

ATTACHMENT D

MITIGATED NEGATIVE DECLARATION

Water Mill Homes (TSM21-0004)
Initial Study/ Mitigated Negative Declaration
ND22-007
SCH No. 2025010341

Prepared For

City of San Marcos
1 Civic Center Drive
San Marcos, CA 92069

Project Applicant

Water Mill Homes, Inc. (Manning Homes)
20151 SW Birch Street, Suite 150
Newport Beach, CA 92660

Prepared By

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February 2025

TABLE OF CONTENTS

TABLE OF CONTENTS	i
LIST OF TABLES	ii
LIST OF FIGURES	ii
LIST OF APPENDICES	ii
1.0 Introduction	1
2.0 Draft Mitigated Negative Declaration	2
3.0 Project Description	3
4.0 Initial Study Checklist	15
4.1 Aesthetics	15
4.2 Agriculture and Forestry Resources.....	18
4.3 Air Quality	22
4.4 Biological Resources.....	28
4.5 Cultural Resources.....	35
4.6 Energy	42
4.7 Geology and Soils	43
4.8 Greenhouse Gas Emissions.....	48
4.9 Hazards and Hazardous Materials	49
4.10 Hydrology and Water Quality.....	54
4.11 Land Use and Planning	62
4.12 Mineral Resources.....	63
4.13 Noise	64
4.14 Population and Housing	70
4.15 Public Services	71
4.16 Recreation	73
4.17 Transportation.....	75
4.18 Tribal Cultural Resources.....	78
4.19 Utilities and Services Systems	80
4.20 Wildfire.....	85
4.21 Mandatory Findings of Significance.....	86
5.0 Preparers	89
6.0 References	6-1
7.0 Mitigation Monitoring and Reporting Program	7-1

LIST OF TABLES

Table 1. Project Design Features.....	6
Table 2. Attainment Status of Criteria Pollutants in San Diego Air Basin	23
Table 3. Screening-Level Thresholds for Criteria Pollutants.....	24
Table 4. Construction Emissions (lbs/day)	25
Table 5. Operations Emissions (lbs/day)	25
Table 6. Summary of Hydrology Analysis.....	58
Table 7. Property Line Noise Levels (Northern Property Line)	67
Table 8. Property Line Noise Levels (Western Property Line)	67
Table 9. Property Line Noise Levels (Southern Property Line)	69
Table 10. Property Line Noise Levels (Eastern Property Line).....	69
Table 11. Student Generation.....	72
Table 12. Project Trip Generation.....	76
Table 13. Estimated Water Demand.....	81
Table 14. Estimated Wastewater Flows.....	82

LIST OF FIGURES

Figure 1. Project Vicinity	10
Figure 2. Project Site	11
Figure 3. Tentative Subdivision Map.....	12
Figure 4. Wall and Fence Plan	13
Figure 5. Lift Station Pumps and Generator Location	14
Figure 6. Vegetation Communities and Landcover	33
Figure 7. Noise Barrier and Contours.....	68

LIST OF APPENDICES

Appendix A	Project Plans
Appendix B	Air Quality Modeling Summary
Appendix C	Biological Resources Assessment Memorandum
Appendix D	Cultural Resources Report
Appendix E	Geotechnical and Infiltration Evaluation
Appendix F	CAP Consistency Review Checklist
Appendix G	Phase I and Limited Phase II Environmental Site Assessment (ESA)
Appendix H	Preliminary Hydrology Study
Appendix I	Stormwater Quality Management Plan
Appendix J	Operational Noise Study
Appendix K	VWD Water/Sewer Study
Appendix L	VWD Conditions of Approval Letter

1.0 Introduction

This Initial Study/Mitigated Negative Declaration (IS/MND) has been prepared in accordance with relevant provisions of the California Environmental Quality Act (CEQA) of 1970, as amended, and the CEQA Guidelines, as revised. This IS/MND evaluates the environmental effects of the Water Mill Homes Project (project).

The IS/MND includes the following components:

- A Draft MND and the formal findings made by the City of San Marcos (City) that the project would not result in any significant effects on the environment, as identified in the CEQA Initial Study Checklist (IS Checklist).
- A detailed project description.
- The CEQA IS Checklist, which evaluates the potential for significant environmental impacts from the project, is adapted from Appendix G of the CEQA Guidelines. The project is evaluated in 19 environmental issue categories to determine whether the project's environmental impacts would be significant in any category. Brief discussions are provided that further substantiate the project's anticipated environmental impacts in each category.

Because the project fits into the definition of a "project" under Public Resources Code Section 21065 requiring discretionary approvals by the City, and because it could result in a significant effect on the environment, the project is subject to CEQA review.

The IS Checklist was prepared to determine the appropriate environmental document to satisfy CEQA requirements: an Environmental Impact Report (EIR), a Mitigated Negative Declaration (MND), or a Negative Declaration (ND). The analysis in this IS Checklist supports the conclusion that the project would not result in significant environmental impacts.

The Draft IS/MND ~~will be~~ was circulated for 30 days for public and agency review, from January 13, 2025 to February 12, 2025. The IS/MND was also posted to the CEQANet web portal and assigned SCH No. 2025010341. No comments were received during the public review period. The Mitigation Monitoring and Reporting Program (MMRP) has been added as Section 7.0 of this document.

~~during which time individuals and agencies may submit comments on the adequacy of the environmental review. Following the public review period, the Planning Commission will consider any comments received on the IS/MND when deciding whether to adopt the IS/MND.~~

2.0 Draft Mitigated Negative Declaration

Project Name: Water Mill Homes (TSM21-0004)

Project Location: The 10.06-acre project site is located in the Twin Oaks Valley Neighborhood in the City of San Marcos in North San Diego County. The Assessor Parcel Numbers (APN) is 182-131-14-00. The project site is located on the southwest corner of Mulberry Drive and Cox Road. The project site is bounded by Cox Road to the north, Mulberry Drive to the east, and residential uses to the north, south, east, and west.

Project Description: The project applicant requesting approval of a Tentative Subdivision Map to create a 9-lot subdivision on a 10.06-acre site and to construct nine new single family detached homes, a new private gated street (Street A) and associated infrastructure improvements to support the development. Access to the project site would be via Cox Road. The project would include a single phase of construction. Grading includes approximately 19,000 cubic yards (cy) of cut and 19,000 cy of fill to balance on site.

Findings: Pursuant to the provisions of CEQA (Public Resources Code, Section 21000 et seq.) and based on information contained in the attached IS Checklist, the City of San Marcos has determined that the project would not have a significant effect on the environment.

Norman Pedersen

Signature of Lead Agency Representative

2/18/25

Date

3.0 Project Description

1. Project Title:

Water Mill Homes (TSM21-0004)

2. Lead Agency:

City of San Marcos
1 Civic Center Drive
San Marcos, CA 92069

3. Contact Person and Phone Number:

Norm Pedersen, Associate Planner
760-744-1050 ext. 3236
Npedersen@san-marcos.net

4. Project Location: The 10.06-acre project site is located in the Twin Oaks Valley Neighborhood in the City of San Marcos in North San Diego County. The Assessor Parcel Numbers (APN) is 182-131-14-00. The project site is located on the southwest corner of Mulberry Drive and Cox Road. The project site is bounded by Cox Road, and single-family residential to the north, Mulberry Drive and single-family residential to the east, and single-family residential to the west and south (See **Figure 1** and **Figure 2**).

5. Project Applicant/Sponsor:

Water Mill Homes, Inc. (Manning Homes)
20151 SW Birch Street, Suite 150
Newport Beach, CA 92660

6. General Plan Designation:

Agricultural/Residential (AG)

7. Zoning:

Agricultural-1 (A-1)

8. Description of Project: The project applicant is requesting approval of a Tentative Subdivision Map to subdivide a 10.06-acre site to create nine single family residential lots and a private street (Lot A). Access to the project site would be via Cox Road. The project would include a single phase of construction. Grading includes approximately 19,000 cubic yards (cy) of cut and 19,000 cy of fill to balance on site. **Figure 3** presents the proposed Tentative Subdivision Map showing the layout of the residential lots.

Architectural Design – A single family residence would be constructed on each of the residential lots. Homes would range from 5,213 square feet (s.f.) to 5,282 s.f. and would be up to 25 feet in height. The A-1 Zone allows for two stories and up to 35 feet in height. The project proposes two plan types. Plan 1 would have five bedrooms, five bathrooms, and a 3-car garage. Plan 2 would have five bedroom and six bathrooms, and a 4-car garage. Three exterior architectural finishes

would be available for each plan type and include a Spanish style, a California Ranch style, or a Farmhouse style. The homes are designed with varied rooflines and architectural treatments to provide visual interest.

Landscape Concept – The proposed landscape plan includes a mix of trees, shrubs, grasses and groundcover and the plant selection emphasizes very low, low, and moderate water use species. The project would comply with the City’s Model Water Efficient Landscape Ordinance (WELO). Proposed Homeowner Association (HOA) Landscaping would cover 21,672 s.f. of the project site. Each of the nine lots would have approximately 5,000 s.f. to 10,000 s.f. front yards. The landscape concept plan is included in Appendix A.

Walls and Fencing Plan - The conceptual wall and fence plan for the project is presented in **Figure 4**. The project would construct a six-foot masonry wall with cap along the northern, eastern and southern perimeter of the entire site. The existing fencing along the project’s western boundary will remain. The proposed generator in the southeastern portion of the site would also be enclosed in a six-foot high masonry wall with a six-foot solid gate for access, consistent with the recommendations of the noise analysis prepared for the project (LDN 2024). Tube steel fencing (48-inch) would be used along the side yards of each lot. The project proposes an entry wall around the project entrance on Cox Road and around the water quality basin proposed along the southern boundary of the site. The entrance on Cox Road would include a vehicular entry gate and pedestrian gate. There would also be 48-inch two-Rail Community Facilities District (CFD) Parkway Fencing along Mulberry Drive.

Project Access – Access to the project site would be from Cox Road via a 40-foot-wide private gated driveway (Street A).

Utility Improvements – The project site is within the overall boundaries of the Vallecitos Water District (VWD). Currently, the project site is within VWD’s water service boundary but not within VWD’s sewer service boundary. In order to receive sewer service from VWD, the project applicant would be requesting a sewer annexation to bring the site into the sewer service boundary. This is an inter-District annexation that is done in-house at VWD and does not require detachment from any other agency, nor does it require approval from the Local Agency Formation Commission (LAFCO). The project applicant would pay the required annexation fees.

The project would connect to an existing public 8-inch VWD water main in Cox Road for water service.

For sewer service, the project would construct a private (HOA-maintained) underground sewer lift station at the southern boundary of the project site (**Figure 5**). From the surface, this feature would appear as a manhole cover flush with ground level and would be secured by locked gates at both the east and west entrance to the access road. The lift station would include an underground reinforced fiberglass basin/wet well and storage tank sized for the nine residential units, plus nine potential future accessory dwelling units (ADUs) and an additional safety factor. Per VWD, this would require 9,000 gallons of storage. The storage has been designed to hold 9,300 gallons. The final size would be approved by VWD. At the bottom of the wet well would be two submersible pumps. The sewer pumps would be programmed to pump only between 10:00 PM and 4:00 AM.

The pumps would move the wastewater to the public sewer system via a private sewer force main along the southern border of the project site. The sewer force main would connect into the existing sewer lateral that runs within a VWD easement along the southern portion of the project site. Once VWD upsizes the sewer facilities in Twin Oaks Valley Road as part of a future capital improvement project, the project would no longer need to restrict the timing of the pumping. At that time, the pumps would be re-programmed to allow pumping at any time it is needed.

A back-up generator has also been incorporated into the sewer lift station design. The generator would be placed at the southeast corner of the project site (Figure 5) and would be connected to the lift station via an electrical conduit. The generator would be used in the event of a power outage and for a once-a-week maintenance check which would occur midday, on a weekday and last for approximately ten minutes. The generator will be enclosed in an acoustic enclosure.

The project will include odor suppression devices in the form of carbon air filters. One filter system will be placed on the sewer lift station and the second filter system will be location on a vent pipe at the discharge manhole of the force main. Both of the odor suppression devices, as well as all other components of the lift station, will be inspected quarterly by an approved contractor and paid for by the HOA.

The project would pay Water Capital Facility Fees and Wastewater Capital Facility Fees consistent with VWD Ordinance No. 175 and No. 176. There is an existing water well in the east-central portion of the project site that would be abandoned as part of the project, pursuant to the County of San Diego Well Ordinance.

As part of the project, overhead utility lines along the project frontage on Mulberry Drive would be undergrounded.

Stormwater Management – The project proposes the construction of a biofiltration basin (BMP-A) and a proprietary modular wetland system unit (BMP-B). Biofiltration basin BMP-A would be located at the south edge of the project site and would be owned and maintained by the project HOA. This biofiltration basin is intended to collect stormwater from the project site and direct the flows through storm drains to the existing Point of Compliance (POC), which is located at the most southerly part of the project site. BMP-B would be located within a public drainage easement at the southeast corner of the project site and is intended to treat all the pollutants of concern from the fronting streets (Mulberry Drive and Cox Road.) BMP-B would be maintained by the City. A portion of the existing street and offsite flows as well as the flows from the street improvements would be treated by this flow through this biofiltration basin. The project requires hydromodification, so the biofiltration units accomplish both stormwater treatment and flow control mitigation in an integrated design.

