-site runoff. Construction of this facility is proposed within the development footprint for the project; an expansion of existing facilities would not be required to serve the project. Therefore, the project would not create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff. Impacts would be less than significant.

- h) **Result in increased impervious surfaces and associated increased runoff? Less than Significant Impact**

There are existing impervious surfaces on the project site (e.g., roofs, driveways, and roadways). With development of the project, these types of impervious surfaces will still exist. Based upon the plans

for the project, buildings will cover 34.5 percent of the site, streets and drive areas will cover 20.7 percent of the site and landscaping will cover 42.5 percent of the site.

The project includes a comprehensive approach to hydromodification to ensure that runoff rates and volumes in the post-development condition are equal to or less than the pre-development condition. Low Impact Development (LID) features includes modular wetland and an underground detention facility. Landscaped areas will also allow for infiltration of stormwater. The project has been designed to accommodate 100-year stormwater flows. Therefore, impacts related to impervious surfaces and associated increased runoff would be similar to existing conditions. Impacts would be less than significant

i) Result in significant alteration of receiving water quality during or following construction?
Less than Significant Impact

Potential construction-related impacts associated with receiving water quality would include siltation and erosion, the use of fuels for construction equipment, and the generation of trash and debris from the construction site. To minimize these potential sources of pollution, the project would incorporate construction-related water quality BMPs. Such measures could include, but are not limited to:

- Use of sediment trapping devices to control sediment runoff;
- Proper containment and disposal of trash/debris;
- Use of erosion control devices to minimize runoff during rain events; and
- Additional measures identified in the SWPPP that would be implemented prior to the commencement of on-site work.

These measures are designed to minimize the generation of pollutants, inducing sediment and trash/debris. Preparation and implementation of a SWPPP and construction-related water quality BMPs would ensure that there are no significant alterations to receiving water quality during project construction. During project operation, the project includes a comprehensive water quality management approach. In addition to the provision of modular wetlands to provide water quality treatment for on-site runoff, the project would also implement a variety of site design, source control, LID, and treatment control BMPs to treat anticipated pollutants of concern and minimize the potential for pollutants prior to reaching the storm drain and off-site waterways. Therefore, the project would not result in significant alteration of receiving water quality during or following construction. Impacts would be less than significant.

j) Result in an increase in pollutant discharges to receiving waters? Consider water quality parameters such as temperature, dissolved oxygen, turbidity and other typical storm water pollutants (e.g., heavy metals, pathogens, petroleum derivatives, synthetic organics, sediment, nutrients, oxygen-demanding substances, and trash). Less than Significant Impact

The project site is located in the Richland hydrologic sub-area (904.52) of the San Marcos hydrologic area (904.5) of the Carlsbad watershed (904). Impaired water bodies in this watershed include San Marcos Creek (DDE, phosphorus, sediment toxicity, and selenium), Lake San Marcos (ammonia as nitrogen and nutrients), Batiquitos Lagoon (total coliform) and the Pacific Ocean (total coliform).

Anticipated pollutants to be generated by the project include sediment, nutrients, heavy metals, organic compounds, trash/debris, oil/grease, and bacteria/viruses. Potential pollutants could also include oxygen demanding substances. As identified above, the project includes a comprehensive water quality management approach to ensure that there would not be an increase in pollutant

discharge to receiving waters. Modular wetlands and an underground storage facility are proposed to handle stormwater.

The property owner would be required, pursuant to the City's Municipal Code Section 4.14 and Model Standard Urban Stormwater Mitigation Plan (SUSMP) to enter into a stormwater management and discharge control maintenance agreement for the installation and maintenance of permanent BMPs prior to the issuance of permits. Since the project includes a comprehensive approach to the handling and treatment of on-site stormwater runoff and would achieve the appropriate efficiency for removal of anticipated pollutants, the project would not result in an increase in pollutant discharges to receiving waters. Impacts would be less than significant.

k) Be tributary to an already impaired water body as listed on the Clean Water Act Section 303(d) list? If so, can it result in an increase in any pollutant for which the water body is already impaired? Less than Significant Impact

As identified above, impaired water bodies in the Carlsbad watershed include San Marcos Creek, Lake San Marcos, Batiquitos Lagoon, and the Pacific Ocean. The project includes a comprehensive water quality management approach to ensure that there would not be an increase in pollutant discharge to receiving waters. The City's BMP Design Manual requires that the pollutants of concern for each impaired water body in each watershed be treated by engineered treatment controls to a medium pollutant removal efficiency or better prior to leaving each development site, thus reducing pollutant levels. The project proposes modular wetlands for water quality. The property owner would be required to enter into a stormwater management and discharge control maintenance agreement for the installation and maintenance of permanent BMPs prior to the issuance of permits. Since the project includes a comprehensive approach to the handling and treatment of on-site stormwater runoff and would achieve an appropriate efficiency for removal of anticipated pollutants, the project would not result in an increase in any pollutant for which area impaired water bodies are already impaired. Impacts would be less than significant.

l) Be tributary to environmentally sensitive areas (e.g., MSCP, RARE, Areas of Special Biological Significance, etc.)? If so, can it exacerbate already existing sensitive conditions? Less than Significant Impact

While the project site is located outside of the Biological Resource Conservation area for the MHCP, and sensitive areas on the project are limited due to previous grading, the larger Rancho Coronado project site contains sensitive areas. To minimize impacts to these sensitive areas, the project includes a comprehensive water quality management approach to ensure there would not be an increase in pollutant discharge to receiving waters. The comprehensive use of biofiltration would effectively treat stormwater runoff prior to discharge from the site. Therefore, the project would not exacerbate already sensitive conditions within environmentally sensitive areas. Impacts would be less than significant.

m) Have a potentially significant environmental impact on surface water quality, to either marine, fresh or wetland waters? Less than Significant Impact

The project site is located outside of the Biological Resource Conservation area for the MHCP. Because the site is currently developed, there are no sensitive areas on the project site, but the site could be tributary to environmentally sensitive areas. To minimize impacts to these sensitive areas, the project includes a comprehensive water quality management approach to ensure there would not be an increase in pollutant discharge to receiving waters. The comprehensive use of biofiltration would effectively treat stormwater runoff prior to discharge from the site. Therefore, the project

would not exacerbate already sensitive conditions within environmentally sensitive areas. Impacts would be less than significant.

n) Otherwise substantially degrade water quality? Less than Significant Impact

The project includes a comprehensive water quality management approach through the use of biofiltration. As identified in this Section IX, impacts from the proposed project would be less than significant. Implementation of the project would not otherwise substantially degrade water quality. Impacts would be less than significant.

o) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? No Impact

According to the City's General Plan Safety Element, the project site does not contain any areas mapped on a federal Flood Hazard Boundary, Flood Insurance Rate Map (FIRM), or other flood hazard map (Figure 6-3, FEMA Flood Hazards and Reservoir/Dam Inundation Zones). Therefore, the project would not propose any housing within a 100-year flood hazard area. No impact is identified.

p) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? No Impact

As identified above, the City's General Plan Safety Element illustrates that the project site does not contain any areas mapped on a federal Flood Hazard Boundary, FIRM, or other flood hazard map. Therefore, the project would not place any structures within a 100-year flood hazard area. No impact is identified.

q) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? No Impact

According to the City's General Plan Safety Element, the project site is not located within a dam inundation zone (Figure 6-3, FEMA Flood Hazards and Reservoir/Dam Inundation Zones). Therefore, the project would not expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam. No impact is identified for this issue area.

r) Inundation by seiche, tsunami, or mudflow? No Impact

The project site is not located adjacent to a coastline, lake, or mountainous area that would be subject to seiche, tsunami, or mudflow. No impact would occur.

X. LAND USE AND PLANNING

The project proposes to remove an existing commercial building (formerly used as a bank) and to construct 24 multifamily townhomes. The requested approvals include:

- General Plan Amendment to change the project site from Neighborhood Commercial (NC) to Medium Density Residential 2 (MDR2).
- Rezone to change the Neighborhood Commercial zoning to Residential 3 (R-3-10).
- Tentative Subdivision Map for the residential development, private driveways, and open space areas.

- Multi Family Site Development Permit to construct 24 residential townhomes and address the details of architectural styles, building elevations, plotting layouts, fencing, landscaping, among other criteria, within the development.
- Variance request to reduce the front yard setbacks on East Mission from 86 feet to 70.3 feet.
- Additional permits required for project construction including Grading Permit, Improvement Plans, Landscape Plans, Demolition Permit, and Building Permits.

a) Physically divide an established community? No Impact

The project would redevelop an existing parcel in an already developed portion of the City. The project is consistent with existing multifamily residential located on the west side of Avenida Chapala and existing single-family residential to the north along Via Belleza. The project site is also adjacent to an existing neighborhood commercial center. The project would not divide an established community. The project will not result in the division of an established community and no impact is identified for this issue area.

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? Less than Significant Impact

General Plan Amendment and Rezone Requests

The project site has a General Plan Designation of Neighborhood Commercial (NC). Per Table 2-3 of the Land Use Element of the San Marcos General Plan, this designation is intended for general retail, markets, commercial services, office and restaurants designed to serve primarily the needs of the surrounding neighborhood and residential areas.

The project is proposing a General Plan Amendment (GPA18-0003) to change the NC designation to Medium Density Residential 2 (MDR2). Per Table 2-3 of the Land Use Element of the San Marcos General Plan, this designation is intended for row homes, townhomes, and multifamily (apartments and condominium) units at a density of 15.1-20.0 du/acre. The project has a proposed residential density of 15.8 du/acre (gross), which is consistent with the proposed General Plan designation.

The existing zoning designation on the site is Neighborhood Commercial (NC). Per Section 20.220.020(B) of the Zoning Ordinance, this zone provides for local retail and commercial goods and services in close proximity to residential neighborhoods to meet daily convenience needs.

The project is proposing a rezone to change the NC designation to Residential 3 (R-3-10). Per Section 20.215.020(B)(2) of the Zoning Ordinance, this zone provides for medium-density multifamily living at a density of 12.1 to 20.0 du/acre in a setting located in close proximity to services and bus lines with the opportunity for compatible boarding home and hotel uses.

The change from NC to MDR2 results in a 91 percent reduction of traffic generation, which also results in a corresponding reduction in transportation-related air quality, greenhouse gas and noise emissions. The last use on the site, a bank with a drive-through, generated up to an estimated 2,280 ADT. The project is forecast to generate 192 ADT (LLG 2018).

The addition of residential uses will increase the demand for school services. The existing neighborhood commercial use would not directly generate students. The project is expected to

generate nine (9) students for school within the San Marcos Unified School District. As detailed in Section XIV(c), Public Service-Schools, later in this document, the project will pay school facility fees (MM-PS-1) which will offset the project's student generation and reduce any impacts to below a level of significance. The other public service providers have indicated that they can serve the project. As a condition of project approval, the project will also annex into the applicable community facilities districts (CFDs) for fire and police services or make an in-lieu fee payment. This would offset the project's increase in demand for these services.

Variance Request

Per Table 20.300-3 of the Zoning Ordinance, Residential zones are required to have a minimum 86-foot setback from the centerline of Mission Road to the parcel property line. Since the project is proposing residential uses, it would be subject to this requirement. However, one of the requested approvals for the project is a variance (V18-0001) to this setback requirement.

Due to unique constraints on the project site, as well as the incorporation of a wall for noise mitigation (as required by MM-N-1), the applicant is requesting to reduce the setback requirement along Mission Road from 86 feet to 70.3 feet.

Constraints on the site include an existing 20-foot utility easement which contains a VWD sewer line and a VID water line. This easement runs almost in the middle of the site. No building or structures are allowed in the easement, which limits the developable area on the south/southwest portion of the project site. Additionally, a four-foot right-of-way dedication along Avenida Chapala to help accommodate on street parking will further reduce the developable area of the property.

Additionally, the proposed reduced setback is consistent with the setback of other development in the project vicinity along Mission Road.

In summary, the project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect. Impacts would be less than significant.

- c) Conflict with any applicable habitat conservation plan or natural community conservation plan? No Impact**

The project site is not located within a FPA of the City's Draft Subarea Plan for the MHCP nor is the project subject to a NCCP (Figure 4, Draft NCCP for the City of San Marcos). The project site is developed and has ornamental vegetation. Therefore, the project would not conflict with the provisions of an adopted Habitat Conservation Plan, NCCP, or other approved local, regional, or state habitat conservation plan. No impact is identified.

XI. MINERAL RESOURCES

- a) Result in the loss of availability of a known mineral resource that would be a value to the region and the residents of the state? No Impact**

There are no known mineral resources on the project site of value to the region or to residents of the state. The project site is currently developed with multifamily residential uses which would be replaced with similar uses as part of the proposed project. There are no known mineral resources on the project site of value to the region or to residents of the state. The project would not result in the loss of availability of a known mineral resource. No impact would occur.

- b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? **No Impact**

There are no known locally important mineral resources identified on the project site. The project site is currently developed with multifamily residential uses which would be replaced with similar uses as part of the proposed project. The project would not result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. No impact would occur.

XII. NOISE

A noise assessment was prepared for the project by Ldn Consulting (2018b). The complete report is included as **Appendix J** of this document.

- a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? **Less Than Significant Impact with Mitigation Incorporated**

Existing Noise Environment

To establish a baseline of vehicle noise from nearby Mission Road, ambient noise measurements were taken at the project site in April 2018. The results of the noise level measurements are presented in **Table 8**. The measurements were free of obstruction and had a direct line of sight to the roadway. As shown, the overall sound levels were found to be 63.3 dBA. The noise monitoring location can be seen in **Figure 4**.

Table 8. Measured Ambient Noise Levels

Measurement Identification	Description	Time	Noise Levels (dBA Leq)					
			Leq	Lmax	Lmin	L10	L50	L90
ML 1	East Mission Road	11:45 AM – 12:00 PM	63.3	80.3	55.0	65.4	61.3	56.9

Source: Ldn Consulting 2018b.

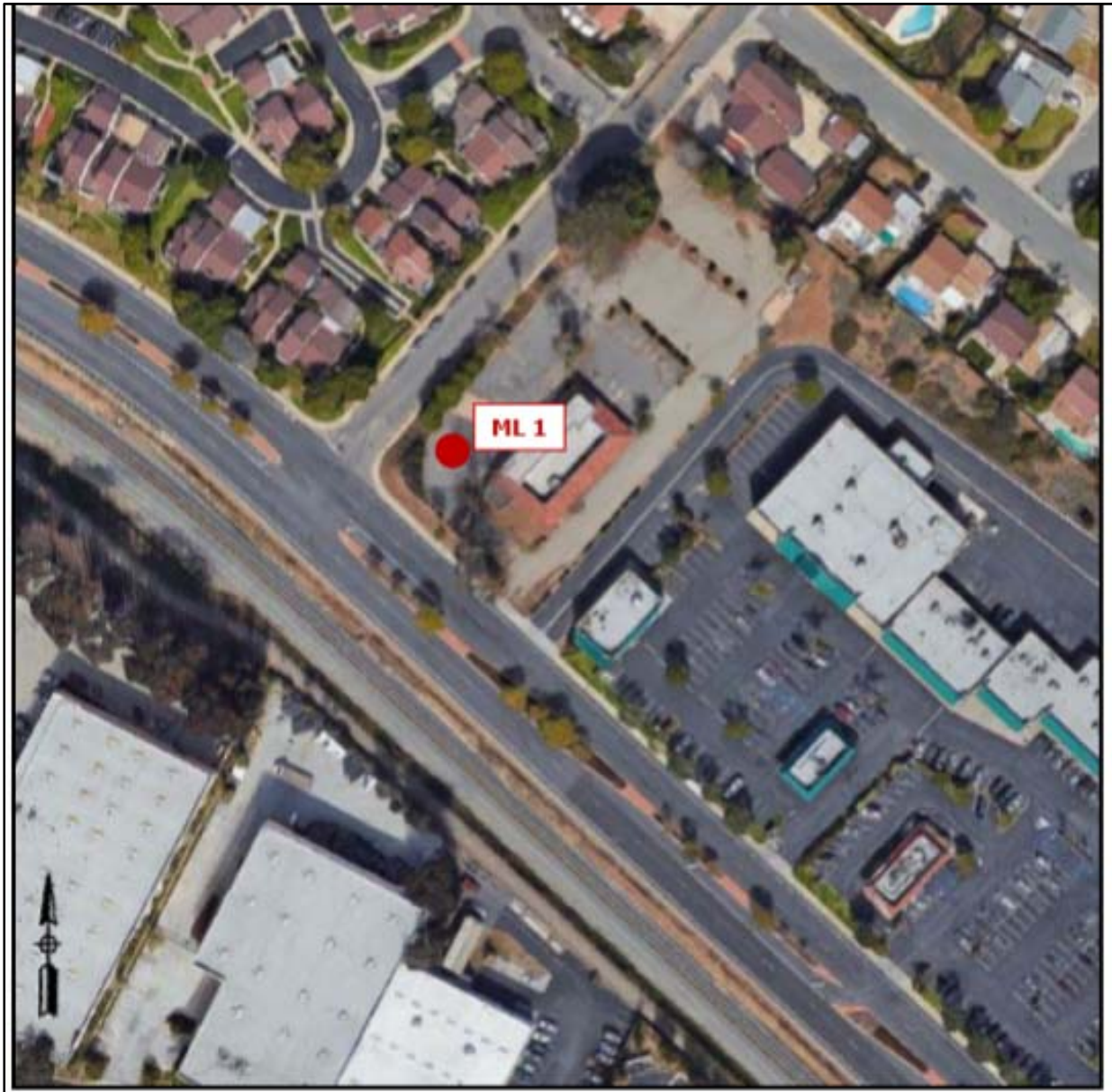
Future Onsite Noise Analysis

Roadway Noise Analysis

Table 9 presents the roadway parameters used in the analysis of the future noise environment, including: vehicle travel speeds; the percentages of automobiles, medium trucks, and heavy trucks in the roadway volume; site conditions; and peak hour traffic volume. To assess the peak hour traffic noise conditions, 10% of the ADT along with a conservative vehicle mix was utilized to predict the worst-case noise levels.

The required coordinate information necessary for the Sound32 model input was taken from the conceptual site plans, including identification of the pad elevations, roadway elevations, and the relationship between the noise source(s) and the outdoor receptor areas. The modeled observer locations for the potential outdoor use areas are presented in **Figure 5**.

Figure 4. Ambient Noise Monitoring Location



Source: Ldn Consulting 2018b.

Figure 5. Modeled Receptor Locations



Source: Ldn Consulting 2018b.

Table 9. Future Traffic Parameters

Roadway	Average Daily Traffic (ADT)	Peak Hour Volumes ⁽¹⁾	Modeled Speeds (MPH)	Vehicle Mix Percentages ⁽²⁾		
				Auto	Medium Trucks	Heavy Trucks
East Mission Road	18,300	1,830	40	96	2	2
Avenida Chapala	1,600	160	25	96	2	2

Source: Ldn Consulting 2018b.

Notes: (1) Source: SANDAG Traffic Prediction Model

(2) Typical City vehicle mix.

The Project is located approximately 800 feet north of SR-78. According to the City of San Marcos General Plan Noise Element, background noise levels from future traffic along SR-78 is 60 dBA CNEL at the project site. The modeling results for the adjacent roadways were combined with background traffic noise from SR-78 to determine the overall cumulative noise levels from automobile related noise sources at the proposed outdoor use areas and described in more detail below.

The modeling results for future exterior noise levels at the ground floor outdoor areas from the adjacent roadways, the cumulative roadways, and background noise from SR-78 are shown in **Table 10**. The modeling input and outputs are provided in Attachment A of Appendix J of this document. Based upon these findings, exterior noise from vehicular traffic along East Mission Road, Avenida Chapala, and SR-78 were determined to be above the City's 65 dBA CNEL threshold without mitigation.

Table 10. Future Exterior Roadway Noise Levels

Receptor Number	Unmitigated Outdoor Noise Levels (dBA CNEL)	Unmitigated Outdoor Noise Levels from Combined Roadways (dBA CNEL)
1	65	66
2	62	64
3	61	64
4	60	63
5	60	63
6	59	63
7	58	62
8	57	62
9	57	62
10	65	67
11	60	63
12	59	63
13	58	62
14	56	61
15	54	60

Source: Ldn Consulting 2018b.

Rail Line Analysis

The proposed site is located approximately 135 feet from the San Diego Northern Railroad (SDNR) consisting of SPRINTER service operated by the North County Transit District (NCTD). According to the City of San Marcos General Plan Noise Element, the 65 dBA CNEL noise contour from the rail activity, with no shielding, is located 130 feet from the centerline of the railroad. Typically, three decibels of

attenuation for the receptors may be assumed when the buildings block 40 to 65 percent of the line of sight to the noise source, and three to five decibels of attenuation may be assumed when the buildings obstruct more than 65 percent of the line of sight (Caltrans 1998). The line of sight to the rail alignment (SPRINTER) from the patios is and would be blocked by the existing structures to the west, the proposed structures and the required noise barrier along East Mission Road, as described above. The combination of the structures and barrier block more than 65 percent of the rail alignment due to the orientation of the site; therefore, a factor of 5 dBA was taken into account. No reduction factor was taken for the building facades.

Roadway and Rail Line Combined Analysis

The noise levels determined for the roadway and rail line activities were combined to determine the overall cumulative noise levels at the proposed outdoor use areas. The resultant cumulative noise levels from the traffic and train activities are presented in **Table 11** for each of the proposed outdoor areas and the building facades.

Table 11. Combined (Roadway + Rail Line) Future Exterior Roadway Noise Levels

Receptor Number	Unmitigated Outdoor Noise Levels from All Sources (dBA CNEL)	Mitigation Barrier Height (Feet)	Mitigated Outdoor Noise Levels (dBA CNEL)	Building Façade Noise Levels (dBA CNEL)
1	67	6	65	69
2	66	6	65	68
3	65	0	65	67
4	65	0	65	67
5	65	0	65	67
6	65	0	65	67
7	64	0	64	67
8	64	0	64	67
9	64	0	64	67
10	67	6	64	69
11	65	0	64	67
12	64	0	64	67
13	64	0	64	67
14	64	0	64	67
15	64	0	63	66

Source: Ldn Consulting 2018b.