Special Improvement Area - The project would annex into an existing Special Improvement Area (F-Zone District) that is in place for the subdivision adjacent to the west of the project site. The Special Improvement Area (F-Zone District) which would cover the following: 1) Cox Road parkway landscaping, decomposed granite (DG) trail, and landscaping between the DG trail and the project property line; and 2) Mulberry Road parkway landscaping, DG and asphalt concrete (AC) trails, wood rail fencing, and landscape plantings between the DG trail and the project property line.

Grading – The project would include a single phase of construction. Grading and earthwork activity would be required to prepare the site for development. Based upon information from the project applicant, grading includes approximately 19,000 cy of cut and 19,000 cy of fill to balance on site.

Construction Schedule – Assuming receipt of all necessary approvals, construction is expected to start in early 2025. Complete buildout of the project is anticipated to be 2026.

9. Project Design Features – The project includes design features which would reduce potential impacts and the project 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 plan.
<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. • The project shall comply with SDAPCD Rule 67.0 for architectural coatings, which requires low-VOC paint that would not exceed 100 grams of VOC per liter for interior surfaces and 150 grams of VOC per liter for exterior surfaces. • Heavy diesel construction equipment shall be rated Tier IV or better. • Installation of an odor suppression system for the sewer lift station.
<p>Greenhouse Gas</p> <ul style="list-style-type: none"> • Installation of low-maintenance and drought tolerant landscaping. • Use of state-of-the-art irrigation system to reduce water consumption. • Compliance with the City’s Water Efficient Landscape Ordinance (WELO). • Installation of shade trees.
<p>Hazards and Hazardous Materials</p> <ul style="list-style-type: none"> • The existing water well on the project site shall be abandoned pursuant to the County of San Diego Well Ordinance.
<p>Hydrology and Water Quality</p> <p>The project design includes installation of a biofiltration basin (BMP-A) and a modular wetland system unit (BMP-B). Additionally, the project would implement the following source control and site design BMPs:</p> <p>Source Control BMPs:</p> <ul style="list-style-type: none"> • SC-1 Prevention of Illicit Discharges into the MS4 • SC-2 Storm Drain Stenciling or Signage • SC-5 Protect trash storage areas from rainfall, run-on, runoff, and wind dispersal

Site Design BMPs:

- SD-1 Maintain Natural Drainage Pathways and Hydrologic Features
- SD-2 Conserve Natural Areas, Soils, and Vegetation
- SD-3 Minimize Impervious Area
- SD-4 Minimize Soil Compaction
- SD-5 Runoff Collection
- SD-7 Landscaping with Native or Drought Tolerant Species
- Additional measures identified in the Storm Water Pollution Prevention Plan (SWPPP) that would be implemented prior to the commencement of onsite work.

Noise

- Comply with Section 17.32.180 of the San Marcos Municipal Code that limits grading activities to between 7:00 AM and 4:30 PM Monday through Friday. Grading extraction or related earth moving is not allowed in the City on weekends or holidays
- Comply with Chapter 10.24 of the San Marcos Municipal Code which prohibits building construction activities to between 7:00 AM and 6:00 PM Monday through Friday or between 8:00 AM or after 5:00 PM on Saturdays.
- The project design includes a six-foot solid wall/gate around the generator.

Public Services

- The project applicant shall submit an executed version of petition to annex into and establish, with respect to the property, the special taxes levied by the following Community Facility Districts: CFD 2001-01 (Fire and Paramedic) and CFD 98-01, Improvement Area No. 1 (Police).
- The project applicant would be required to pay applicable school fees pursuant to California Education Code Section 17620 et seq. and Governments Code Sections 65995(h) and 65996(b) in effect at the time of building permit issuance. Current Level II school fees at SMUSD are \$4.38 per square foot for residential uses.

Recreation

- The project applicant would be required to pay the City's Public Facility Fees (PFF), which is required by all projects that increase the demand for park and recreation needs in the City. The PFF money would go towards the acquisition and development of local and community park facilities throughout the City, to offset the demand on public park space generated by the project, as described in Municipal Code Chapter 17.36 and 17.44. Payment of the PFF shall be made prior to City issuance of the first building permit for the proposed project.

Transportation

- The project would be conditioned to widen Mulberry Road along the project frontage and to install a striping buffer and traffic calming measures along Mulberry Road. This would ensure that there is adequate sight distance at this intersection. The striping plan would be submitted as part of final engineering.
- The project proposes both a DG trail and a paved trail along Mulberry Drive which would enhance pedestrian and bicycle mobility in the project vicinity. The project is also installing American with Disabilities Act (ADA) pedestrian ramps at each corner of the Mulberry Drive and Cox Road intersection to prepare for future sidewalk connectivity in the area.

Utilities and Service Systems - Water and Wastewater

- Pay Water Capital Facility Fees per VWD Ordinance No. 175.
- Pay Wastewater Capital Facility Fees per VWD Ordinance No. 176.
- Annexation into the VWD sewer service boundary and payment of all sewer annexation fees.

10. Surrounding Land Uses and Project Setting: The site is currently undeveloped and was used in the past for small scale agricultural uses. No structures are located on site. The project site is located within the Twin Oaks Valley Neighborhood in the City. Zoning in the project vicinity is Agricultural 1 (A-1). Single-family residential units surround the project site.

11. Other Public Agencies Whose Approval is Required:

Vallecitos Water District

12. Have California Native American tribes traditionally or culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.? The City has notified the tribes in accordance with Public Resources Code Section 21074. The City received a consultation request from the San Luis Rey Band on March 23, 2022. The City met with representatives of the San Luis Rey Band on April 7, 2022. On November 17, 2022, via letter to the City, the San Luis Rey Band considered consultation complete. The City also received a consultation request from the Rincon Band on April 13, 2022 and the Pechanga Band on April 21, 2022. The City is currently consulting with the Rincon Band and Pechanga Band.

13. Summary of Environmental Effects 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.

- | | |
|---|---|
| <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 type="checkbox"/> Noise |
| <input checked="" type="checkbox"/> Biological Resources | <input type="checkbox"/> Population and Housing |
| <input checked="" type="checkbox"/> Cultural Resources | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Energy | <input type="checkbox"/> Recreation |
| <input checked="" type="checkbox"/> Geology and Soils | <input type="checkbox"/> Transportation |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Tribal Cultural Resources |
| <input type="checkbox"/> Hazards and Hazardous Materials | <input type="checkbox"/> Utilities and Service Systems |
| <input type="checkbox"/> Hydrology and Water Quality | <input type="checkbox"/> Wildfire |
| | <input 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.