Due to the combination of roadway and train activities, noise levels at the private outdoor use areas located adjacent to East Mission Road and Avenida Chapala (Receptors 1, 2 and 10), were found to exceed the City's 65 dBA CNEL threshold without mitigation. This represents a significant impact (**Impact N-1**) and mitigation is required. In order to reduce this impact to below a level of significance, implementation of mitigation measure MM-N-1 will be required as conditions of project approval.

MM-N-1 Noise mitigation in the form of a 6-foot barrier along East Mission Road for the southern units having direct line of sight to the roadways and railroad is required to comply with the City of San Marcos Noise standards for multifamily uses based on transportation related noise sources (i.e., vehicle or train). The barriers must be constructed of a non-gapping material (i.e., masonry, stucco, ¼ inch thick glass or Plexiglas). The location of the proposed barrier is provided in **Figure 6**.

Figure 6. Noise Mitigation



Source: Ldn Consulting 2018b.

Additionally, as shown in Table 11, building façade levels are forecast to exceed 60 dBA CNEL, which means interior noise limits could be exceeded. This represents a significant impact (**Impact N-2**) and mitigation is required. In order to reduce this impact to below a level of significance, implementation of mitigation measure MM-N-2 will be required as conditions of project approval.

- MM-N-2** Prior to issuance of the first building permit, a final noise assessment is required for the interior of the residential units since noise levels at the building facades are above 60 dBA CNEL. This final report shall identify the interior noise requirements based upon architectural and building plans to meet the City's established interior noise limit of 45 dBA CNEL. Interior noise levels of 45 dBA CNEL can easily be obtained with conventional building construction methods and providing a closed window condition requiring a means of mechanical ventilation (e.g. air conditioning) for each building and upgraded windows for all sensitive rooms (e.g. bedrooms and living spaces). The noise assessment shall be submitted to the Planning Division Manager.

With implementation of mitigation measures MM-N-1 and MM-2, onsite noise impacts would be less than significant.

Requested Set Back Variance

The project site is subject to an 86-foot setback from East Mission Road and a 15-foot front yard setback from Avenida Chapala. The project is requesting a Variance (V18-0001) to the East Mission Road setback. Proposed residences will have a setback ranging from 70.3 to 74.7 feet from East Mission Road instead of the required 86 feet. The mitigation for noise (MM-N-1) has taken into consideration the proposed setback and determined that the 6-foot noise wall along the project frontage would reduce vehicular noise from East Mission Road to below a level of significance.

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? Less than Significant Impact

The project does not propose any construction activities that would expose person to or generate excessive groundborne vibrations or noise levels. No blasting or rock crushing will be required for the project. Only minimal grading to prepare the site for development of the townhomes would be required. Impacts would be less than significant.

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? Less than Significant Impact

Project Related Off-Site Transportation Noise

To determine if direct or cumulative off-site noise level increases associated with the development of the proposed project would result in significant off-site noise impacts, the traffic volumes for the existing conditions were compared with the traffic volumes from the existing plus the proposed project conditions. The project is estimated to generate 192 daily trips with a peak hour volume of 19 trips. The existing average daily traffic (ADT) volumes on adjacent East Mission Road is 16,338 ADT (LLG 2018). The existing average ADT volumes on adjacent Avenida Chapala is 1,600 ADT. Typically, it requires a project to double the traffic volumes (or adding 100 percent) to have a direct impact of 3 dBA CNEL, which would be considered a significant contributor to cumulative noise levels.

The project will add less than a one percent increase in traffic volumes to East Mission Road and an approximate 15 percent increase in traffic volumes to Avenida Chapala. Additionally, Avenida Chapala provides access to a fully built out residential neighborhood, so, future traffic volumes are not expected to increase. Therefore, increased traffic volumes resulting from the proposed project would not lead to a significant increase (+3dBA CNEL) in off-site noise levels. Less than significant direct and cumulative impacts are anticipated related to off-site transportation noise.

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? Less than Significant Impact

Construction Noise Analysis

Expected construction equipment for the demolition, site preparation, grading, paving and their anticipated duration of use are detailed in Table 3.1 of the air quality report (Appendix B of this document). Based on the EPA noise emissions, empirical data and the amount of equipment needed, worst case noise levels from the construction equipment for site preparation would occur during the grading operations.

Demolition Activity Noise Analysis

Demolition equipment will operate on an as-needed basis depending on what specific demolition activities are taking place. It is not expected that all demolition equipment would be operating simultaneously for 8 hours a day. For example, a saw will be used to weaken some of the structural components of the structure and then the excavator would be utilized to demo that section of the structure. The excavator or a loader will then be used to place the debris into the haul trucks.

Noise levels from the demolition activities can reach short-term peak noise levels in excess of 90 dBA; however, the sound levels will decay (decrease) rapidly. This is due to the fact that once the equipment knocks down a portion of the building, the resultant debris needs to be removed, sorted and inspected. Based on empirical data gathered during the monitoring of a similar project, the worst-case hourly noise level was found to be 80.8 dBA Leq at an average distance of 25 feet (Source: Aztec Court Noise Monitoring – San Diego, Ldn Consulting 2012). At an average distance of 50 feet a noise level of 74.8 dBA would be expected. The average distance from the demolition activities is anticipated to vary between 25 feet and 175 feet from the adjacent property lines. Given this, the noise levels will comply with the average 75 dBA Leq 8-hour threshold at the property lines and demolition-related noise impacts would be less than significant.

Grading Activity Noise Analysis

The grading activities will consist of the preparation of internal roadways, parking and the finished pads. The grading equipment will be spread out over the project site from distances near the occupied property lines to distances of 150 feet or more away. Based upon the site plan the majority of the grading operations, on average, will occur more than 75 feet from the property lines. This means that most of the time the average distance from all the equipment to the nearest property line is 75 feet. As can be seen in **Table 12**, at an average distance of 75 feet from the construction activities to the nearest property line would result in a noise attenuation of -3.5 dBA without shielding.

Table 12. Construction Noise Levels

Equipment Type	Quantity Used	Source @ 50 Feet (dBA)	Cumulative Noise Level @ 50 Feet (dBA)
Tractor/Backhoe	1	72	72.0
Loader/Grader	1	73	73.0
Water Trucks	1	70	70.0
Roller/Compactor	1	74	74.0
Cumulative Level			78.5
Distance to Sensitive Use			75 feet
Noise Reduction due to Distance			-3.5
Property Line Noise Level			75.0

Source: Ldn Consulting, 2018b

Given this, the noise levels will comply with the 75 dBA Leq standard at the property lines. Therefore, no impacts are anticipated, and no mitigation is required during construction of the proposed project. Additionally, all equipment should be properly fitted with mufflers and all staging and maintenance should be conducted as far away for the existing residence as possible.

- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? Less than Significant Impact

As identified above, the nearest airport is the McClellan-Palomar Airport in Carlsbad, which is located approximately eight miles west of the project area.

According to the ALUCP for the McClellan Palomar Airport, the proposed project site is located outside of the existing and future 60 dB CNEL noise contours of the airport (San Diego County Regional Airport Authority 2010). According to the ALUCP, the project site is located within Review Area 2 of the airport influence area. This influence area is regulated by the Airport Land Use Commission, which regulates land uses in the area to be compatible with airport-related noise, safety, airspace protection, and overflight factors. Review Area 2 limits the heights of structures in areas of high terrain. The recordation of overflight notification documents, which informs prospective buyers of property near an airport that the property may be subject to noise, vibration, overflights, or odors associated with airport operations, is required in locations within Review Area 2 as outlined in the ALUCP.

In summary, the project would not expose people residing or working in the project area to excessive noise levels. Impacts would be less than significant.

- f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? No Impact

As identified above, the project site is not located within the vicinity of a private airstrip. Therefore, the project would not expose people residing or working in the project area to excessive noise levels resulting from proximity to a private airstrip. No impact would occur.

XIII. POPULATION AND HOUSING

- a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? Less than Significant Impact

The project would result in development of 24 townhomes on the project site. Using a generation rate of 3.10 residents per unit, the project would result in approximately 75 new residents.

The project would directly result in population growth in the area through the addition of 24 new townhomes and approximately 75 new residences. The project will not result in the construction of new offsite infrastructure. The project will be served by existing water, sewer and storm drain infrastructure offsite and will make infrastructure improvements on site to serve the future development.

Further, the project will provide housing to meet the projected growth and housing demand and will contribute to the City's housing stock that will help fulfill the City's obligation to provide regional housing. As noted in the Housing Element of the General Plan (page 8-8), during the 1980s, San Marcos doubled its population and growth continued to increase between 1990 and 2010, when the City more than doubled its population again. In 2010, the population had grown to 83,781. The San Diego Association of Governments (SANDAG) growth forecasts predict a steady increase in population through 2050.

The Regional Housing Needs Assessment (RHNA) for the SANDAG region was adopted in October 2011. This RHNA covers an 11-year planning period (January 1, 2010 through December 31, 2020)

and is divided into four income categories: very low, low, moderate, and above moderate. As determined by SANDAG, the City's fair share allocation is for a total of 4,183 new housing units during this planning cycle across the four income categories. Housing units developed under the proposed project would contribute toward meeting the City's allocation of moderate and/or above moderate housing units. Impacts would be less than significant.

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? No Impact

The project will construct 24 townhomes, which will add to the existing housing stock in the City. The project site currently has a vacant commercial building on the site. The project would not displace a substantial number of existing housing. No impact is identified for this issue area.

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? No Impact

The project site is currently developed with a vacant commercial building. The project will remove this building to construct 24 townhomes. No people will be displaced as part of this project. No impact is identified for this issue area.

XIV. PUBLIC SERVICES

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

a) Fire protection? Less Than Significant Impact

The San Marcos Fire Department (SMFD) was contacted for their input on the project, including for information regarding stations serving the project, current staffing, response times, and other items related to fire protection services. The response from the Fire Marshal is included in **Appendix G**. According to SMFD, the project site is closest to Fire Station, located at 180 West Mission. This station is staffed with eight personnel and equipment includes one truck company, one engine company and one rescue ambulance. Average response times to the project site would be approximately three minutes.

SMFD indicated that current staff levels and equipment at this station are adequate to serve the project but noted that additional services may be needed by the time occupancy takes place. Additionally, as a condition of project approval the project applicant shall annex the site into the pre-existing Community Facilities District (CFD 2001-01) (Fire and Paramedic) or make an in-lieu payment. Participation in the CFD or payment of the in-lieu fees will offset the cost of increases in necessary services resulting from implementation of the proposed project.

SMFD requires fire flow at 1,500 gallons per minute (gpm) at 20 psi. The Vista Irrigation District has indicated that flows at 1,500 gpm at 62 psi residual pressure are available at the project site (VID 2018a). The project will be able to meet the required fire flows.