Figure 1. Project Vicinity

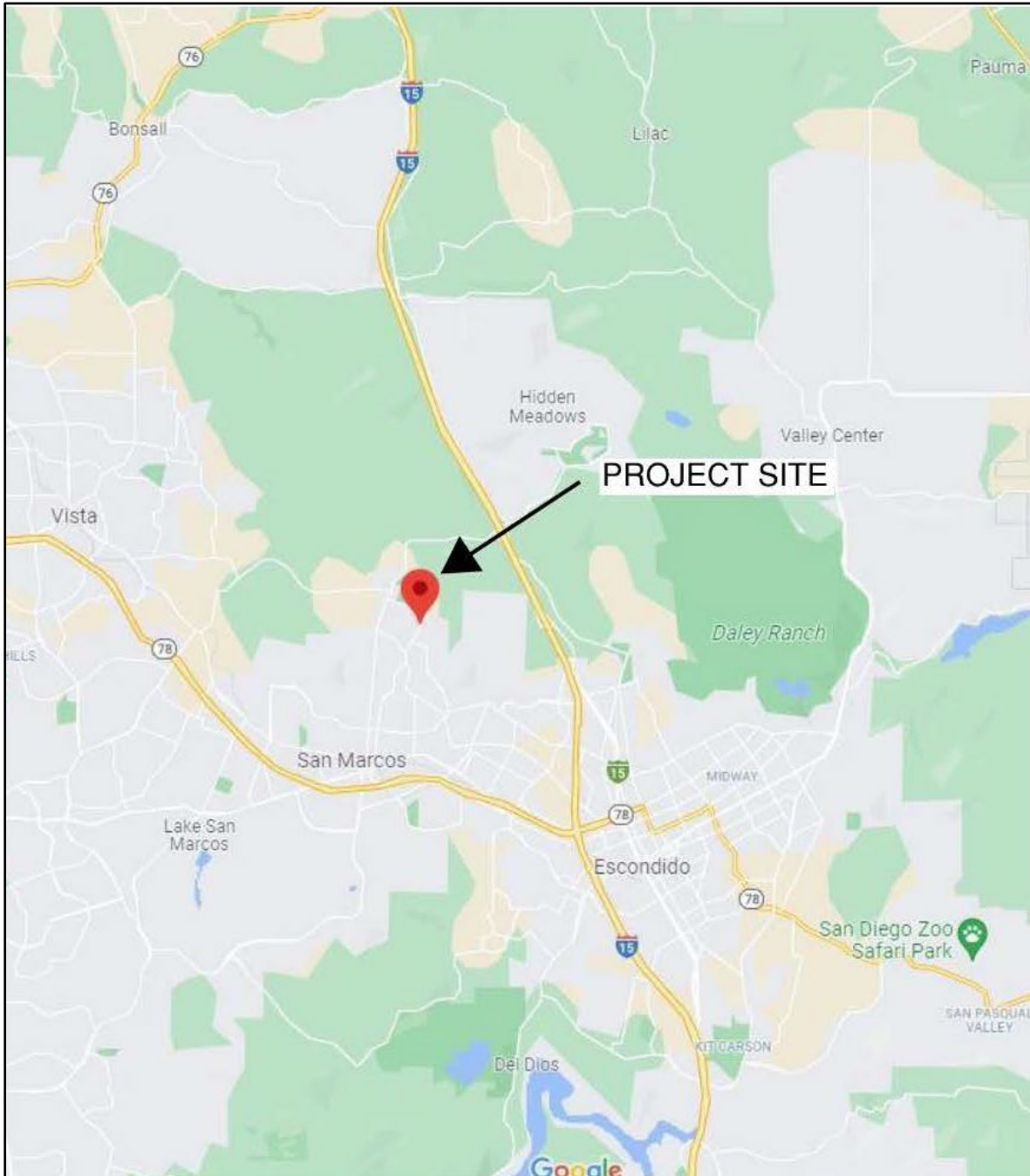


Figure 2. Project Site



Figure 3. Tentative Subdivision Map

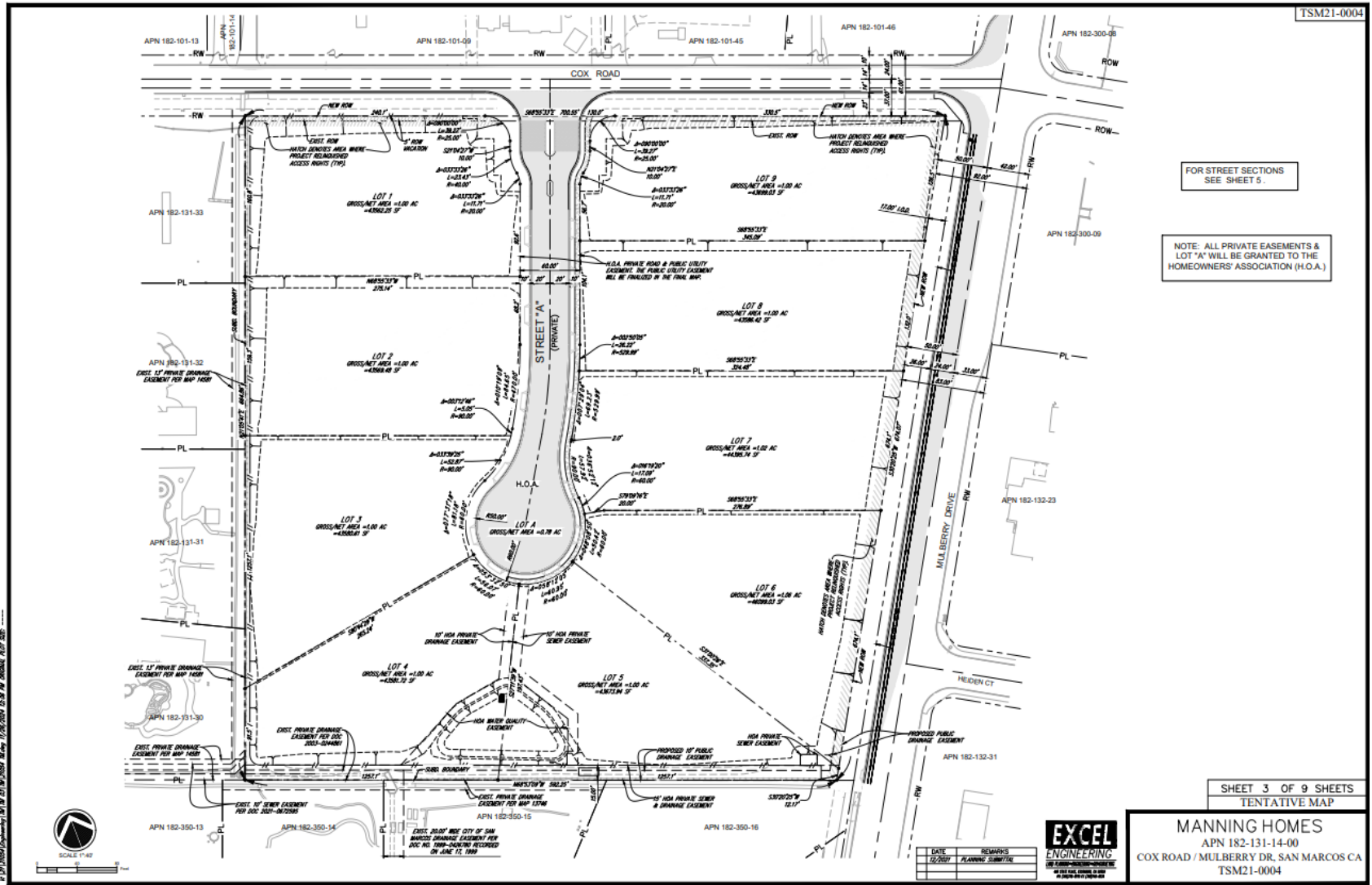


Figure 4. Wall and Fence Plan

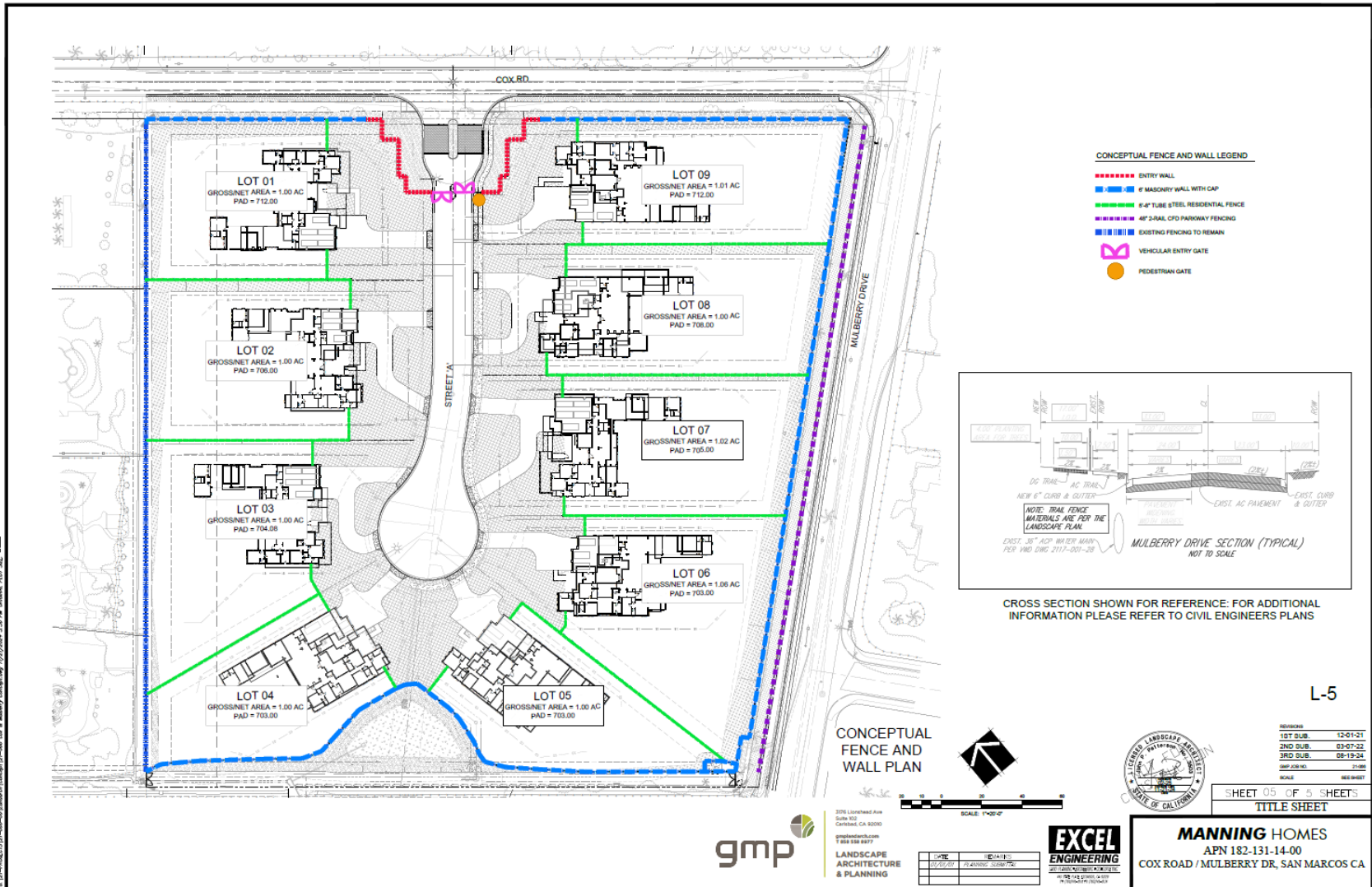
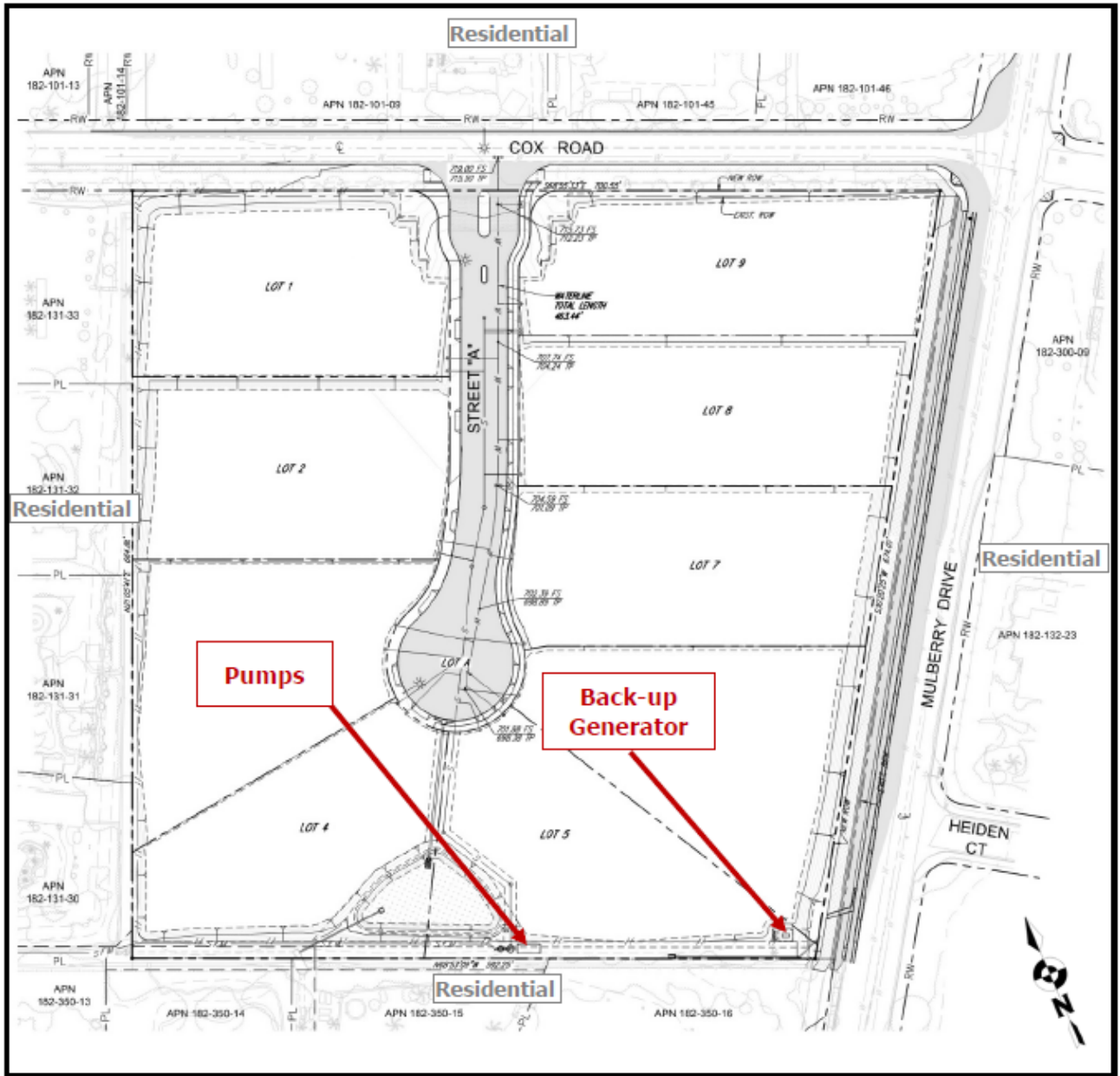


Figure 5. Lift Station Pumps and Generator Location



4.0 Initial Study Checklist

The following Initial Study checklist provides a preliminary analysis to determine if a project may have a significant effect on the environment and aids in determining what type of environmental document to prepare.

4.1 Aesthetics

Would the project:

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Have a substantial adverse effect on a scenic vista?			X	
Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points). If the project is in an urbanized area, would the project conflict with the applicable zoning and other regulations governing scenic quality?			X	
Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?			X	

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

A scenic vista is typically defined as a panoramic view or vista from an identified view/vista point, public road, public trails, public recreational areas, or scenic highways. The City’s General Plan does not identify any designated scenic vistas; however, the General Plan aims to protect the City’s scenic resources such as the San Marcos, Merriam, and Double Peak Mountains, creek corridors, mature trees, rock outcroppings, and ocean views (City of San Marcos 2012a).

The entire project site was previously used for agricultural purposes, and overall, the project site is disturbed due to human activity. The entire site is identified as “Disturbed Habitat” and is dominated by non-native grasses and forbs. The site slopes moderately downward to the south/southeast. Elevation of the northwestern portion of the site is approximately 720 feet with approximately 25 feet of elevation differential across the site. Elevations range from approximately 692 to 718 feet (Rincon 2024). The project site is not identified as a protected scenic vista on any local plans. The proposed development

would be surrounded by existing development including single family residential to the north, south, west and east.

The proposed project is an allowable use under the existing zoning (A-1). Zoning in the project vicinity is also A-1. While the project site is not identified as a scenic vista in the San Marcos General Plan, the General Plan does include policies regarding the protection of scenic resources (City of San Marcos 2012a). Below is a summary of the proposed project's consistency with applicable scenic resource preservation policies.

Policy COS-3.1 of the Conservation and Open Space Element of the City's General Plan calls for the preservation of scenic resources, including prominent landforms such as Double Peak, Owens Peak, San Marcos Mountains, Merriam Mountains, Cerro de Las Posas, Franks Peak, and canyon areas through conservation and management policies (City of San Marcos 2012a). The closest identified scenic resource to the project site is the Merriam Mountains located two miles north of the project site.

Views of the project site could potentially be afforded from these prominent landforms, as they are at a higher elevation than the site and allow for broad and expansive views of the lower elevation areas across the City. Although views of the project site may be possible, the proposed project would blend with adjacent single-family developments and appear as part of the overall fabric of the residential landscape in the Twin Oaks Valley Neighborhood. The project would not substantially change views from these prominent landforms. Further, the project would not result in development within any of the areas listed in this policy, therefore the proposed project would be consistent with this policy.

Policy COS-3.2 encourages high-quality architectural and landscaping designs that enhance or complement the hillsides, ridgelines, canyons, and view corridors that comprise the visual character of San Marcos (City of San Marcos 2012a). The project is not located on a prominent hillside, ridgeline, canyon, or view corridor.

The project includes a landscape plan that includes a mix of trees, shrubs, and groundcover. Most of the existing trees would remain along Cox Road and the project proposes additional trees at the project's entry. Additional landscaping in the form of trees, shrubs and groundcover are proposed along the boundaries of the site as well as within the subdivision. Landscaping and walls and fences would provide screening and buffering of the project site from adjacent properties. The project would be consistent with Policy COS-3.2.

Additionally, 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 Element of the General Plan. Therefore, the project's impact scenic vistas 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 2.3 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 2019). At a local level, SR-78 is designated by the City 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 due to the distance and the intervening development between the project and these peaks. The project site is not visible from SR-78. Development of the project is not proposed on any area identified as a primary or secondary ridgeline in the City's Ridgeline Protection and Management Overlay Zone.