In summary, the project would not result in substantial adverse physical impacts associated with the need for new or physically altered fire protection service facilities. Impacts would be less than significant.

b) Police protection? Less Than Significant Impact

Police protection services in San Marcos are provided by the San Diego County Sheriff's Department out of the San Marcos Station located at 182 Santar Place, approximately one mile west of the project site. The San Diego County Sheriff's Department was contacted for their input on the project, however they did not provide any comments.

The project would result in an increase in demand for services from the Sheriff's Department through the construction of 24 town homes and the associated increase in population (approximately 75 persons).

As a condition of project approval, the project applicant shall annex the site into the pre-existing Community Facilities District for police services (CFD 98-01, Improvement Area No. 1) or make an in-lieu payment. Participation in the CFD or payment of the in-lieu fees will offset the cost of increases in necessary services resulting from implementation of the proposed project.

The project would not result in substantial adverse physical impacts associated with the need for new or physically altered police protection service facilities. Impacts would be less than significant.

c) Schools? Less than Significant with Mitigation Incorporated

The project site is located within the service boundary of the San Marcos Unified School District (SMUSD). Per SMUSD 2018/2019 Attendance Area Maps (SMUSD 2018a, 2018b, 2018c), the following schools would serve the project:

- Knob Hill Elementary School, 1825 Knob Hill Road
- Woodland Park Middle School, 1270 Rock Springs Road
- Mission Hills High School, 1 Mission Hills Court

Table 13 summarizes the 2018/19 enrollment and capacity at each of these schools.

Table 13. Enrollment and Capacity by School

School	Grade Level	2018-19 Enrollment ⁽¹⁾	2018-19 Capacity ⁽²⁾
Knob Hill Elementary	K-5	835	844
Woodland Park Middle	6-8	1,382	1,513
Mission Hills High	9-12	2,627	2,692

Source: SMUSD, 2018d

Notes: (1) Enrollment as of October 5, 2018

(2) Capacity is based on building utilization for the 2018-19 school year.

Using the student generation rate for multifamily residential units provided in the SMUSD's 2018 School Facilities Needs Assessment (SFNA) of 0.3679 students per unit, the net increase of 24 multifamily units on the project site will generate approximately nine additional students.

While there is currently capacity at the schools that would serve the project, SMUSD has indicated that, at the District-level they are overcrowded. Additionally, recently approved projects in the City which have not yet been constructed, will add additional students to the schools that will serve the project.

In summary, students generated with the project would attend schools that currently have capacity. However, the addition of these students would contribute to the District-wide capacity issues. This represents a significant cumulative impact (**Impact PS-1**), as the proposed project would contribute to a District-wide capacity shortage, and mitigation is required to reduce project-related impacts.

MM-PS-1 The project applicant shall pay school mitigation fees pursuant to California Education Code Section 17620 et seq. and Government Code Sections 65995(h) and 65996(b) in effect at the time of building permit issuance. Current Level II school fees are \$5.61/s.f. for residential development.

Payment of these fees would assist in funding SMUSD's long-range plans. SB 50 states that the fees imposed by school districts shall constitute the exclusive method of considering and mitigating impacts on school facilities caused by a development project. Such payment shall provide "full and complete mitigation of the impacts of any legislative or adjudicative act...on the provision of adequate school facilities" (Government Code Section 65995(h)).

d) Parks? Less than Significant with Mitigation Incorporated

The City has 16 major community parks and 18 mini parks and an extensive trail network. The closest existing park to the project site is Knob Hill Park, located at 860 Avenida Ricardo. Knob Hill Park has permanent restrooms, a picnic shelter, picnic tables, play equipment and turf play areas.

The project includes 3,988 s.f. of common open space. This includes a 2,642 s.f. area along the project's eastern boundary that will be developed with recreational amenities. Additionally, a 1,346-s.f. area adjacent to the project entrance and Building 4 will be planted with turf and will serve as a passive open space area. While recreational amenities are provided onsite, the addition of 24 residential units to the project site would increase demand for and use of off-site park and recreation facilities. This represents a significant impact and mitigation is required (**Impact PS-2**).

MM-PS-2 The project applicant shall pay the City's Public Facility Fee (PFF), a portion of which is designated for parks. The PFF money would go towards the acquisition and development of local and community park facilities throughout the City. Payment of the PFF shall be made prior to issuance of a building permit.

Implementation of mitigation measure MM-PS-2 will offset the project's impact by contributing funds for the acquisition and development of local and community park facilities throughout the City. Impacts would be reduced to below a level of significance.

e) Other public facilities? Less than Significant Impact

The analysis within Sections XIV(a) through XIV(d) concluded that the project would have a less than significant impact related to police protection, fire protection, schools, and parks. The project would not result in an impact to any other public facilities. Impacts would be less than significant.

XV. RECREATION

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities, such that substantial physical deterioration of the facility would occur or be accelerated? Less than Significant with Mitigation Incorporated

The City has 16 major community parks and 18 mini parks and an extensive trail network. The closest existing park to the project site is Knob Hill Park, located at 860 Avenida Ricardo. Knob Hill Park has permanent restrooms, a picnic shelter, picnic tables, play equipment and turf play areas.

The project includes 3,988 s.f of common open space. This includes a 2,642 s.f. area along the project's eastern boundary that will be developed with recreational amenities. Additionally, a 1,346-s.f. area adjacent to the project entrance and Building 4 will be planted with turf and will serve as a passive open space area. While recreational amenities are provided onsite, the addition of 24 residential units to the project site would increase demand for and use of off-site park and recreation facilities. This represents a significant impact and mitigation is required (**Impact REC-1**).

MM-REC-1 The project applicant shall pay the City's Public Facility Fee (PFF), a portion of which is designated for parks. The PFF money would go towards the acquisition and development of local and community park facilities throughout the City. Payment of the PFF shall be made prior to issuance of a building permit.

Implementation of mitigation measure MM-REC-1 will offset the project's impact by contributing funds for the acquisition and development of local and community park facilities throughout the City. Impacts would be reduced to below a level of significance.

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment? Less Than Significant Impact

As identified above, the project includes active and passive open space areas including recreational amenities. The recreational amenities are included as part of the project description and within the footprint of the proposed project. Any impacts associated with the construction of these amenities are analyzed within this environmental document. Impacts would be less than significant.

XVI. TRANSPORTATION/TRAFFIC

A traffic letter report was prepared for the project by Linscott, Law and Greenspan (LLG) (2018). The complete letter report is included as **Appendix L** of this document.

The study area for the traffic letter report encompassed roadway facilities of the potential project related impact. The study area included the intersection of East Mission Road/Avenida Chapala and the segment of East Mission Road west of Avenida Chapala.

East Mission Road is currently constructed as a four-lane roadway with a raised median. The posted speed limit is 45 miles per hour (mph). Bike lanes and bus stops are provided on East Mission Road; however curbside vehicle parking is prohibited.

Avenida Chapala is currently constructed as a two-lane undivided roadway with a 25 mph speed limit. Curbside parking is currently permitted on the west side of the roadway and will be expanded to the east side with the project.

The following scenarios were analyzed in LLG's traffic letter report:

- Existing
- Existing + Project
- Existing + Cumulative Projects
- Existing + Cumulative Projects + Project

- a) Conflict with the applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? Less Than Significant Impact

Trip Generation – Proposed Project

Trip generation rates for the project are based on the rates outlined in SANDAG's (Not so) Brief Guide of Vehicular Traffic Generation Rates for the San Diego Region, April 2002.

As shown in **Table 14**, the project would generate 192 ADT, including 15 in the AM Peak hour and 19 in the PM peak hour.

Table 14. Project Trip Generation

TRIP GENERATION RATES											
Land Use	Rate			AM PEAK HOUR			PM PEAK HOUR				
				% of ADT	In: Out Ratio		% of ADT	In: Out Ratio			
Townhomes	8/DU			8%	0.20	:	0.80	10%	0.70	:	0.30
TRIP GENERATION CALCULATIONS											
Land Use	Amount		ADT	AM PEAK HOUR			PM PEAK HOUR				
				Total	In	Out	Total	In	Out		
Townhomes	24	DU	192	15	3	12	19	13	6		

Source: SANDAG 2002 and LLG 2018.

Note: DU = dwelling unit.

The project-generated traffic was distributed and assigned to the street system based on various factors such as existing traffic counts, site access parameters, and the proximity to arterials and state highways.

Trip General Comparison

Currently the site is zoned as Neighborhood Commercial, with the last use being a financial institution, specifically a bank with a drive-through. That use generated 1,500 ADT/per acre, which, when applied to the 1.52-acre project site equates to 2,280 ADT. This includes 114 AM peak hour trips and 228 PM peak hour trips. By comparison, as shown in Table 14, above, the proposed project would generate 192 ADT. This represents a 91 percent reduction in ADT.

Near Term Analysis

Existing Intersection Operations

Table 15 summarizes the peak hour intersection operations under the Existing scenario. As shown in Table 15, the study intersection is calculated to currently operate at LOS C during the AM peak hour and LOS D in the PM peak hour.

Existing Segment Operations

Table 16 summarizes the volumes to capacity street segment operations under the Existing scenario. As shown in Table 16, the study segment is calculated to currently operation at LOS B.

Existing + Project Intersection Operations

Table 15 summarizes the peak hour intersection operations under the Existing + Project scenario. As shown in Table 15, with the addition of project traffic, the study intersection is expected to continue to operate at LOS C during the AM peak hour and LOS D during the PM peak hour. The addition of project traffic would not result in a reduction of level of service. Therefore, impacts would be less than significant.

Existing + Project Segment Operations

Table 16 summarizes the volumes to capacity street segment operations under the Existing + Project scenario. As shown in Table 16, with the addition of project traffic, the study segment is calculated to continue to operate at LOS B. The addition of project traffic would not result in a reduction of level of service. Therefore, impacts would be less than significant.

Existing + Cumulative Projects Intersection Operations

Table 15 summarizes the peak hour intersection operations under the Existing + Cumulative Projects scenario. As shown in Table 15, the study intersection is calculated to operate at LOS C during the AM peak hour and LOS E during the PM peak hour. The addition of project traffic would not result in a reduction of level of service. Therefore, impacts would be less than significant.

Existing + Cumulative Projects Segment Operations

Table 16 summarizes the volumes to capacity street segment operations under the Existing + Cumulative Projects scenario. As shown in Table 16, with the addition of project traffic, the study segment is calculated to continue to operate at LOS B. The addition of project traffic would not result in a reduction of level of service. Therefore, impacts would be less than significant

Existing + Cumulative Projects + Project Intersection Operations

Table 15 summarizes the peak hour intersection operations under the Existing + Cumulative Projects + Project scenario. As shown in Table 15, the study intersection is calculated to operate at LOS C during the AM peak hour and LOS E during the PM peak hour. The addition of project traffic would not result in a reduction of level of service. Therefore, impacts would be less than significant.

Existing + Cumulative Projects + Project Segment Operations

Table 16 summarizes the volumes to capacity street segment operations under the Existing + Cumulative Projects + Project scenario. As shown in Table 16, with the addition of project traffic, the study segment is calculated to continue to operate at LOS B. The addition of project traffic would not result in a reduction of level of service. Therefore, impacts would be less than significant.