The project site is vacant and does not support any historic buildings (ASM 2023). The project site is highly disturbed and dominated by non-native grasses and forbs. The majority of trees along Cox Road would remain and the project would replace the trees that need to be removed to create access to the project site. The project's landscape plan includes the planting of new trees. The project site does not support any significant 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) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surrounding? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with the applicable zoning and other regulations governing scenic quality? Less than Significant Impact

The City of San Marcos (which includes the project site) is considered an urbanized area per the Public Resources Code (PRC). Per PRC Section 21071, an "urbanized area" is defined as "(a) an incorporated city that meets either of the following criteria: (1) Has a population of at least 100,000 persons, or (2) Has a population of less than 100,000 persons if the population of that city and not more than two contiguous incorporated cities combined equals at least 100,000 persons." As of April 1, 2020, the US Census Bureau estimated the population of San Marcos to be 94,833 persons (USCB 2020a). While this is less than 100,000 persons, the City of San Marcos is contiguous with the City of Vista, which has an estimated population of 93,381 persons as of April 1, 2020 (USCB 2020b). The combined estimated population of these two contiguous cities is 188,214 persons, which is well over the 100,000 persons threshold. Thus, the City of San Marcos would be considered an urbanized area per CEQA. Therefore, the first question of this aesthetics threshold does not apply to the proposed project, as it is directed at non-urbanized areas.

The second part of this threshold is for projects in urbanized areas, which is what applies to the project. A significant impact would occur if the project conflicts with the applicable zoning and other regulations that govern scenic quality. The project site is zoned Agricultural 1 (A-1). Per Table 20.210-2 of the San Marcos Municipal Code, single family detached residential uses are permitted under this zone. Lands in the project vicinity are also zoned A-1 and developed with single family residences. The project does not conflict with the applicable zoning for the site. The project has been designed to meet required setback and grading requirements. As detailed under the first aesthetics threshold [4.1(a)], the project would not conflict with any regulations that govern scenic quality and 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

Lighting

Lighting in the project vicinity is associated with roadway lighting along Mulberry Avenue and lighting associated with the existing residential uses that surround the project site or are in the vicinity. Development of the proposed project would introduce lighting to a site that is currently undeveloped and has no existing source of lighting. Proposed lighting would include exterior lighting on the proposed residential uses as well as a street light at the future cul-de-sac.

All lighting within the proposed project would be designed to minimize glare and light pollution and would comply with the City’s Municipal Code Section 20.300.080, Light and Glare Standards, and any other applicable sections. Compliances with these requirements would minimize and restrict nighttime light pollution and light trespass on adjacent properties. Thus, new sources of day or nighttime lighting associated with the proposed project would not be considered substantial. Impacts associated with project lighting would be less than significant.

Glare

Glare typically occurs from reflective building materials and finishes, as well as reflective lighting structures and metallic surfaces. The project does not propose to use any materials or finishes that would be glare-inducing. Reflective materials are not proposed. Therefore, the project does not propose any features that would be characterized as creating a substantial new source of glare that would adversely affect daytime or nighttime views in the area. Impacts would be less than significant.

4.2 Agriculture and Forestry Resources

Would the project:

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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				X

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(as defined in Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?				
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	

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? Less than Significant Impact

The Farmland Mapping and Monitoring Program (FMMP) of the California Department of Conservation produces maps and statistical data used for analyzing impacts on California’s agricultural resources. Agricultural land is rated according to soil quality and irrigation status; the best quality land is called Prime Farmland. The maps are updated every two years with the use of a computer mapping system, aerial imagery, public review, and field reconnaissance.

The FMMP categories are as follows:

- **Prime Farmland** has the best combination of physical and chemical features able to sustain long-term agricultural production. This land has the soil quality, growing season, and moisture supply needed to produce sustained high yields. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.
- **Farmland of Statewide Importance** is similar to prime farmland but with minor shortcomings, such as greater slopes or less ability to store soil moisture. Land must have been used for irrigated agricultural production at some point during the four years prior to the mapping date.
- **Unique Farmland** consists of lesser quality soils used for the production of the State’s leading agricultural crops. This land is usually irrigated, but may include non-irrigated orchards or vineyard as found in some climactic zones in California. Land must have been cropped at some point during the four years prior to the mapping date.
- **Farmland of Local Importance** is land that meets all the characteristics of Prime Farmland and Statewide Farmland, with the exception of irrigation. They are farmlands not covered by the above categories but are of significant economic importance to the County. They have a history

of good production for locally adapted crops. The soils are grouped in types that are suited for truck crops (such as tomatoes, strawberries, cucumbers, potatoes, celery, squash, romaine lettuce and cauliflower) and soils suited for orchard crops (avocado and citrus).

- **Grazing Land** is land on which the existing vegetation is suited for the grazing of livestock.

The project site does is not identified as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) by the FMMP. (CDCLRP 2020). Per Figure 4-4, Agricultural Areas, of the Conservation and Open Space Element of the General Plan, the project site is identified as Farmland of Local Importance (San Marcos 2012). Based on review of historical Google Earth aerial photographs, the project site has been used for agricultural row crops in the recent past.

The proposed project would develop the entire site with 9 single-family residences and supporting infrastructure which would eliminate the use of the site for agriculture. Factors that are considered when determining if there is an impact can include the size of the site, water availability, the level of agricultural activity in the project vicinity and whether surrounding lands are protected through open space and/or agricultural easements.

While many agricultural operations in California are large, San Diego County has a large percentage of smaller farms. San Diego County has over 5,000 farms and 69% of those are between 1-9 acres and the median size farm is 4 acres (University of California 2022). The site is not connected to a potable water supply, but it does have a well which has historically been used for agricultural irrigation.

The project site is not located in an area of high agricultural activity or areas that are subject to open space or agricultural easements. The project site has a General Plan designation of Agricultural/Residential (AG) and a zoning designation of Agricultural -1 (A-1). Per Section 20.210.020 of the San Marcos Municipal Code, the A-1 zone provides for a low-intensity agricultural zone that is consistent in character with larger residential areas. The A-1 zone is intended to implement and be consistent with the Agricultural/Residential (AG) land use designation of the General Plan. Per Table 20.210-2 of the Municipal Code, single family detached residential uses are permitted under this zone. Lands in the project vicinity are also zoned A-1 and developed with single family residences.

The Open Space and Conservation Element of the General Plan (page 4-8) notes the while the City is committed to supporting local farming and preserving agricultural land uses and activities, some conversion of agricultural land may occur over the life of the General Plan. Development has been occurring in the project vicinity over the last 25 years through various residential subdivision projects including the Regency Development (TSM 430) to the west, Victoria Ranch (TSM 399) to the south, and single-family development around Heiden Court to the east. Additionally, the Kachan Homes project (TSM 459) was approved in 2006 for eight single-family homes at the southwest corner of Mulberry Drive and Richland Road, which have yet to be constructed.

The project site is adjacent to single family residential subdivisions on the south and west. To the east is Mulberry Drive, with additional single family residential to the east and northeast on the other side of Mulberry Drive. The immediate project vicinity does not support active agricultural operations. The closest agricultural activities are the vineyards and greenhouses at Mulberry Drive and La Cienega Road, approximately 0.25 miles southeast of the project site.

While the project would result in the conversion of Farmland of Local Importance, this conversion would occur in an area that is already experiencing this conversion, and is not adjacent to other lands in active agriculture. This type of conversion is anticipated in the City, as identified by the General Plan designation of Agricultural/Residential (AG) and a zoning designation of Agricultural-1 (A-1).

Additionally, there is no Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland and Monitoring Program of the California Resources Agency on the project site. Therefore, impacts would be less than significant.

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

The project site is not located within a Williamson Act contract area. The project site has a General Plan designation of Agricultural/Residential (AG) and a zoning designation of Agricultural-1 (A-1). Per Section 20.210.020 of the San Marcos Municipal Code, the A-1 zone provides for a low-intensity agricultural zone that is consistent in character with larger residential areas. This zone is suitable for low-density residential hillside development. The A-1 zone is intended to implement and be consistent with the Agricultural Residential (AG) land use designation of the General Plan. Per Table 20.210-2 of the Municipal Code, single family detached residential uses are permitted under this zone. Lands in the project vicinity are also zoned A-1 and developed with single-family residential. The parcels immediately to the west and south of the project site are developed with single family residential uses. Therefore, the project would not conflict with existing zoning for agricultural use or a Williamson Act contract. No impact is identified.

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))? No Impact

The project site has a General Plan designation of Agricultural/Residential (AG) and a zoning designation of Agricultural-1 (A-1). Per Section 20.210.020 of the San Marcos Municipal Code, the A-1 zone provides for a low-intensity agricultural zone that is consistent in character with larger residential areas. 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.

d) 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. Vegetation on the project site is primarily disturbed habitat with some areas of ornamental vegetation (Rincon 2024). 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.

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? Less than Significant Impact

There are no other aspects of the proposed project that would involve other changes in the existing environment that, due to its location or nature, could result in a conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use. As discussed in threshold 4.2(c) and 4.2(d), above the project site is not adjacent to any forest lands or timberlands. As discussed in thresholds 4.2.a

and 4.2.b, above, the project vicinity is primarily developed with single family residential uses and some conversion of agricultural land to developed land was contemplated in the City’s General Plan. The proposed project would not directly or indirectly impact any existing agricultural activities in the larger Twin Oaks Valley Neighborhood. Impacts would be less than significant.

4.3 Air Quality

Would the project:

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?			X	
b) 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?			X	
c) Expose sensitive receptors to substantial pollutant concentrations?			X	
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?			X	

Air quality modeling was conducted for the project by Ldn Consulting (LDN) (2022) and is included as **Appendix B** of this document.

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 San Diego Association of Governments (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 is consistent with existing General Plan land use and City zoning and would not conflict with or obstruct implementation of the applicable air quality plans.

Criteria Pollutant Analysis

Table 2 shows the state and federal attainment status for criteria pollutants in the San Diego Air Basin (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	Federal	State
Ozone (8-Hour)	Nonattainment	Nonattainment
Ozone (1-Hour)	Attainment (1)	Nonattainment
Carbon Monoxide (CO)	Attainment	Attainment
Particulate Matter–10 microns (PM ₁₀)	Unclassified (2)	Nonattainment
Particulate Matter–2.5 microns (PM _{2.5})	Attainment	Nonattainment
Nitrogen Dioxide (NO ₂)	Attainment	Attainment
Sulfur Dioxide (SO ₂)	Attainment	Attainment
Lead	Attainment	Attainment
Sulfates	No Federal Standard	Attainment
Hydrogen Sulfide	No Federal Standard	Unclassified
Visibility	No Federal Standard	Unclassified

Source: SDAPCD 2019.

Notes: (1) The federal 1-hour standard of 12 ppm was in effect from 1979 through June 15, 2005. The revoked standard is referenced because it was employed for such a long period and because this benchmark is addressed in State Implementation Plans.

(2) At the time of designation, if the available data does not support a designation of attainment or nonattainment, the area is designated as unclassifiable.

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 screening-level 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.

Construction Emissions

Construction activities for the project would include grading and site preparation, paving, building construction, and architectural coating application. The construction modeling assumes a single phase of construction. Grading includes approximately 19,000 cy of cut and 19,000 cy of fill to balance on site. No import or export due to grading would be required.

Table 3. Screening-Level Thresholds for Criteria Pollutants

Pollutant	Total Emissions (lbs per day)
Construction Emissions	
Respirable Particulate Matter (PM10)	100
Fine Particulate Matter (PM2.5)	55
Oxides of Nitrogen (NOx)	250
Carbon Monoxide (CO)	550
Volatile Organic Compounds (VOCs) ¹	75
Reactive Organic Gases (ROG) SCAQMD	75
Operational Emissions	
Respirable Particulate Matter (PM10)	100
Fine Particulate Matter (PM2.5)	55
Nitrogen Oxide (NOx)	250
Sulfur Oxide (SOx)	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.

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 4 or better. 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.

Table 4. Construction Emissions (lbs/day)

Year	ROG	NO _x	CO	SO ₂	PM ₁₀ (Dust)	PM ₁₀ (Exhaust)	PM ₁₀ (Total)	PM _{2.5} (Dust)	PM _{2.5} (Exhaust)	PM _{2.5} (Total)
2022	3.22	33.12	20.16	0.04	19.80	1.61	21.42	10.14	1.48	11.63
2023	1.58	14.43	16.33	0.03	0.03	0.70	0.73	0.01	0.66	0.67
2024	28.03	24.26	33.05	0.05	0.16	1.14	1.31	0.04	1.07	1.11
Screening Level Threshold (lbs/day)	75	250	550	250	-	-	100	-	-	55
Significant Impact?	No	No	No	No	-	-	No	-	-	No

Source: LDN 2022.

As shown in Table 4, maximum daily emissions would be below the significance thresholds for all criteria pollutants and construction emissions impacts would be less than significant.

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 90 average daily trips (ADT). **Table 5** provides a summary of the estimated operational emissions for the proposed project.

Table 5. Operations Emissions (lbs/day)

	ROG	NO _x	CO	Sox	PM10	PM2.5
Summer Scenario						
Area Source Emission Estimates (lbs/day)	0.53	0.16	0.81	0.00	0.02	0.02
Energy Emission Estimates (lbs/day)	0.01	0.05	0.02	0.00	0.00	0.00
Mobile Emission Estimates (lbs/day)	0.25	0.25	2.23	0.00	0.52	0.14
Total (lbs/day)	0.78	0.46	3.05	0.01	0.54	0.16
Screening Level Threshold	75	250	550	250	100	55
Significant Impact?	No	No	No	No	No	No
Winter Scenario						
Area Source Emission Estimates (lbs/day)	0.53	0.16	0.81	0.00	0.02	0.02
Energy Emission Estimates (lbs/day)	0.01	0.05	0.02	0.00	0.00	0.00

	ROG	NOx	CO	Sox	PM10	PM2.5
Mobile Emission Estimates (lbs/day)	0.24	0.27	2.28	0.00	0.52	0.14
Total (lbs/day)	0.77	0.48	3.11	0.01	0.54	0.16
Screening Level Threshold	75	250	550	250	100	55
Significant Impact?	No	No	No	No	No	No

Source: LDN 2022.

Note: Daily pollutant generation assumes trip distances with CalEEMod

As shown in Table 5, operational emissions associated with the project would be below the significance thresholds for all criteria pollutants.

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.

b) 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? 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.

With regard to emissions of O₃ precursors NOx 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.

c) *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. The closest sensitive receptor are single-family residences located adjacent to the project site. As shown in Tables 4 and 5 above, emission concentrations for criteria air pollutants were modeled and calculated to be well below the thresholds of significance. Due to the small size of the project site (10.06 acres), the short duration of construction, and adherence to the City's Grading Ordinance and SDAPCD air quality requirements, and project design features, the project is not anticipated to expose sensitive receptors to substantial pollutant concentrations. Impacts would be less than significant.

d) *Result in other emissions such as those leading to odors affecting a substantial number of people? Less Than Significant Impact*

For operations, according to the *SCAQMD CEQA Air Quality Handbook* (SCAQMD 1993), land uses associated with odor complaints are agricultural operations, wastewater treatment plants, food processing plants, chemical plants, composting facilities, refineries, landfills, dairies, and fiberglass molding plants. The project site was used for small-scale agriculture in the past. The proposed use of single family residential would not be considered a land use associated with odor complaints.

Potential onsite odor generators would include short-term construction odors from activities such as paving and painting. Given the short-term nature of these construction activities, construction odors would not be considered an impact.

From an operations perspective, residential uses are not typically characterized as odor-generating. For sewer service, the project would construct a private (HOA-maintained) underground sewer lift station in the southeast corner of the project site. The lift station would include an underground reinforced fiberglass basin/wet well and storage tank sized for the nine residential units, plus nine potential future accessory dwelling units (ADUs) and an additional safety factor. Per VWD, this would require 9,000 gallons of storage. The storage has been designed to hold 9,300 gallons. Pumps would move the wastewater to the public sewer system via a private sewer force main along the southern border of the project site. The sewer force main would connect into the existing sewer lateral that runs within a VWD easement along the southern portion of the project site. The project will include odor suppression devices in the form of carbon air filters. One filter system will be placed on the sewer lift station and the second filter system will be location on a vent pipe at the discharge manhole of the force main. Both of the odor suppression devices, as well as all other components of the lift station, will be inspected quarterly by an approved contractor and paid for by the HOA. The proposed odor suppression systems will ensure that odor impacts would be less than significant.

4.4 Biological Resources

Would the project:

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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 state or federally protected wetlands (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

A Biological Resources Assessment Memorandum was prepared for the proposed project by Rincon Consultants and is included as **Appendix C** of this report (Rincon 2024). The biology report included an onsite resources assessment, analyzed potential impacts on biological resources, analyzed the project's consistency with CEQA, the Multiple Habitat Conservation Program (MHCP) and the draft San Marcos

Subarea Plan, and included a database query, literature review, and one field survey and one follow-up site visit.

Rincon biologist Jacob Hargis conducted a field survey on March 2, 2022. The field survey was conducted to document the existing site conditions and evaluate the potential for presence of sensitive biological resources including special-status plant and wildlife species, sensitive plant communities, potential jurisdictional waters, wildlife corridors and nursery sites, and locally protected resources. An additional site visit was conducted on October 14, 2024 by Rincon senior biologist Jared Reed to assess the current condition of the stormwater drainage infrastructure on the southwest edge of the project site.

The general biological survey and vegetation mapping were conducted within the project site and a 250-foot survey buffer. Only the project site information is included in report calculations and tables, while the 250-foot buffer is illustrated within the figures for informational purposes and edge effects analysis.

- 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***

Special-Status Plants

Queries of the California Department of Wildlife (CDFW) California Natural Diversity Database (CNDDDB) and the California Native Plant Society (CNPS) Online Inventory of Rare and Endangered Plants were conducted to obtain comprehensive information regarding state and federally listed species as well as other special-status species considered to have potential to occur within a five (5)-mile radius of the project site.

The CNDDDB/CNPS query results include 54 special-status plant species within five miles (for CNDDDB) and nine -quadrangle search area (for CNPS) of the project site. Special-status plant species typically have specialized habitat requirements, including plant community types, soils, and elevational ranges. Of the 54 species, none are expected to occur on site based on the project site's location and clear lack of suitable habitat (e.g., mountains, desert, elevational ranges). No special-status plant species have moderate or high potential to occur on site given the high disturbance, lack of suitable habitat, and elevation on the project site. Therefore, impacts to special status plant species are not expected to occur as a result of project implementation.

Special-Status Wildlife

The CNDDDB query results include 33 special-status wildlife species within five miles of the project site. The potential for special-status wildlife species to occur on the site was assessed based on known distribution, habitat requirements, and existing site conditions. Of the 33 special-status wildlife species, none were observed on site. One MHCP and Species of Special Concern (SSC), the western yellow bat (*Lasiurus xanthinus*), has a low potential to occur with associated roosting habitat present. A stand of mature untrimmed Mexican fan palm trees is located in the southeastern portion of the study area that provide potential roosting habitat. No other special-status wildlife species are expected to occur in the study area due to the lack of suitable habitat.

As noted, the mature Mexican fan palm trees in the study area provide potential roosting habitat for the western yellow bat. The bat roosting season is typically March 1 to September 30. If bats are present, removal of these Mexican fan palm trees could disrupt maternity roosting, which would result in a significant impact (**Impact BIO-1**) and mitigation is required. Implementation of mitigation measure MM-BIO-1, which is detailed below, would reduce this impact to below a level of significance.

MM-BIO-1 Pre-Construction Bat Roost Survey. To avoid disturbance of potential roosting habitat for the western yellow bat, activities related to vegetation removal, shall occur outside of the bat roosting season (March 1 through September 30). If vegetation removal must begin within the roosting season, no less than 30 days prior to vegetation removal, a qualified Bat Biologist shall conduct a pre-construction bat survey within the project site plus a 100-foot buffer as access allows to identify potential habitat that could provide daytime and/or nighttime roost sites, and any maternity roosts, within trees on the project site. The survey shall use acoustic technology and emergency counts to maximize detection of bats onsite. Night roosts are typically utilized from the approach of sunset until sunrise. Maternity colonies, composed of adult females and their young, typically occur from spring through fall. If a maternity roost is determined present, a 300-foot no work buffer shall be placed around the roost and no work shall occur within the buffer until after the roosting season is over. Work may proceed after a qualified biologist is able to verify that the roost is no longer active.

If the survey is negative, vegetation clearing may commence. If vegetation clearing activities are scheduled outside of the roosting season (March 1 through September 30), a pre-construction bat roost survey will not be required.

Vegetation on the project site could also provide suitable nesting habitat for common avian species that were observed during the reconnaissance survey. Bird nests and eggs are protected under the California Fish and Game Code (CFGC) Section 3503 and the Migratory Bird Treaty Act (MBTA). Common species such as mourning dove and house finch as well as MHCP listed sensitive species such as Cooper's hawk (*Accipiter cooperii*) have the potential to nest in tall shrubs and/or trees, even in highly disturbed settings. Direct impacts (e.g., injury or mortality) to nesting birds or indirect impacts (e.g., noise, dust) that disrupt nesting behavior and reproductive success would be significant. The project has the potential to impact active bird nests protected under the MBTA and the CFGC if vegetation is removed or ground disturbing activities occur during the nesting season (February 1 to August 31). This represents a significant impact (**Impact BIO-2**), and mitigation is required. Implementation of mitigation measure MM-BIO-2, which is detailed below, would reduce this impact to below a level of significance.

MM-BIO-2 To avoid disturbance of nesting and special-status birds, including raptorial species protected by the MBTA and CFGC, activities related to the project, including, but not limited to, vegetation removal, ground disturbance, and construction and demolition, shall occur outside of the bird breeding season (February 1 through August 31). If construction must begin within the breeding season, then a pre-construction nesting bird survey shall be conducted no more than three (3) days prior to initiation of ground disturbance and vegetation removal activities. The nesting bird pre-construction survey shall be conducted within the project site, plus a 300-foot buffer (500-foot for raptors), on foot, and within inaccessible areas (i.e., private lands) afar

using binoculars to the extent practical. The survey shall be conducted by a biologist familiar with the identification of avian species known to occur in southern California scrub communities. If nests are found, an avoidance buffer (which is dependent upon the species, the proposed work activity, and existing disturbances associated with land uses outside of the site) shall be determined and demarcated by the biologist with bright orange construction fencing, flagging, construction lathe, or other means to mark the boundary. All construction personnel shall be notified as to the existence of the buffer zone and to avoid entering the buffer zone during the nesting season. No ground disturbing activities shall occur within this buffer until the avian biologist has confirmed that breeding/nesting is completed, and the young have fledged the nest. Encroachment into the buffer shall occur only at the discretion of the qualified biologist.

If active nests are not identified, vegetation clearing and ground disturbing activities may commence. If vegetation clearing and ground disturbing activities are scheduled outside of the nesting season (February 1 through August 31), a pre-construction nesting bird survey will not be required.

Indirect Impacts

In the context of biological resources, indirect impacts are those effects associated with development activities. Examples of indirect effects include water quality impacts from site drainage into adjacent open space/downstream aquatic resources; lighting effects; noise effects; invasive plant species from landscaping; and effects from human access into adjacent open space, such as recreational activities (including off-road vehicles and hiking), pets, dumping, etc. Temporary, indirect effects may also occur as a result of construction-related activities.

Since the project is adjacent to already developed or disturbed areas and would comply with stormwater regulations, the project would not result in significant indirect impacts on biological resources. Additionally, since no potentially jurisdictional aquatic resources occur within the project site, the project would not result in significant indirect impacts on aquatic resources, if applicable.

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? Less than Significant

Vegetation and Land Cover

The entire project site was previously used for agricultural purposes, and overall, the project site is disturbed due to human activity. The entire site is identified as Disturbed Habitat and is dominated by non-native grasses and forbs, including cheese weed (*Malva parviflora*), goose foot (*Chenopodium* sp.), nettles (*Urtica* spp.), wild radish (*Raphanus sativa*), London rocket (*Sisymbrium irio*), thistles (*Cirsium* spp.), bromes (*Bromus* spp.) and mustards (*Brassica* spp.). Seven native plant species were observed during the reconnaissance survey including coyote brush (*Baccharis salicifolia*), southern cattail (*Typha domingensis*), California sycamore (*Platanus racemosa*), fringed willow herb (*Epilobium ciliatum* ssp. *ciliatum*), little spring beauty (*Claytonia exigua*), red maids (*Calandrinia menziesii*), and stinging nettle (*Urtica dioica* ssp. *holosericea*).

The southeastern and eastern portions of the project site have small stands of Mexican fan palms (*Washingtonia robusta*), queen palms (*Syagrus romanzoffiana*), pepper trees (*Schinus molle*), and European olive (*Olea europaea*). The northern portion, located along Cox Road, has a row of ornamental trees that include red gum eucalyptus (*Eucalyptus camaldulensis*), oriental planetree (*Platanus orientalis*) and one California sycamore on the far west corner of the project site. This tree appears to be just outside of the project limits but was within the study area (**Figure 6**).

No sensitive plant communities are present on the project site. Overall, the project site has been designated as Disturbed habitat/agricultural. Due to the lack of native vegetation, historical usage, and presence of disturbed habitat, the project would not have a substantial adverse effect on any sensitive natural communities.

a) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? Less than Significant Impact

The entire project site is a disturbed site that has frequently been subject to human activity including discing and other agricultural practices.

Three non-jurisdictional stormwater features were found outside of the project site located along the southern boundary line. Two of the non-jurisdictional features are human-made concrete v-ditches that convey flows along the southern boundary, one from the eastern boundary and the other from the western boundary. The third feature is an underground culvert used to transport surface water flow from Cox Road and the adjacent neighborhoods. All three features convey stormwater flow into a small, rip-rap lined concrete channel that has no vegetation outside of the project site. This channel conveys flows for a short distance into a concrete-grated culvert inlet that conveys flows under private properties to the southwest. These artificial stormwater features were constructed within a drainage easement required by the adjacent residential development to the north.