In summary, the change of land use from neighborhood commercial to residential would result in a reduction of trip generation by 91 percent. Based upon the analysis, the project will not result in any significant traffic impact in any of the analysis scenarios considered. Impacts would be less than significant.

Table 15. Near Term Intersection Operations

Intersection	Control Type	Peak Hour	Existing		Existing + Project		Change in Delay (c)	Existing + Cumulative Projects		Existing + Cumulative Projects + Project		Change in Delay
			Delay(a)	LOS(b)	Delay	LOS		Delay	LOS	Delay	LOS	
East Mission Road/Avenida Chapala	OWSC(d)	AM	21.3	C	21.9	C	0.6	24.1	C	24.9	C	0.8
		PM	30.3	D	31.9	D	1.6	36.0	E	26.9	E	0.9

Source: LLG 2018.

Notes:

- (a) Average delay expressed in seconds per vehicle.
- (b) LOS = level of service
- (c) Denotes and increase in the delay due to the project.
- (d) One-Way Stop Controlled Minor street delay reported.

Table 16. Near Term Street Segment Operations

Street Segment	Existing Capacity (LOS E) (a)	Existing			Existing + Project			Change (e)	Existing + Cumulative Projects			Existing + Cumulative Projects + Project			Change
		ADT(b)	V/C(c)	LOS(d)	ADT	V/C	LOS		ADT	V/C	LOS	ADT	V/C	LOS	
East Mission Road: West of Avenida Chapala	40,000	16,194	0.405	B	16,338	0.408	B	0.004	17,010	0.425	B	17,154	0.429	B	0.004

Source: LLG 2018.

Notes:

- (a) Capacities based on City of San Marcos Roadway Capacity Tables.
- (b) ADT = average daily traffic
- (c) V/C = volume to capacity ratio
- (d) LOS = level of service
- (e) Denotes an increase in the volume to capacity ratio with the project.

Queuing Analysis

A queueing assessment was conducted for the southbound approach at the East Mission Road/Avenida Chapala intersection for the Existing, Existing + Project, Existing + Cumulative Projects and Existing + Cumulative Projects + Project scenarios to determine if the queues from the intersection would extend past the proposed project driveway. **Table 17** summarizes the results of the queueing assessment.

LLG, the traffic consultant for the project, observed the actual queue for the southbound approach on July 26, 2018 during the AM and PM peak hours. Since the queue observations were conducted during the summer, vehicular counts were also conducted for key movements at the study intersection. The July 2018 traffic counts were comparable to January 2018 traffic counts utilized in this traffic study.

Table 17. Queueing Operations (East Mission Road/Avenida Chapala Intersection)

Movement	Peak Hour	95 th Percentile Queue Length (feet)			
		Existing	Existing + Project	Existing + Cumulative Projects	Existing + Cumulative Projects + Project
Southbound Shared Left/Right	AM	52	64	60	65
	PM	45	45	45	75

Source: LLG 2018.

Note: Southbound approach assumed a shared left/right turn lane configuration to be conservative.

The queue observations revealed that the southbound approach operates as if a dedicated left-turn lane and a dedicated right-turn lane was provided. The highest observed queue was three vehicles or approximately 60-75 feet for both the left-turn and right-turn movements.

Based on the calculated and observed queues above, vehicles are not expected to queue up to or past the proposed driveway which is to be located approximately 138 feet from East Mission Road, measured from point of curb return to point of curb return. Therefore, no queueing impact is identified for the project.

- b) Conflict with an applicable congestion management plan, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways? No Impact**

The purpose of the Congestion Management Plan (CMP) is to monitor the performance of the San Diego region's roadway transportation system, develop programs to address near- and long-term congestion, and better integrate transportation and land use planning. The San Diego Association of Governments (SANDAG), as the designated Congestion Management Agency for the San Diego region, is responsible for developing, adopting, and updating the CMP. SANDAG, local jurisdictions, and transportation operators (i.e., California Department of Transportation, Metropolitan Transit System, North County Transit District, etc.) are responsible for implementing the CMP.

The project site is not located along a designated CMP freeway, highway or arterial. The project would not result in any conflict with the CMP. No impact is identified for this issue area.

- c) **Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? No Impact**

The nearest airport is the McClellan-Palomar Airport in Carlsbad, which is located approximately eight miles west of the project area. The type of development proposed (residential) would not result in a change in air traffic patterns. No impact is identified for this issue area.

- d) **Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? No Impact**

Access to the project site is proposed from a driveway on Avenida Chapala. The project driveway would be placed approximately 138 feet from East Mission Road. The traffic report (LLG 2018) did not identify any design or safety concerns with the project entrance design. The project would not substantially increase hazards due to design features or incompatible uses. No impact is identified for this issue area.

- e) **Result in inadequate emergency access? Less Than Significant Impact**

Access to the project site would be provided via a project driveway off of Avenida Chapala. Internal drive areas within the project are a minimum of 24 feet wide. The Fire Marshal reviewed the project and did not identify any emergency access issues with the project. Therefore, the project would not result in inadequate emergency access. Impacts would be less than significant.

- f) **Conflict with adopted policies, plans or programs regarding public transit, bicycle or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? Less Than Significant Impact**

North County Transit District (NCTD) bus Route 305 operates seven days a week between the Vista Transit Center and the City of Escondido and passes in front of the project site on East Mission Road. The project site is located approximately 0.7 miles west of the Nordahl SPRINTER station.

The public roadway, East Mission Road, has a dedicated bike lane along the project frontage. This bike lane will not be impacted by the project. The project does not include any components that would conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities or otherwise decrease the performance or safety of such facilities. Impacts would be less than significant.

XVII. TRIBAL CULTURAL RESOURCES

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- a) **Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)? Less than Significant with Mitigation Incorporated**

A Sacred Lands File search request was submitted to the NAHC by Helix Environmental Planning. The purpose of the request was to inquire about known areas of cultural concern, such as traditional cultural places, sacred sites, archaeological sites, or cultural landscapes that may exist within or within one mile of the proposed project. Helix Environmental Planning received a response from the NAHC dated March 30, 2018 stating that a record search of the sacred land file failed to indicate the

presence of Native American cultural resources in or within the vicinity of the project area. The NAHC response included a list of tribes that should be contacted for any relevant information on the project site as it related to cultural resources. The response from the NAHC is included as Appendix C.

Assembly Bill (AB) 52 added new requirements regarding consultation with California Native American Tribes and consideration of tribal cultural resources, requiring consultation prior to the release of an environmental document if requested by a California Native American Tribe. Outreach to local tribes by the City, consistent with AB 52, was initiated as part of the preparation of this environmental document. The City sent out the AB-52 letters on November 29, 2018. No responses have been received.

The project has the potential to disturb unidentified archaeological resources during project grading (Impact CR-1). Mitigation measures MM-CR-1a through MM-CR-1h, identified in the cultural resources analysis (Section V. of this document) provide for the presence of archaeological and Luiseño Native American monitors during ground disturbing activities that would be able to identify any previously unidentified cultural resources, to prevent inadvertent disturbance of any intact cultural deposits that may be present.

Should any resources be identified, implementation of MM-CR-1a through MM-CR-1h would ensure proper handling and treatment of such resources by providing for a proper evaluation to determine whether additional archaeological work is necessary.

To further ensure Native American archaeological resources are protected, implementation of MM-CR-1a through MM-CR-1h provides additional protections for significant resources and describes the process for proper treatment and handling to ensure impacts would be minimized. Implementation of this mitigation would reduce potential project-level impacts to tribal cultural resources to below a level of significance.

- b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. Less than Significant with Mitigation Incorporated**

The City has not identified any cultural resources to be present on the project site pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In addition, based upon consultation with local tribes, the project site does not contain any known tribal cultural resources that are significant pursuant to these criteria. However, as described in Section V, Cultural Resources, and as identified above, there remains the potential to encounter unidentified resources during project grading activities should construction go deeper than previously disturbed depths.

The project has the potential to disturb unidentified archaeological resources during project grading (Impact CR-1). Mitigation measures MM-CR-1a through MM-CR-1h, identified in the cultural resources analysis (Section V. of this document) provide for the presence of archaeological and Luiseño Native American monitors during ground disturbing activities that would be able to identify any previously unidentified cultural resources, to prevent inadvertent disturbance of any intact cultural deposits that may be present.

Should any resources be identified, implementation of MM-CR-1a through MM-CR-1h would ensure proper handling and treatment of such resources by providing for a proper evaluation to determine whether additional archaeological work is necessary.

To further ensure Native American archaeological resources are protected, implementation of MM-CR-1a through MM-CR-1h provides additional protections for significant resources and describes the process for proper treatment and handling to ensure impacts would be minimized. Implementation of this mitigation would reduce potential project-level impacts to tribal cultural resources to below a level of significance.

XVIII. UTILITIES AND SERVICE SYSTEMS

A Sewer Study was prepared for the project by Vallecitos Water District (VWD) (2018). The complete report is included as **Appendix M** of this document. Additionally, information was requested from VWD related to sewer service and from Vista Irrigation District (VID) related to water supply and water service. The response from VWD is included with the service provider letters in **Appendix K**. VID did not provide a written response.

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? Less Than Significant Impact

VWD is responsible for disposal of treated wastewater. The Regional Water Quality Control Board (RWQCB) regulates the treatment of wastewater at treatment plants and the discharge of the treated wastewater into receiving waters. VWD is responsible for adhering to RWQCB regulations as they apply to wastewater generated by the any project. The VWD facilities have been designed to treat typical wastewater flows from different land uses within their service area. The project would generate wastewater flows typical of the uses currently operating in VWD's service area and an exceedance of wastewater treatment requirements of the applicable RWQCB were not anticipated. Therefore, impacts related to wastewater treatment and the project's adherence to applicable requirements would be similar. Impacts would be less than significant.

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? Less Than Significant Impact

Water Facilities Analysis

The project is located within VID's boundaries for water service and is within Zone 898. The project site is currently served by an 8-inch water main in Avenida Chapala. The existing infrastructure is adequate for serving the project.

The VID 2017 Potable Water Master Plan assumed water demand on the project site would be 2,204 gallons per day (gpd). Under the proposed development, the project would have a water demand of 5,548 gpd. This represents an increase of approximately 3,344 gpd (**Table 18**).

Table 18. Estimated Water Demand

Land Use Type	Area (acres)	Duty Factor (gpd/acre)	Water Demand (gpd)
2017 Potable Master Plan Land Use Demand			
Commercial	1.52	1,450	2,204
Total	1.52		2,204
Proposed Project Demand			
Multifamily Residential	1.52	3,650	5,548
Total	1.52		5,548
Increase in Water Demand			3,344

Source: VID 2018b.

Wastewater Facilities Analysis

A Sewer Study was prepared for the project by VWD (2018). The complete report is included as **Appendix M**. The project site lies completely within VWD sewer shed 26C. VWD's 2008 Master Plan assumed a wastewater generation of 1,824 gpd for the project site. Under the proposed project, the wastewater generation is anticipated to be 5,016 gpd. This represents an increase of approximately 3,192 gpd (Table 19).

Table 19. Estimated Wastewater Flows

Land Use Type	Area (acres)	Number of Residential Units	Duty Factor (gpd/acre)	Wastewater Generation (gpd)
2008 Master Plan Land Use Demand				
Commercial	1.52	-	1,200	1,842
Total	4.64			1,842
Proposed Project Demand				
Residential (15-20 du/ac)	1.52	24	3,300	5,016
Total	4.64			5,016
Increase in Water Demand				3,192

Source: VWD 2018.

Wastewater Collection System Analysis – The VWD Sewer Study (2018) included modeling that considered the sewer collection infrastructure in the direct vicinity of the project as well as all downstream infrastructure from the proposed project to Lift Station No. 1 on or near San Marcos Boulevard, which would receive wastewater from the project. Analysis results are presented below.

Wastewater Lift Station Analysis – Lift stations are sized for peak wet weather flow. Since the project site is not located in a sewer shed that is served by a lift station, there are no lift station upgrade requirements for the project.

Parallel Land Outfall Analysis – VWD's existing outfall is approximately eight miles in length and consists of four gravity pipeline sections and three siphon sections varying from 20 to 54 inches in diameter. VWD maintains the entire pipeline from Lift Station No. 1 to the Encina Water Pollution Control Facility (EWPCF). From Lift Station No. 1 to El Camino Real, VWD is the sole user of this pipeline. From El Camino Real to the EWPCF, the ownership capacity is split between the City of Carlsbad (5 million gallons per day (MGD)), the City of Vista (3.75 MGD), and VWD (12.10 MGD), for a total capacity of 20.85 MGD.

The Meadowlark Reclamation Facility (MRF) has a capacity of 5 MGD with a peak wet weather capacity of 8 MGD. Combined with the capacity at EWPCF, VWD has a combined peak wet weather wastewater collection capacity of 20.10 MGD at these two facilities. VWD's 2014 average daily wastewater flow was 7.2 MGD, which corresponds to a peak wet weather flow of 16.9 MGD. This falls within VWD's combined peak wet weather collection capacity. The 2008 Master Plan estimated that, under approved land uses, VWD has an ultimate built-out average daily flow of 13.3 MGD, which corresponds to a peak wet weather flow of 29.5 MGD. This exceeds VWD's peak wet weather collection capacity. To accommodate additional wastewater flows from planned development, including the proposed project, the 2008 Master Plan recommended conveyance of peak flows to the EWPCF via a parallel land outfall.

The project proposes to generate additional average wastewater flows of 3,192 gpd that was not accounted for in the Land Outfall's capacity studies in the 2008 Master Plan. With the outfall, there is available capacity to serve the project's proposed wastewater generation. The project would pay

Wastewater Capital Facility Fees per VWD Ordinance No. 176. These fees would be used by VWD to help fund the parallel land outfall design and construction. VWD considers payment of the fees as mitigation for the increase in the need for land outfall capacity.

Wastewater Treatment Facility Analysis – VWD uses two wastewater treatment facilities to treat wastewater that is collected within its sewer service area: the MRF and EWPCF. MRF has a liquids treatment capacity of up to 5 MGD with a peak wet weather capacity of 8 MGD. MRF does not have solids treatment capacity; all solids are treated at EWPCF.

EWPCF has a treatment capacity of up to 40.51 MGD. VWD currently owns 10.47 MGD of solids treatment capacity at EWPCF. The ultimate average wastewater flow identified in the VWD 2008 Master Plan is 13.3 MGD, resulting in a projected solids treatment capacity deficiency of 2.83 MGD.

VWD currently owns 7.67 MGD of liquids treatment capacity at EWPCF, in addition to the liquids treatment capacity of 5 MGD at MRF, totaling 12.67 MGD of liquids treatment capacity. The ultimate average wastewater flow identified in the 2008 Master Plan of 13.3 MGD would result in a projected liquids treatment capacity deficiency of 0.63 MGD.

VWD also currently owns 10.47 MGD of ocean disposal capacity at EWPCF. The ultimate average wastewater flow identified in the 2008 Master Plan of 13.3 MGD would result in an ocean disposal deficiency of 2.83 MGD. In summary, VWD would experience ultimate solids handling, liquids handling, and ocean disposal capacity deficiencies.

The project would increase the wastewater flows from the project site by approximately 3,192 gpd; however, this increase was not identified as a significant impact in the VWD water and sewer study. Page 17 of the VWD sewer study specifically states that, considering VWD's 2014 average daily wastewater flow of 7.2 MGD, adequate wastewater treatment and disposal capacity currently exists for the project.

The project would pay Wastewater Capital Facility Fees per VWD Ordinance No. 176. These fees would be used by VWD to help fund the expansion and/or construction of wastewater treatment facilities to handle increased wastewater quantities. VWD considers payment of the fees as mitigation for the increase in treatment need.

In summary, the project would not require or result in the construction of new wastewater treatment facilities or expansion of existing facilities. Impacts would be less than significant.

c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?
Less Than Significant Impact

The project includes revising the current site drainage, although runoff will ultimately empty into the existing inlet along East Mission Road. An internal storm drain system will consist of curb inlets, cleanouts, storm drain, a detention storage facility and stormwater treatment facilities. A linear detention facility is proposed along the internal private drive to address flow-control hydromodification requirements. Construction of these facilities is proposed within the development footprint of the project. An expansion of existing facilities off-site would not be required to serve the project. Impacts would be less than significant.

d) Have sufficient water supplies available to serve the project from existing entitlements and resources or are new or expanded entitlements needed? Less Than Significant Impact

The VID 2017 Potable Water Master Plan assigns unit water demand factors by land use (Table 3-2 of the Potable Water Master Plan). The project site is currently designated as commercial, which has a unit demand factor of 1,450 gallons per day/acre (gpd/acre) in the 2017 Master Plan. The project proposes multifamily residential, which has a unit demand of 3,650. Thus, under its current designation the 1.52-acre project site would have an expected demand 2,204 gpd. The proposed project would have a forecasted demand of 5,548 gpd. Thus, the project results in an increase in demand of 3,344 gpd.

VID's water supply originates from two sources: local water and imported water from the San Diego County Water Authority (SDCWA). Local water from the San Luis Rey River watershed is stored on a seasonal basis in the Lake Henshaw and Lake Wohlford reservoirs. Principal water storage and conveyance facilities include the Warner Basin aquifer, Lake Henshaw, Warner Ranch Well Field, Escondido Canal, Lake Wohlford, Dixon Lake, Bear Valley Pipeline, and the Escondido-Vista Water Treatment Plan (EVWTP). A portion of the San Luis Rey River is also used for conveyance. Local water is shared with Escondido and provides approximately 30 percent of VID's average water demand.

VID's 2015 Urban Water Management Plan (UWMP) describes and evaluates reasonable and practical water use, recycled water and conservation activities. Water supplies necessary to serve the demands of the proposed project, along with existing and other projected future users have been identified in VID UWMP.

The VID UWMP concluded that if SDCWA, Metropolitan Water District and VID supplies are developed as planned and conservation targets are achieved, water supplies will be adequate within VID's service area in a normal rainfall year through 2040 (Table 7-1, VID UWMP). Similarly, adequate supplies would be available for a single-dry year through 2040 (Table 7-2, VID UWMP). In multiple dry year scenarios, adequate water supply is identified through 2032 (Tables 7-3 through 7-7, VID UWMP). At that time, additional shortage management measures would be implemented. Therefore, sufficient water supplies would be available to serve the project from existing entitlements and resources. Impacts would be less than significant.

Additionally, the project will comply with the City's Model Water Efficient Landscape Ordinance and will install of low-flow plumbing (water) fixtures in all the units. This will further decrease the project's water demand.

e) Result in a determination by the wastewater treatment provider, which serves or may serve the project, that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? Less Than Significant Impact

Due to proposed residential development on the project site, the project would increase the demand for wastewater treatment as well as land outfall capacity. The project would pay Wastewater Capital Facility Fees per VWD Ordinance No. 176. These fees would be used by VWD to help fund the expansion and/or construction of wastewater treatment facilities to handle increased wastewater quantities and also the expansion of land outfall facilities. VWD considers payment of these fees as mitigation for the increase in treatment need. Therefore, the project would not result in a determination by the wastewater treatment provider which serves the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments. Impacts would be less than significant.

f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? Less than Significant Impact

The project would generate solid waste from the future residential uses. Each residential unit will have its own 65-gallon recycled bin and 95-gallon trash bin. The project has been designed to accommodate access by typical solid waste and recycling collection vehicles. Access schematics are included within the project plans included in Appendix A of this document.

Solid waste service in the City is provided by a private franchise hauler, EDCO Waste and Recycling (EDCO), which handles all residential, commercial, and industrial collections within the City. Waste collected by EDCO is hauled to the Escondido Resources Recovery Transfer Station where it is then transported to the Sycamore Sanitary Landfill in Santee. According to CalRecycle, the Sycamore Sanitary Landfill has a daily permitted capacity of 5,000 tons/day of solid waste with an anticipated closure date of 2054 (CalRecycle 2018 and County of San Diego 2018).

CalRecycle provides solid waste generation rates for various types of land uses. Construction debris would be generated by the project. Construction debris recycling is available through EDCO. Negligible solid waste generation is anticipated during project construction. Based on the most current solid waste generation rate for residential land uses from CalRecycle of 12.23 pounds/dwelling unit/day, the project is increase solid waste generation by approximately 294 pounds/day (lbs/day) during operation (CalRecycle 2006). This does not consider any waste diversion through recycling.

The City of San Marcos is currently exceeding their waste reduction targets. According to CalRecycle, the City of San Marcos has a disposal rate target of 8.9 lbs/person/day. If the City meets this target, the City is considered in compliance with the 50 percent diversion requirement of Assembly Bill 939. The most recent data from CalRecycle identifies the annual per capital disposal rate is 5.1 lbs/person/day (CalRecycle 2018b). Thus, the City is meeting their current targets for diversion. Assuming a 50 percent diversion rate, to be conservative, the anticipated solid waste generated by the proposed project during operation would be reduced to approximately 147 lbs/day. With consideration of the diversion rate, the proposed project's solid waste generation during operation can be accommodated at the landfill based upon the available daily permitted capacity. Impacts would be less than significant.

g) Comply with federal, state, and local statutes and regulations related to solid waste? Less than Significant Impact

All solid waste facilities, including landfills, require solid waste facility permits to operate. In San Diego County, Public Resources Code (Sections 44001-44018) and California Code of Regulations Title 27, Division 2, Subdivision 1, Chapter 4 (Section 21440 et seq.) authorizes the County Department of Environmental Health, Local Enforcement Agency to issue solid waste facility permits. Sycamore Sanitary Landfill is a permitted facility and EDCO is a licensed hauler. The project would comply with existing regulations related to solid waste disposal. The project would not violate federal, state, or local statutes or regulations related to solid waste. Impacts would be less than significant.