The small, isolated features are described as “Areas permanently or periodically inundated by water, which have been significantly modified by human activity. This would be categorized as a “Disturbed Wetland” (11200; Oberbauer et. al. 2008). Although the definition of a Disturbed Wetland includes a feature such as having concrete lining, or rip-rap; Rincon preliminarily concluded that the stormwater features would not be described as a wetland (Rincon 2024). Even though a formal jurisdictional delineation was not completed, the features do not meet the criteria of a wetland under the CWA (Sackett v. EPA, 2023) based on the lack of hydric soils, hydrophytic vegetation, permanent water, connection to a navigable waterway, or a defined ordinary high water mark, is unlikely jurisdictional under the CFGC due to the lack of a streambed, and unlikely jurisdictional under the Porter-Cologne Water Quality Control Act due to the artificial origin of the feature (human-constructed stormwater infrastructure within a required drainage easement) and the fact that this feature would not qualify as an artificial wetland under the State Water Resources Control Board State Policy for Water Quality Control: State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State. Therefore, the proposed project would not have substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means and impacts would be less than significant.

Figure 6. Vegetation Communities and Landcover



Source: Rincon 2024.

b) 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

CDFW and the California Department of Transportation established the statewide California Essential Habitat Connectivity (CEHC) project. The goal of the CEHC project was to identify large remaining blocks of intact habitat or natural landscape and model linkages between them that need to be maintained, particularly as corridors for wildlife. The project site is not located within a CEHC area.

The closest MHCP hard line conservation area is located approximately 1,350 feet to the west of the project site, on the west side of Sycamore Drive. The proposed project site is separated from this area by residential development and public roads. The project site is also not located in a Biological Core and Linkage Area (BCLA) as identified by the MHCP. The site is adjacent to roadways to the north and east and is surrounded by residential development. No existing wildlife corridors are present on the project site. The site is highly disturbed and has been altered by human activity from historical agricultural use. The project site is not adjacent to any preserves or open space. For these reasons, no impacts to wildlife movement would occur.

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

The proposed project would not conflict with any local policies or ordinances protecting biological resources. General Plan Policy COS-2.6 requires that any removed trees be replaced at a 1:1 ratio. There are 12 trees on the project site and all would be removed to prepare the site for development. The proposed landscape plan includes 160 trees. The project would replace trees at a 13.33:1 ratio, which exceeds the requirements of Policy COS-2.6. A less than significant impact is identified for this issue area.

d) 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 MHCP is a comprehensive conservation planning process that addresses the needs of multiple plant and animal species in Northwestern San Diego County. The City began preparing a draft of the City Subarea Plan of the MHCP in December 1999 and although the Subarea Plan has not yet been approved by the USFWS and CDFW, the plan is a component of the adopted MHCP, and is currently being used as a guide for open space design and preservation within the city. The project site is located within the jurisdiction of the MHCP but is not located within a Conservation Area nor a Focused Planning Area (FPA) of the City's Subarea Plan. As a result, proposed activities at the project site would avoid direct impacts to the MHCP Conservation Areas and would not conflict with the MHCP Conservation Objectives. The project would not 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 is identified.

4.5 Cultural Resources

Would the project:

Issues		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?					X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?			X		
c) Disturb any human remains, including those interred outside of dedicated cemeteries?			X		

A cultural resources study was prepared for the project by ASM Affiliates (ASM) (2023). The archaeological resources inventory report included a record search, literature review, correspondence with Native American contacts, and field survey. The analysis also considers the *California Environmental Quality Act (CEQA) Guidelines Appendix G* and applicable State and Local regulations, including the City of San Marcos General Plan. The complete report is included as **Appendix D** of this document.

Records Search

As part of the cultural resources study, a records search request of the archives at the South Coastal Information Center (SCIC), San Diego State University, of the California Historical Resources Information System (CHRIS) for San Diego County, was completed on February 2, 2022. The record search area encompasses the project area and a search radius of one mile around it. The California Register of Historic Resources (CRHR) and the National Register of Historic Places (NRHP) were also examined to identify any additional resources within one mile of the project area.

The CHRIS records identified 30 previous reports that addressed areas within a one-mile radius of the project area. Of these reports, only three reports intersect or overlap the project site. CHRIS records also indicate the presence of 21 previously recorded cultural resources outside of, but within a one-mile radius of the project area. No cultural resources were previously recorded within the proposed project area. No historical addresses were identified as occurring within the one-mile records search radius.

Native American Heritage Commission and Tribal Outreach

On February 7, 2022, an e-mail was sent to the Native American Heritage Commission (NAHC) 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. ASM

received a response from the NAHC dated February 25, 2022 stating that the search of the sacred lands files was positive. The NAHC requested that the Pechanga Band of Luiseño Indians be contacted for more information. A list of Native American tribes that may have knowledge of cultural resources in the project area was also provided by the NAHC. ASM sent project notification letters to the Native American contacts on the NAHC list on February 24, 2022. On March 14, 2022, Pechanga Band of Luiseño Indians responded with interest in participating in the project. They requested notification when the project begins, copies of applicable documents, consultation with the City, and archaeological and Tribal monitoring. The Rincon Band of Luiseño Indians responded on March 24, 2022, that the Project may impact tangible Tribal Cultural Resources (TCRs), Traditional Cultural Landscapes (TCLs), and potential Traditional Cultural Properties (TCPs) and recommends conducting an archaeological/cultural resources study with a professional Tribal monitor.

Site Survey

The project site was surveyed by Zaira Marquez, Associate Archaeologist and Donovan Pati, a Native American monitor from Saving Sacred Sites on February 18, 2022. Ground surface visibility was below ten percent in most of the project area, as it was covered with dense vegetation approximately three feet in height. The perimeter and center of the property is comprised of a two-track road, which was extensively surveyed.

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

A cultural resources study was prepared for the project by ASM (2023). The report presents the results of a cultural and historical resources inventory conducted within the project site and within a one-mile radius. No historical addresses were identified as occurring within the one-mile records search radius and no historical resources were identified on the project site.

According to the database search, some historic structures, remnants of historic foundations and historic debris scatters occur infrequently within a one-mile radius of the project site. Previously recorded historic sites within the records search radius include a portion of the remains of the historic Vista Irrigation District Bench Flumes feature (P-37-030889). The flumes are constructed as above ground gunite canals with a domed gunite cover and are connected by steel and concrete pipe siphons that conveyed potable water across the local canyons and valleys. The majority of the flumes are underground. The flumes were subsequently evaluated by ASM in 2015 and recommended eligible for listing on the NRHP under Criteria A and C, for their association with the area's development and their unique design and method of construction, respectively.

According to information provided by the San Marcos Historical Society, the project location was part of the historic property associated with "Cox Houses" originally built by Jacob Uhland in 1888 on what would eventually become Cox Road. The Cox family bought the two houses in 1923, but one of the houses burned down shortly afterwards. The Cox family lived in the remaining house for 55 years and began to make capital improvements on it before selling the house to Dr. Richard and Carol Dickey. The house was sold on at least two other occasions, and then in 1994, the property was sold to Ferosa Ranch. The house was eventually donated to the San Marcos Historical Society and moved to Heritage Park in September of 2002. Historic aerial maps of the area and archival information indicate that the Cox houses were located approximately 100 meters west of the project site on a parcel (APN 182-131-15) that was subdivided and redeveloped in 2002, and presently contains several residences.

No historical resources were identified on the project site. Therefore, the project would not cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5 and no impact is identified.

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

Based upon the cultural resources study prepared for the project, no archaeological resources are known to occur on the project site (ASM 2023).

The sites that occur within a one-mile radius of the project site consist predominantly of prehistoric resources. Many of these prehistoric sites contain bedrock milling components and most are associated with lithic scatters. One site was recorded as containing habitation debris, indicating a more intensive prehistoric use of that location. In general, most of these sites have been disturbed by modern activities and are characterized by sparse surficial, as well as sparse and relatively shallow, subsurface deposits. Some structures, remnants of historic foundations and historic debris scatters also occur infrequently within a one-mile radius of the project site.

As previously noted, the majority of the project site was covered with dense vegetation, which limited the ground surface visibility during the pedestrian survey. Therefore, it is possible that cultural materials are present on the ground surface within the project site that were not visible during the survey. This represents a significant impact and mitigation is required. (**Impact CR-1**). The following mitigation measures apply to grading and construction activity that occurs within areas of previously-undisturbed soil and would be required as a condition of project approval:

MM-CR-1 Pre-Excavation Agreement: Prior to the issuance of a Grading Permit, or ground disturbing activities, the Applicant/Owner shall enter into a Tribal Cultural Resources Treatment and Repatriation Agreement (Pre-Excavation Agreement) with a Traditionally and Culturally Affiliated Native American Tribe (TCA Tribe), identified in consultation with the City. The purpose of the Pre-Excavation Agreement shall be to formalize protocols and procedures between the Applicant/Owner and the TCA Tribe for the protection, treatment, and repatriation of Native American human remains, funerary objects, cultural and/or religious landscapes, ceremonial items, traditional gathering areas, and other tribal cultural resources. Such resources may be located within and/or discovered during ground disturbing and/or construction activities for the proposed project, including any additional culturally appropriate archaeological studies, excavations, geotechnical investigations, grading, preparation for wet and dry infrastructure, and other ground disturbing activities. Any project-specific Monitoring Plans and/or excavation plans prepared by the project archaeologist shall include the TCA Tribe requirements for protocols and protection of tribal cultural resources that were agreed to during the tribal consultation.

The landowner shall relinquish ownership of all non-burial related tribal cultural resources collected during construction monitoring and from any previous archaeological studies or excavations on the project site to the TCA Tribe for proper treatment and disposition per the Pre-Excavation Agreement, unless ordered to do otherwise by responsible agency or court of competent jurisdiction. The requirement and timing of such release of ownership, and the recipient thereof, shall be reflected

in the Pre-Excavation Agreement. If the TCA Tribe does not accept the return of the cultural resources, then the cultural resources will be subject to curation.

MM-CR-2

Construction Monitoring: Prior to the issuance of a Grading Permit or ground disturbing activities, the Applicant/Owner or Grading Contractor shall provide written documentation (either as signed letters, contracts, or emails) to the City's Planning Division stating that a Qualified Archaeologist and Traditionally and Culturally Affiliated Native American monitor (TCA Native American monitor) have been retained at the Applicant/Owner or Grading Contractor's expense to implement the construction monitoring program, as described in the Pre-Excavation Agreement.

The Qualified Archaeologist and TCA Native American monitor shall be invited to attend all applicable pre-construction meetings with the General Contractor and/or associated subcontractors to present the construction monitoring program. The Qualified Archaeologist and TCA Native American monitor shall be present on site during grubbing, grading, trenching, and/or other ground disturbing activities that occur in areas of native soil or other permeable natural surfaces that have the potential to unearth any evidence of potential archaeological resources or tribal cultural resources. In areas of artificial paving, the Qualified Archaeologist and TCA Native American monitor shall be present on site during grubbing, grading, trenching, and/or other ground disturbing activities that have the potential to disturb more than six inches below the original pre-project ground surface to identify any evidence of potential archaeological or tribal cultural resources. No monitoring of fill material, existing or imported, will be required if the General Contractor or developer can provide documentation to the satisfaction of the City that all fill materials being utilized at the site are either: 1) from existing commercial (previously permitted) sources of materials; or 2) are from private or other non-commercial sources that have been determined to be absent of tribal cultural resources by the Qualified Archaeologist and TCA Native American monitor.

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

Prior to the release of any grading bonds, or prior to the issuance of any project Certificate of Occupancy, an archaeological monitoring report, which describes the results, analysis, and conclusions of the construction monitoring shall be submitted by the Qualified Archaeologist, along with any TCA Native American monitor's notes and comments received by the Qualified Archaeologist, to the Planning Division Manager for approval. Once approved, a final copy of the archaeological monitoring report shall be retained in a confidential City project file and may be released, as a formal condition of Assembly Bill (AB) 52 consultation, to the San Luis Rey Band of Mission Indians, Rincon Band of Luiseño Indians, and Pechanga Band of Indians, or

any parties involved in the project specific monitoring or consultation process. A final copy of the report, with all confidential site records and appendices, will also be submitted to the South Coastal Information Center after approval by the City.

MM-CR-3

Unanticipated Discovery Procedures: Both the Qualified Archaeologist and the TCA Native American monitor may temporarily halt or divert ground disturbing activities if potential archaeological resources or tribal cultural resources are discovered during construction activities. Ground disturbing activities shall be temporarily directed away from the area of discovery for a reasonable amount of time to allow a determination of the resource's potential significance. Isolates and clearly non-significant archaeological resources (as determined by the Qualified Archaeologist, in consultation with the TCA Native American monitor) will be minimally documented in the field. All unearthened archaeological resources or tribal cultural resources will be collected, temporarily stored in a secure location (or as otherwise agreed upon by the Qualified Archaeologist and the TCA Tribe), and repatriated according to the terms of the Pre-Excavation Agreement, unless ordered to do otherwise by responsible agency or court of competent jurisdiction.

If a determination is made that the archaeological resources or tribal cultural resources are considered potentially significant by the Qualified Archaeologist, the TCA Tribe, and the TCA Native American monitor, then the City and the TCA Tribe shall determine, in consultation with the Applicant/Owner and the Qualified Archaeologist, the culturally appropriate treatment of those resources.

If the Qualified Archaeologist, the TCA Tribe, and the TCA Native American monitor 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 CEQA and California Public Resources Code Section 21083.2(b) with respect to archaeological resources and California Public Resources Section 21704 and 21084.3 with respect to tribal cultural resources, and shall take into account the religious beliefs, cultural beliefs, customs, and practices of the TCA Tribe.

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 avoidance of the resource is determined to be infeasible by the City as the Lead Agency, then the City shall require additional culturally appropriate mitigation to address the negative impact to the resource, such as, but not limited to, the funding of an ethnographic study and/or a data recovery plan, as determined by the City in consultation with the Qualified Archaeologist and the TCA Tribe. The TCA Tribe shall be notified and consulted regarding the determination and implementation of culturally appropriate mitigation and the drafting and finalization of any ethnographic study and/or data recovery plan, and/or other culturally appropriate mitigation. Any archaeological isolates or other cultural materials that cannot be avoided or preserved in place as the preferred mitigation shall be temporarily stored in a secure location on site (or as otherwise agreed upon by the Qualified Archaeologist and TCA Tribe), and repatriated according to the terms of the

Pre-Excavation Agreement, unless ordered to do otherwise by responsible agency or court of competent jurisdiction. The removal of any artifacts from the project site will be inventoried with oversight by the TCA Native American monitor.

If a data recovery plan is authorized as indicated above and the TCA Tribe does not object, then 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 for later reburial or storage at a local curation facility, as described in the Pre-Excavation Agreement.

In the event that curation of archaeological resources or tribal cultural resources is required by a superseding regulatory agency, curation shall be conducted by an approved local facility within San Diego County and the curation shall be guided by California State Historical Resources Commission's Guidelines for the Curation of Archaeological Collections. The City shall provide the Applicant/Owner final curation language and guidance on the project grading plans prior to issuance of the grading permit, if applicable, during project construction. The Applicant/Owner shall be responsible for all repatriation and curation costs and provide to the City written documentation from the TCA Tribe or the curation facility, whichever is most applicable, that the repatriation and/or curation have been completed.

MM-CR-4

Human Remains: As specified by California Health and Safety Code Section 7050.5, if human remains, or remains that are potentially human, are found on the project site during ground disturbing activities 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 by telephone. No further excavation or disturbance of the discovery or any nearby area reasonably suspected to overlie adjacent remains (as determined by the Qualified Archaeologist and/or the TCA Native American monitor) 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 (as determined by the Qualified Archaeologist and/or the TCA Native American monitor), and consultation and treatment could occur as prescribed by law. As further defined by State 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, and not under his or her jurisdiction, then he or she shall contact the Native American Heritage Commission by telephone within 24 hours. The Native American Heritage Commission will make a determination as to the Most Likely Descendent, who shall be afforded 48 hours from

the time access is granted to the discovery site to make recommendations regarding culturally appropriate treatment.

If suspected Native American remains are discovered, the remains shall be kept in situ (in place) until after the Medical Examiner makes its determination and notifications, and until after the Most Likely Descendent is identified, at which time the archaeological examination of the remains shall only occur on site in the presence of the Most Likely Descendent. The specific locations of Native American burials and reburials will be proprietary and not disclosed to the general public. According to California Health and Safety Code, six or more human burials at one location constitute a cemetery (Section 8100), and disturbance of Native American cemeteries is a felony (Section 7052). In the event that the Applicant/Owner and the Most Likely Descendant are in disagreement regarding the disposition of the remains, State law will apply, and the mediation process will occur with the NAHC. In the event that mediation is not successful, the landowner shall rebury the remains at a location free from future disturbance (see Public Resources Code Section 5097.98(e) and 5097.94(k)).

Tribal Consultation

Assembly Bill (AB) 52 requires 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 received a consultation request from the San Luis Rey Band on March 23, 2022. The City met with representatives of the San Luis Rey Band on April 7, 2022 and consultation with the San Luis Rey Band concluded on November 17, 2022. The City also received a consultation request from the Rincon Band on April 13, 2022 and the Pechanga Band on April 21, 2022. The City is currently consulting with the Rincon Band and Pechanga Band.

Although ASM did not identify any archaeological or Native American resources, there remains the potential to encounter unidentified resources during project grading activities in areas of previously-undisturbed soil. (**Impact CR-1**).

c) Would the project disturb any human remains, including those interred outside of formal cemeteries? Less Than Significant with Mitigation Incorporated

The cultural resource study prepared for the project did not indicate the likelihood of human remains on the site (ASM 2023). Additionally, 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-1 through MM-CR-4, 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-4 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.

4.6 Energy

Would the project:

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation?			X	
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?			X	

a) Would the project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction, or operation? Less than Significant Impact.

Construction activities for the project would include grading of the project site, building construction and application of architectural coatings to the proposed buildings, and paving of the proposed parking areas and drive aisles. The project would consume energy resources during construction in three general forms: 1) petroleum-based fuels used to power off-road construction vehicles and equipment on the site, construction worker travel to and from the project site, as well as delivery and haul truck trips (e.g. soils import); 2) electricity associated with the conveyance of water that would be used during project construction for dust control (supply and conveyance) and 3) electricity to power any necessary lighting during construction, electronic equipment, or other construction activities necessitating electrical power.

Operational energy use would include, but not limited to, heating/ventilating/air conditioning (HVAC), refrigeration, lighting, appliances, and electronics. Energy would also be consumed during operations related to water usage, solid waste disposal, landscape equipment and vehicle trips.

The project would comply with regulatory compliance measures outlined by the State and City related to air quality, greenhouse gas emissions, transportation/circulation, and water supply. Additionally, the project would be constructed in accordance with all applicable City Building and Fire Codes which require efficiency and energy conservation.

The project does not propose any excessive or unnecessary energy consumption beyond what would be typical of this type of development. Therefore, potential impacts associated with the wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation would be less than significant.

b) *Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency? Less than Significant Impact*

The project would comply with all Federal, State, and City requirements related to the consumption of electricity, including but not limited to, CCR Title 24, Part 6 *Building Energy Efficiency Standards* and CCR Title 24, Part 11: *California Green Building Standards*. The CCR Title 24, Part 6 and Part 11 standards require numerous energy efficiency measures to be incorporated into the proposed buildings, including enhanced insulation, use of energy efficient lighting and appliances as well as requiring a variety of other energy-efficiency measures to be incorporated into all of the proposed structures. Therefore, the project would be designed and built to minimize electricity use and that existing and planned electricity capacity and electricity supplies would be enough to support the project’s electricity demand and impacts related to electrical supply and infrastructure capacity would be less than significant.

The Conservation Element of the General Plan includes local policies related energy conservation. These are primarily related to the incorporation of energy efficient features in a project and the use of renewable energy. As previously stated, the project would comply with state energy efficiency standards. Due to the project design, the project is not able to accommodate renewable energy production on the project site. Rooftop space is limited due to necessary HVAC equipment and that all portions for the site would be built upon, either with buildings, drive aisles/parking or landscaping. Impact would be less than significant.

4.7 Geology and Soils

Would the project:

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: 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
b) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury,			X	

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
or death involving: Strong seismic ground shaking?				
c) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: Seismic-related ground failure, including liquefaction?			X	
d) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: Landslides?				X
e) Result in substantial soil erosion or the loss of topsoil?			X	
f) 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	
g) 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		
h) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				X
i) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		X		

A geotechnical and infiltration investigation was prepared for the project by GeoTek, Inc. (2021a). The complete report is included as **Appendix E** of this document. The purpose of this report was to evaluate the geotechnical engineering and geologic conditions at the project site.

- a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: 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 California Earthquake Hazard Zone Application, the City of San Marcos is not identified as a jurisdiction affected by Alquist-Priolo Earthquake Fault Zones (California Department of Conservation 2019).

According to the geotechnical engineering report (GeoTek 2021a) 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 fault to the project site is the Newport-Inglewood-Rose Canyon Fault Zone located approximately 14.4 miles west 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 issue area.

- b) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: Strong seismic ground shaking? Less Than Significant Impact**

The proposed project is located in seismically-active southern California. The type and magnitude of seismic hazards affecting the site are dependent on the distance to causative faults, the intensity, and the magnitude of the seismic event. Per the geotechnical engineering report (GeoTek 2021a), the nearest known active fault to the project site is the Newport-Inglewood-Rose Canyon Fault Zone located approximately 14.4 miles west of the project site. All structures on the site would be designed in accordance with seismic parameters of the latest 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.

- c) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: Seismic-related ground failure, including liquefaction? Less than Significant Impact**

The geotechnical investigation for the project (GeoTek 2021a) noted the site is not within an Alquist-Priolo Earthquake Fault Zone, that no active or potentially active faults are present at the project site so the site is not considered susceptible to surface rupture or seismic-related ground failure.

Liquefaction occurs when loose, saturated sands and silts are subjected to strong ground shaking. The strong ground shaking causes pore-water pressure to rise, soils lose shear strength and temporarily behave as a liquid; potentially resulting in large total and differential ground surface settlements as well as possible lateral spreading during an earthquake.

Based on the lack of shallow groundwater and presence of relatively shallow hard bedrock underlying the property, the potential for liquefaction to occur on the project site is considered low. Accordingly, the potential for liquefaction induced lateral spreading and seismic induced settlement is also considered to be low (GeoTek 2021a). Additionally, the City has identified the project site as having a Low Susceptibility

for geologic hazards related to soil slippage and susceptibility (landslides/liquefaction) per Figure 6-1 of the Safety Element of the General Plan. Impacts would be less than significant.

d) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: Landslides? No Impact

The project site is identified as having a low susceptibility for soil slip, surficial landslides, or debris flow per Figure 6-1 of the Safety Element of the City's General Plan. Additionally, per the geotechnical report prepared for the project (GeoTek 2021a) there was no evidence of landslides or slope instabilities observed during the geotechnical field work. No impact is identified for this issue area.

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

The project site slopes moderately downward to the south/ southeast. Elevation of the northwestern portion of the site is approximately 720 feet with approximately 25 feet of elevation differential across the site. Grading would be required to prepare the project site for development. The project would be under the State Water Resources Control Board (SWRCB) Construction General Permit, which prohibits sediment or pollutant release from the project site during construction 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.

f) 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. Based on the lack of shallow groundwater and relatively dense earth materials underlying the property, the potential for liquefaction to occur on the subject property is considered low. Accordingly, the potential for liquefaction induced lateral spreading and seismic induced settlement is also considered to be low (GeoTek 2021a). Additionally, the City has identified the project site as having a Low Susceptibility for geologic hazards related to soil slippage and susceptibility (landslides/liquefaction) per Figure 6-1 of the Safety Element of the General Plan. The project would not be located on a geologic unit or soil that is unstable, or that would become unstable, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse. Impacts would be less than significant.

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

Based upon the result of onsite borings conducted as part of the geotechnical investigation for the project (GeoTek 2021a), subsurface conditions on the project site area consist of topsoil/ colluvium, quaternary alluvium, and Mesozoic-aged metasedimentary and metavolcanic bedrock. The topsoil/colluvium encountered in the test borings generally consisted of clayey sand. This topsoil/colluvium appears to have been created in-part due to the past use of the property for agricultural purposes. Greater depths of

topsoil/colluvium may be present within unexplored areas of the site. Alluvium was encountered in all the borings beneath the topsoil/colluvium. Metasedimentary-metavolcanic bedrock was encountered at depth in all of the geotechnical borings. The bedrock is characterized to be generally massive, fine- to coarse-grained dark colored bedrock with variable degrees of weathering by depth. As encountered in the borings, the bedrock excavated as sand and silty sand.

Based on the laboratory test results, the near surface soils have a “low” expansion potential with an expansion index (EI) of 21-50 as determined by ASTM D4829. However, based on observations made during the field exploration, GeoTek believes that some of the near surface soils are likely to have a “medium” (EI = 51-90) or possibly higher expansion potential (GeoTek 2021a). Since the project site supports expansive soils, this represents a significant impact (Impact GEO-1) and mitigation is required. Implementation of mitigation measure MM-GEO-1, which would be required as a condition of project approval would reduce this impact to below a level of significance.