V. MANDATORY FINDINGS OF SIGNIFICANCE

The following are Mandatory Findings of Significance in accordance with Section 15065 of the CEQA Guidelines.

- a) **Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? Less Than Significant Impact With Mitigation Incorporated**

The project site is already developed, however existing vegetation, including mature trees, will be removed as part of the project. Mitigation measures MM-BIO-1 will ensure that species covered under the MBTA will not be impacted during vegetation removal. No further impacts to biological resources are anticipated. The project will not degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal.

The City conducted outreach to Tribes consistent with the requirements of SB 18 and AB 52. Mitigation measures MM-CR-1a through MM-CR-1h would be applicable to the project for any additional grading in previously-undisturbed area and ensure that cultural resources impacts would be mitigated to below a level of significance. The proposed project would not eliminate important examples of major periods of California history or prehistory.

- b) **Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals? Less Than Significant Impact with Mitigation Incorporated**

Based upon the analysis presented in Section 3.I through 3.XVII, all impacts will be mitigated to below a level of significance. Potential impacts related to biological resources, cultural resources, geology/soils, hazards, noise, public services and recreation through implementation of mitigation measures which will be required as condition of project approval. The analysis did not identify any inconsistencies with the General Plan as it relates to the long-term goals of the City's General Plan.

- c) **Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a 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.) Less Than Significant Impact with Mitigation Incorporated**

Cumulative impacts related to traffic, air quality, greenhouse gas and noise were analyzed in this CEQA document. Based upon the analysis, the project will not have any cumulative impact related to air quality or noise. The project will contribute to City-wide traffic. As a condition of project approval, the applicant shall financially participate in the Congestion Management CFD (CFD 2011-01) which will assist in the City-wide efforts to reduce traffic congestion and impacts to State Route 78. The proposed project will contribute to the existing capacity issues within the SMUSD. Implementation of mitigation measure MM-PS-1, which requires the payment of school fees, would mitigate the impact to below a level of significance.

- d) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly? Less Than Significant Impact with Mitigation Incorporated

In the evaluation of environmental impacts in this Initial Study, the potential for adverse direct or indirect impacts to human beings were considered in the response to certain questions in Sections I. Aesthetics, III. Air Quality, VI. Geology and Soils, VIII. Hazards and Hazardous Materials, IX. Hydrology and Water Quality, XII. Noise, XIII. Population and Housing, XIV. Public Services, and XVI. Transportation and Traffic. As a result of this evaluation, there is no substantial evidence that there are adverse effects on human beings associated with this project. All impacts in these environmental issue areas are less than significant or mitigated to below a level of significance (MM-HAZ-1, MM-HAZ-2, MM-HAZ-3, MM-N-1 MM-PS-1, PS-2, and MM-N-1 and MM-N-2). Therefore, this project has been determined not to meet this Mandatory Finding of Significance and impacts are less than significant with the incorporation of mitigation.

VI. PREPARERS

This section identifies those persons who prepared or contributed to preparation of this document. This section is prepared in accordance with Section 15129 of the CEQA Guidelines.

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VIII. MITIGATED NEGATIVE DECLARATION

City of San Marcos

The following Mitigated Negative Declaration is being circulated for public review in accordance with the California Environmental Quality Act Sections 21091 and 21092 of the Public Resources Code.

Public Review Period: January 30 to March 1, 2019

Project Name: Mission 24 (GPA18-003)

Project Applicant: Hall Land Company, Inc., 740 Lomas Santa Fe Drive, Suite 204, Solana Beach, CA 92075

Project Location: The 1.52-acre project site is located at 1210 East Mission Road in the City of San Marcos in northern San Diego County. The project site is bounded by East Mission Road on the south, Avenida Chapala and multifamily residences on the west, single-family detached residences along Via Belleza to the north, and a neighborhood commercial center anchored by Stater Bros. Market, to the east. The Assessor Parcel Number (APN) is 226-071-07-00.

Project Description: The project applicant is requesting a General Plan Amendment, Rezone, Tentative Subdivision Map, Multi Family Site Development Permit, and a setback variance to construct 24 two-story townhomes. The project will demolish the existing vacant commercial building (formerly a bank) and landscaping to prepare the site for the proposed residential uses. The project proposes to construct four two-story buildings. Each building will have six attached multifamily townhomes. In total, the project will have 16 three-bedroom units and 8 four-bedroom units. Square footage ranges from 1,445 s.f. to 1,590 s.f., depending on the unit size and layout. Each townhome will private first-floor patio area and a two-car garage.

IX. FINDINGS

This is to advise that the City of San Marcos, acting as the lead agency, has conducted an Initial Study to determine if the project may have a significant effect on the environment and is proposing this Mitigated Negative Declaration based upon the following findings:

- ☐ The Initial Study shows that there is no substantial evidence that the project may have a significant effect on the environment and a NEGATIVE DECLARATION will be prepared.
- ☒ The Initial Study identifies potentially significant effects but:
 - (1) Proposals made or agreed to by the applicant before this proposed Mitigated Negative Declaration was released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur.
 - (2) There is no substantial evidence before the agency that the project may have a significant effect on the environment.

Mitigation measures are required to ensure all potentially significant impacts are reduced to levels of insignificance.

MM-BIO-1a In order to avoid and minimize impacts to nesting birds (pursuant to the Migratory Bird Treaty Act), no removal of ornamental trees will occur during the avian breeding season (February 15 through August 31) within the project area, unless preconstruction surveys indicate that active nests are not present on the site or in surrounding areas. If surveys show that nesting birds are present, mitigation measures MM-BIO-1b would be implemented.

MM-BIO-1b If nesting birds are found during the preconstruction survey performed under MM-BIO-1a, a no-work buffer would be placed around the nest. The no-work buffer size would be determined by a qualified biologist and would vary based on site conditions and type of work to be conducted. The no-work buffer would be maintained until the end of the breeding season or until surveys by a qualified biologist confirm that fledglings are no longer dependent on nest. If no nesting birds are detected during pre-construction surveys, no restrictions would be necessary and construction may proceed as planned.

MM-CR-1a Prior to the issuance of a Grading Permit, or ground-disturbing activities, the Applicant/Owner shall enter into a Tribal Cultural Resource Treatment and Monitoring Agreement (also known as a pre-excavation agreement) with the San Luis Rey Band of Mission Indians, and/or another Traditionally and Culturally Affiliated Native American Tribe ("TCA Tribe"). The purpose of this agreement shall be to formalize protocols and procedures between the Applicant/Owner and the TCA Tribe for the protection and treatment of Native American human remains, funerary objects, cultural and/or religious landscapes, ceremonial items, traditional gathering areas and other tribal cultural resources, located within and/or discovered during ground disturbing and/or construction activities for the proposed project, including any additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, preparation for wet and dry infrastructure, and all other ground disturbing activities.

- MM-CR-1b** The landowner shall relinquish ownership of all non-burial related tribal cultural resources collected during the grading monitoring program and from any previous archaeological studies or excavations on the project site to the TCA Tribe for proper treatment and disposition per the Cultural Resources Treatment and Monitoring Agreement. Any burial related tribal cultural resources (as determined by the Most Likely Descendant) shall be repatriated to the Most Likely Descendant as determined by the Native American Heritage Commission pursuant to California Public Resources Code Section 5097.98. If none of the TCA Tribes accept the return of the cultural resources, then the cultural resources will be subject to the curation requirements contained herein. Additionally, in the event that curation of tribal cultural resources is required by a superseding regulatory agency, curation shall be conducted by an approved facility and the curation shall be guided by California State Historic Resource Commissions Guidelines for the Curation of Archaeological Collections. The City of San Marcos shall provide the developer final curation language and guidance on the project grading plans prior to issuance of the grading permit, if applicable, during project construction. The applicant shall provide to the City written documentation from the TCA Tribe, the Most Likely Descendant, and/or the curation facility, whichever is most applicable, that the repatriation and/or curation have been completed.
- MM-CR-1c** Prior to the issuance of a Grading Permit or ground-disturbing activities, the Applicant/Owner or Grading Contractor shall provide a written and signed letter to the Development Services Department stating that a Qualified Archaeologist and TCA Native American monitor have been retained at the Applicant/Owner or Grading Contractor's expense to implement the monitoring program, as described in the Tribal Cultural Resource Treatment and Monitoring Agreement.
- MM-CR-1d** Prior to submittal of grading and/or improvement as-built plans, or prior to the issuance of any project Certificate of Occupancy, a monitoring report, which describes the results, analysis and conclusions of the archaeological monitoring program shall be submitted by the Qualified Archaeologist, along with the TCA Native American monitor's notes and comments, to the Planning Division Manager for approval. A copy of any submitted monitoring report shall be provided to the San Luis Rey Band of Mission Indians and any other TCA Tribe that requests the report.
- MM-CR1e** The Qualified Archaeologist shall maintain ongoing collaborative consultation with the TCA Native American monitor during all ground disturbing activities. The requirement for the monitoring program shall be noted on all applicable construction documents, including demolition plans, grading plans, etc. The Applicant/Owner or Grading Contractor shall notify the Planning Division, preferably through e-mail, of the start and end of all ground disturbing activities.
- MM-CR-1f** The Qualified Archaeologist and TCA Native American Monitor shall attend all applicable pre-construction meetings with the General Contractor and/or associated Subcontractors to present the archaeological monitoring program. The Qualified Archaeologist and TCA Native American monitor shall be present on-site full-time during grubbing, grading and/or other ground disturbing activities, including the placement of imported fill materials or fill used from other areas of the project site, to identify any evidence of potential archaeological or cultural resources. All fill materials shall be absent of any and all cultural resources. The Applicant/Owner or Grading Contractor may submit written

documentation to the City to substantiate if any fill material is absent of cultural resources. Should the City concur that the fill material is absent of cultural resources, in consultation with a Qualified Archaeologist and/or the TCA Native American monitor, then no monitoring of that fill material is required.

MM-CR-1g The Qualified Archaeologist or the TCA Native American monitor may halt ground disturbing activities if unknown archaeological artifact deposits or cultural features are discovered. Ground disturbing activities shall be directed away from these deposits to allow a determination of potential importance. Isolates and clearly non-significant deposits (as determined by the Qualified Archaeologist, in consultation with the TCA Native American monitor) will be minimally documented in the field, collected and be given to the TCA Tribe so that they may be reburied at the site on a later date. If a determination is made that the unearthed artifact deposits or tribal cultural resources are considered potentially significant, the San Luis Rey Band of Mission Indians and/or the TCA Tribe referenced in CR-1 shall be notified and consulted with in regards to the respectful and dignified treatment of those resources. All sacred sites, significant tribal cultural resources and/or unique archaeological resources encountered within the project area shall be avoided and preserved as the preferred mitigation, if feasible. If, however, a data recovery plan is authorized by the City as the Lead Agency under CEQA, the contracted San Luis Rey Band of Mission Indians and/or the TCA Tribe referenced in CR-1 shall be notified and consulted regarding the drafting and finalization of any such recovery plan. For significant artifact deposits, tribal cultural resources or cultural features that are part of a data recovery plan, an adequate artifact sample to address research avenues previously identified for sites in the area will be collected using professional archaeological collection methods. If the Qualified Archaeologist collects such resources, the TCA Native American monitor must be present during any testing or cataloging of those resources. Moreover, if the Qualified Archaeologist does not collect the cultural resources that are unearthed during the ground disturbing activities, the TCA Native American monitor, may at their discretion, collect said resources and provide them to the contracted TCA Tribe referenced in CR-1 for respectful and dignified treatment in accordance with the Tribe's cultural and spiritual traditions. If the Developer, the Qualified Archaeologist and the TCA Tribe cannot agree on the significance or mitigation for such resources, these issues will be presented to the Planning Division Manager for decision. The Planning Division Manager shall make a determination based upon the provisions of the California Environmental Quality Act and California Public Resources Code Section 21083.2(b) with respect to archaeological resources, tribal cultural resources and shall take into account the religious beliefs, cultural beliefs, customs and practices of the TCA Tribe. Notwithstanding any other rights available under law, the decision of the Planning Division Manager shall be appealable to the Planning Commission and/or City Council.

MM-CR-1h As specified by California Health and Safety Code Section 7050.5, if human remains are found on the project site during construction or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Medical Examiner's Office. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Medical Examiner has made the necessary findings as to origin and disposition pursuant to Public Resources Code 5097.98. If such a discovery occurs, a

temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected, and consultation and treatment could occur as prescribed by law. By law, the Medical Examiner will determine within two working days of being notified if the remains are subject to his or her authority. If the Medical Examiner recognizes the remains to be Native American, he or she shall contact the Native American Heritage Commission (NAHC), by telephone, within 24 hours. The NAHC will make a determination as to the Most Likely Descendent. If suspected Native American remains are discovered, the remains shall be kept in-situ, or in a secure location in close proximity to where they were found, and the examination of the remains shall only occur on-site in the presence of a TCA Native American monitor.

- MM-CR 1a** — ~~An archeological monitor and a Luiseño Native American monitor shall be present during all earth moving and grading activities to areas of previously undisturbed soil to assure that any potential cultural resources, including tribal, found during project grading are protected.~~
- MM-CR 1b** — ~~Prior to beginning project construction, the applicant/developer shall retain a San Diego County qualified archaeological monitor to monitor all ground-disturbing activities in an effort to identify any unknown archaeological resources. Any newly discovered cultural resource deposits shall be subject to cultural resources evaluation, which shall include archaeological documentation, analysis and report generation and take into account tribal customs and traditions.~~
- MM-CR 1c** — ~~At least 30 days prior to beginning project construction, the applicant/developer shall enter into a Cultural Resource Treatment and Monitoring Agreement (also known as a pre excavation agreement) with a Luiseño Tribe. The Agreement shall address the treatment of known cultural resources; the designation, responsibilities, and participation of professional Native American Tribal monitors during grading, excavation and ground disturbing activities; project grading and development scheduling; terms of compensation for the monitors; and treatment and final disposition of any cultural resources, sacred sites, and human remains discovered on-site.~~
- MM-CR 1d** — ~~Prior to beginning project construction, the project archaeologist shall file a pre-grading report with the City to document the proposed methodology for grading activity observation, which would be determined in consultation with the contracted Luiseño Tribe. Said methodology shall include the requirement for a qualified archaeological monitor to be present and to have the authority to stop and redirect grading activities. In accordance with the required agreement, the archaeological monitor's authority to stop and redirect grading would be exercised in consultation with the Luiseño Native American monitor in order to evaluate the significance of any archaeological resources discovered on the property. Tribal and archaeological monitors shall be allowed to monitor all grading, excavation, and groundbreaking activities, and shall also have the authority to stop and redirect grading activities.~~
- MM-CR 1e** — ~~The preconstruction meeting with the developer, contractor, and City Staff shall include the project archaeologist and tribal monitor in discussion with the proposed earth-disturbing activities for the site, including excavation schedules and safety protocol, as well as consultation with the project archaeologist regarding proposed archaeological techniques and strategies for the project.~~

~~MM-CR-1f~~ — ~~Import fill shall be clean of cultural resources and documented as such.~~

~~MM-CR-1g~~ — ~~The landowner shall relinquish ownership of all cultural resources collected during the grading monitoring program and, if appropriate, from any previous archaeological studies or excavations on the project site to the appropriate Tribe for proper treatment and disposition per the Cultural Resources Treatment and Monitoring Agreement. All cultural materials that are deemed by the tribe to be associated with burial and/or funerary goods will be repatriated to the Most Likely Descendant as determined by the NAHC per California Public Resources Code Section 5097.98. In the event that curation of cultural resources is required, curation shall be conducted by an approved facility and the curation shall be guided by the California State Historic Resource Commission Guidelines for the Curation of Archaeological Collections. The City of San Marcos shall provide the developer final curation language and guidance on the project grading plans prior to issuance of the grading permit, if applicable, during project construction.~~

~~MM-CR-1h~~ — ~~All sacred sites, should they be encountered within the project area, shall be avoided and preserved as the preferred mitigation, if feasible.~~

~~MM-CR-1i~~ — ~~If human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the San Diego County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. Suspected Native American remains shall be examined in the field and kept in a secure location at the site, and if the San Diego County Coroner determines the remains to be Native American, the Native American Heritage Commission (NAHC) must be contacted within 24 hours. The NAHC must then immediately notify the “most likely descendant(s)” of the discovery. The most likely descendants(s) shall then make recommendations within 48 hours of being granted access, and engage in consultation concerning treatment of remains as provided in Public Resources Code 5097.98.~~

~~MM-CR-1j~~ — ~~If inadvertent discoveries of subsurface archaeological/cultural resources are discovered during project grading, the applicant/developer, the project archaeologist, and the Luiseño Tribe under agreement with the landowner shall assess the significance of such resources and shall meet and confer regarding the mitigation for such resources. Pursuant to California Public Resources Code Section 21083.2(b) avoidance is the preferred method of preservation for archaeological resources. If the applicant/developer, the project archaeologist and the Tribe cannot agree on the significance of mitigation for such resources, these issues would be presented to the Planning Division Manager for decision. The Planning Division Manager shall make a determination based upon the provisions of the California Environmental Quality Act with respect to archaeological resources and shall take into account the religious beliefs, customs, and practices of the tribe. Notwithstanding any other rights available under law, the decision of the Planning Division Manager shall be appealable to the Planning Commission and/or City Council.~~

MM-GEO-1 The project applicant shall implement the geotechnical recommendations identified on pages 8 - 18 of the Report of Geotechnical Investigation (Geocon 2018b). These recommendations address grading, foundations, seismic design

factors, foundations/on-grade slabs, retaining walls, and site drainage. These requirements shall be included as notes on the grading plan for the project.

MM-HAZ-1 As a requirement for the Demolition Permit for the project, during building demolition, the project applicant shall use a licensed contractor registered with Cal/OSHA for all asbestos-related work. The contractor shall be responsible for informing the landfill of the contractor's intent to dispose of asbestos waste and shall also be responsible for segregating and characterizing waste streams prior to disposal.

MM-HAZ-2 As a requirement for the Demolition Permit for the project, during building demolition, the project applicant shall handle all lead-containing paint in accordance with Cal/OSHA lead standards. Compliance and training requirements for activities where workers may be exposed to lead are presented in Title 8, CCR, Section 1532.1(e)(1). Additionally, in accordance with Title 8, CCR, Section 15321(p), written notification to the nearest Cal/OSHA office is required at least 24 hours prior to certain lead-related work.

MM-HAZ-3 As a requirement for the Demolition Permit for the project, the following protocol shall be implemented for handling universal waste during building demolition:

- Fluorescent light tubes, fluorescent lights with internal ballasts, and HIG light bulbs should be removed from lighting fixtures and managed for recycling prior to demolition.
- All light ballasts shall be inspected for PCB status (labeling) and removed prior to demolition. All light ballasts that are unlabeled or lack a "No PCBs" designation shall be treated as PCB-containing components and managed as hazardous waste.
- Potential lead-acid, NiCad, or other rechargeable batteries used in emergency lighting and exit signs should be managed for recycling.
- Refrigeration equipment (roof top HVAC units) shall be moved and managed for reuse or the CFC refrigerants in the equipment shall be reclaimed for recycling prior to disposing of the equipment.
- Removal of universal waste or suspect hazardous building materials shall be conducted by contractors licensed to handle, transport and/or dispose of universal wastes and hazardous wastes.

MM-N-1 Noise mitigation in the form of a 6-foot barrier along East Mission Road for the southern units having direct line of sight to the roadways and railroad is required to comply with the City of San Marcos Noise standards for multifamily uses based on transportation related noise sources (i.e., vehicle or train). The barriers must be constructed of a non-gapping material (i.e., masonry, stucco, ¼ inch thick glass or Plexiglas). The location of the proposed barrier is provided in Figure 6.

MM-N-2 Prior to issuance of the first building permit, a final noise assessment is required for the interior of the residential units since noise levels at the building facades are above 60 dBA CNEL. This final report shall identify the interior noise requirements based upon architectural and building plans to meet the City's established interior

noise limit of 45 dBA CNEL. Interior noise levels of 45 dBA CNEL can easily be obtained with conventional building construction methods and providing a closed window condition requiring a means of mechanical ventilation (e.g. air conditioning) for each building and upgraded windows for all sensitive rooms (e.g. bedrooms and living spaces). The noise assessment shall be submitted to the Planning Division Manager.

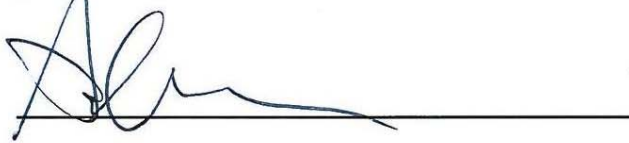
- MM-PS-1** The project applicant shall pay school mitigation fees pursuant to California Education Code Section 17620 et seq. and Government Code Sections 65995(h) and 65996(b) in effect at the time of building permit issuance. Current Level II school fees are \$5.61/s.f. for residential development.
- MM-PS-2** The project applicant shall pay the City's Public Facility Fee (PFF), a portion of which is designated for parks. The PFF money would go towards the acquisition and development of local and community park facilities throughout the City. Payment of the PFF shall be made prior to issuance of a building permit.
- MM-REC-1** The project applicant shall pay the City's Public Facility Fee (PFF), a portion of which is designated for parks. The PFF money would go towards the acquisition and development of local and community park facilities throughout the City. Payment of the PFF shall be made prior to issuance of a building permit.

A MITIGATED NEGATIVE DECLARATION will be prepared.

If adopted, the Mitigated Negative Declaration means that an Environmental Impact Report will not be required. Reasons to support this finding are included in the attached Initial Study. The project file and all related documents are available for review at the Planning Division Counter at the City of San Marcos, 1 Civic Center Drive, San Marcos, CA 92069.

NOTICE

The public is invited to comment on the proposed Mitigated Negative Declaration during the review period.

A handwritten signature in blue ink, appearing to read 'Sean Del Solar', is written over a horizontal line.

Sean Del Solar, AICP
Associate Planner

Date of Determination: January 18, 2019