MM-GEO-1 The project applicant shall implement the geotechnical recommendations identified beginning on pages 8 through 22 of the preliminary geotechnical report prepared by GeoTek (2021a) for the project site. These recommendations address earthwork activities, design recommendations, retaining and garden wall design and construction, preliminary pavement design recommendations, and concrete construction.

h) Have soils incapable 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. No impact is identified for this issue area.

i) Directly or indirectly destroy a unique paleontological resource or site or unique geologic features? Less Than Significant Impact with Mitigation Incorporated

Regionally, the area is situated within the Peninsular Ranges Geomorphic Province of California. The Peninsular Ranges are essentially a series of ranges separated by northwest trending valleys, sub-parallel to faults branching from the San Andreas Fault system. Regional geologic maps of the site vicinity indicate the property is underlain by metasedimentary and metavolcanic bedrock.

The Mesozoic metasedimentary and metavolcanic bedrock (map unit Mzu) mapped by Kennedy and Tan (2007) are crystalline basement rocks of early Cretaceous age (approximately 125–145 million years old). According to Kennedy and Tan (2007), this unit consists of a “wide variety of unmetamorphosed and low- to high-metamorphic grade volcanic and sedimentary rocks.” The metavolcanic portions of this unit rarely preserve fossils due to the high temperatures associated with their formation. The metasedimentary portions have the potential to yield fossils, including siliceous microfossils (e.g., radiolarians) and marine macroinvertebrates (e.g., clams and belemnites), and are assigned a moderate paleontological sensitivity. The lack of nearby localities from these deposits indicates that fossil recovery is unlikely, so the geologic unit as a whole as exposed within the Project site is assigned a low paleontological sensitivity (SDNHM 2019). However, because the potential for fossils from metasedimentary rock exists, there is a potential that the site could contain paleontological resources that could be disturbed during grading activities for the project. This represents a potentially significant impact (**Impact GEO-2**) and mitigation is required.

Implementation of mitigation measure MM-GEO-2 would reduce this impact to below a level of significance.

MM-GEO-2 Prior to project grading the project applicant shall retain a qualified paleontologist to review the proposed project area to determine the potential for paleontological resources to be encountered. If there is a potential for paleontological resources to occur, the paleontologist shall identify the area(s) where these resources are expected to be present, and a qualified paleontological monitor shall be retained to monitor the initial cut in any areas that have the potential to contain paleontological resources.

4.8 Greenhouse Gas Emissions

Would the project:

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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	

The City adopted an updated Climate Action Plan (CAP) on December 8, 2020 (San Marcos 2020a). The CAP outlines strategies and measures that the City will undertake to achieve its proportional share of State greenhouse gas (GHG) emissions reduction targets.

The City’s CAP is a qualified GHG emissions reduction plan in accordance with State CEQA Guidelines Section 15183.5. Pursuant to CEQA Guidelines Sections 15064(h)(3), 15130(d), and 15183(b), a project’s incremental contribution to a cumulative GHG emissions effect may be determined not to be cumulatively considerable if it complies with the requirements of a CAP.

Per the City’s CAP, new discretionary projects subject to CEQA review that emit fewer than 500 metrics tons of carbon dioxide equivalent (MT/year of CO₂e) annually would not contribute considerably to cumulative climate change impacts. A CAP Consistency Review Checklist was completed for the project and is included in **Appendix F**.

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

The City of San Marcos has a CAP Checklist screening level suggesting that projects that emit fewer than 500 MT/year of CO₂e would have a less than significant GHG impact. Step 1, Checklist Items 1 on the CAP

Consistency Review Checklist identifies the sizes and types of projects that would emit fewer than 500 MT/year of CO₂e. One of the listed project types and sizes is Single Family Housing (36 dwelling units). The project is proposing a Tentative Map to allow for the construction of nine single-family residences. Therefore, it would fall within a project type and size that would emit fewer than 500 MT/year of CO₂e per year and the project’s GHG impacts would be less than significant and would not be subject to the measures of the CAP.

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 analysis above considered the GHG emissions of the proposed project in comparison to the City’s GHG screening thresholds that are identified in the recently published CAP, which was adopted in December 2020. Based on the CAP, a screening threshold of 500 MT CO₂e was used to determine significant cumulative GHG impacts as related to state and local GHG requirements. Since the project was found to be less than 500 MT CO₂e, a less than significant GHG impact would be expected and the project would not conflict with any applicable plans, policies or regulations adopted for the purpose of reducing GHG emissions.

4.9 Hazards and Hazardous Materials

Would the project:

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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 reasonably 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 Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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 or excessive noise for people residing or working in the project area?				X
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X	
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?				X

A Phase I and Limited Phase II Environmental Site Assessment (ESA) was prepared for the project by GeoTek, Inc. (2021b). The complete report is included as **Appendix G** of this document. The purpose of this report was to identify and evaluate actual and potential environmental conditions on the project site.

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 public 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 proposed site improvements and construction of the project. 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 project, 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 reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? Less Than Significant Impact

Historic Conditions

Based on a review of historical information, as detailed in the Phase 1 ESA for the project, the project site appears to have been vacant from at least 1939 to 1967. The site appears to have been utilized for agricultural purposes from at least 1967 to the present day. What appears to be the existing water well on the east-central portion of the site is first visible in the 1994 aerial photograph. There does not appear to be any significant changes to the site from 1994 to the present day. The surrounding areas appear to be primarily vacant and agricultural land from at least 1939 to 1970. Increased residential development in the surrounding areas is first visible in the 1979 aerial photograph. Residential tract developments are first visible to the south and west of the site in the 2002 aerial photograph. There are no significant changes to the surrounding areas from 2002 to the present day.

Historically, some agricultural sites have utilized pesticides that are currently considered a health risk and no longer used. This particular environmental concern was investigated by GeoTek (2021b) as part of their assessment. Near surface soil samples were collected from the site and were analyzed for organochlorine pesticides and arsenic (EPA Method 8081 and 6010B). The laboratory testing concluded that organochlorine pesticides were not detected above regional screening levels in the soil samples tested. Detectable concentrations of arsenic were identified in multiple samples tested. However, the EPA and the Department of Toxic Substance Control (DTSC) have acknowledged that naturally occurring arsenic in southern California typically exceeds the maximum with levels recorded up to 12 milligrams per kilogram body weight (mg/kg) in many areas. Therefore, GeoTek concluded that the arsenic detected is not the result of environmental contamination but is naturally occurring. Based on the laboratory testing and the findings in the Phase I ESA, the historical agricultural use on the site is not considered an environmental concern.

Database Results

The site does not appear on the environmental database report obtained for this assessment. One of the adjacent properties appears on the database report. There are three additional facilities listed on the database report within the various search distances specified by ASTM E 1527-13. These facilities are described in more detail below in Section 4.9 (d). Due to their status listings, distances and/or locations (hydro-geologically down-or cross-gradient), these facilities do not represent an environmental concern to the site.

Site Observations

GeoTek performed a site reconnaissance. The site was characterized as currently vacant land with portions being utilized for agriculture. The site is in an area largely characterized by residential development and some vacant land. Visual evidence of hazardous substances and/or wastes was not observed during the site reconnaissance. No visual indication of spills or leaks was observed. No pungent or acrid odors were observed emanating from the site. GeoTek did not observe evidence of underground or above-ground fuel storage tanks (such as vent pipes, fill pipes, regular-shaped depressions, etc.) on the site.

A water well was observed at the time of the reconnaissance on the east-central portion of the project site. As a direct pathway to the subsurface environment, this represents an environmental concern to the site. As part of the project, this well would be abandoned in accordance with the requirements of the County of San Diego Well Ordinance. Farm equipment and some minor debris were visible on site. This is considered to be de minimis, and not a recognized environmental condition.

In summary, there are no identified conditions on the project site that would create a scenario whereby the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials. Impacts would be less than significant.

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 site is not within one-quarter mile of an existing or proposed school. The closest school to the project site is Twin Oaks Elementary, located 0.4 mile northwest of the project site. No hazardous emissions impact to schools 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? No Impact

The project site is not identified on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. A review of the EnviroStor online database revealed no entries associated with the project site. Two entries were located in the project vicinity and are described as follows:

- Sycamore Drive and Olive Street East School, located at Sycamore Drive and Olive Street approximately 0.364 mile north-northwest of the site. The site type is listed as “school investigation” and the status is “no action required” as of April 28, 2009.
- San Marcos Unified School District, addressed as 203 East Olive Street and located 0.4 mile northwest of the site. The site type is listed as “school investigation” and the status is “no action required” as of July 24, 2011.

The California Underground Storage Tank (UST) lists are a compilation of petroleum storage tank sites that are registered with the state of California. The database review included the historic UST database and the SWEEPS UST database (collective called the UST lists). The project site does not appear on the UST lists. There is one adjacent facility listed on the SWEEPS UST database and is described as follows:

- Panorama Sales, located at 1655 Mulberry Drive, approximately 0.01 mile southeast of the site. The content listed is diesel fuel and the regulatory status is listed as removed as of August 5, 1989. Due to its regulatory status and the passage of time, this facility does not represent an environmental concern to the proposed project site.

Due to their status, distances, and locations hydro-geologically cross-gradient, these facilities do not represent an environmental concern to the site. No impact is identified for this issue area.

- 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 or excessive noise 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 7.9 miles southwest of the project site. While the proposed project is not within two miles of a public airport or public use airport, according to 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.

- f) 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 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.

- g) Expose people or structures, either directly or indirectly, 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 developed portion of the City and is not adjacent to any open space or wildland areas. The project site is identified as being in a non-Very High Fire Hazard Severity Zone per CalFire (2009). Per Figure 6-4 (Fire Hazard Severity Zones) of the Safety Element of the City's General Plan, the project site is identified as being in a high local fire hazard severity zone, but is not identified as being in a federal or state hazard zone. Development of the site would remove vegetation that could serve as fire fuel. The Fire Marshal has reviewed the project and standard City fire conditions have been applied to the project. Therefore, 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.

4.10 Hydrology and Water Quality

Would the project:

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?			X	
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there the project may impede substantial groundwater management of the basin?				X
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site?			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 or through the addition of impervious surfaces, in a manner which would substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?			X	
e) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			X	
f) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?			X	

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
g) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?			X	
h) Result in significant alteration of receiving water quality during or following construction?			X	
i) 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	
j) 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	
k) 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	
l) Have a potentially significant environmental impact on surface water quality, to either marine, fresh or wetland waters?			X	

A preliminary hydrology study was prepared for the project by Excel Engineering (2024) and is included in **Appendix H**. A Priority Development Project (PDP) Storm Water Quality Management Plan (SWQMP) was also prepared for the project by Excel Engineering (2022). The complete report is included as **Appendix I**.

Existing Site Conditions

The project site is currently undeveloped with historic agricultural use. The property drains primarily by overland flow to an existing storm drain system located at the south edge of the project site. The site is relatively level with a small 2:1 cut slope. Offsite storm water drains from the west to the east then bypasses from the north to the south of the project site and meets the onsite discharge at the southeast edge of the project site. There is an existing brow ditch located at the south edge of the project site that

conveys water from both offsite and onsite to the Point of Compliance (POC), which is located at the most southernly part of the project site.

Proposed Conditions

The proposed project would increase impervious areas on the project site from features including the houses, associated driveway aisles, landscape flatwork and the paved street at the east side of the project site, but would not generally alter the existing drainage patterns.

For stormwater treatment, the project proposes the construction of a biofiltration basin (BMP-A) and a proprietary modular wetland system unit (BMP-B).

Biofiltration basin BMP-A would be located at the south edge of the project site. This biofiltration basin is intended to collect stormwater from the project site and direct the flows through storm drains to the existing Point of Compliance (POC), which is located at the most southernly part of the project site. BMP-A would be owned and maintained by the HOA.

BMP-B would be a modular wetland system unit and would be located on the southeast corner of the project site and is intended to treat all the pollutants of concern from the fronting streets (Mulberry Drive and Cox Road.) A portion of the existing street and offsite flows as well as the flows from the street improvements would be treated by this flow through this biofiltration basin. BMP-B would be maintained by the City. The project requires hydromodification, so the biofiltration units accomplish both stormwater treatment and flow control mitigation in an integrated design.

a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality? Less than Significant Impact

The project site is located in the Twin Oaks hydrologic sub-area (904.53) of the San Marcos hydrologic area (904.5) of the Carlsbad watershed (904). San Marcos Creek (Upper) is identified on the State Water Resources Control Board (SWRCB) 303(d) impaired waters list for DDE, toxicity, benthic community effects, indicator bacteria, phosphorous, and selenium.

Construction of the project would involve ground-disturbing activities associated with grading and could result in sediment discharge in stormwater runoff. Additionally, construction activities would involve the use of oil, lubricants and other chemicals that could be discharged from leaks or accidental spills. These discharges would have the potential to impact water quality in receiving water bodies. The project would be required to implement a Storm Water Pollution Prevention Plan (SWPPP) during construction and grading activities in accordance with the State Construction General Permit.

Additionally, the applicant would be required to comply with the National Pollutant Discharge Elimination System (NPDES) permit for post-construction conditions. Regionally, this is achieved by preparing and implementing a Stormwater Quality Management Plan (SWQMP) (Appendix I) based on the standards set forth in the City's BMP Design Manual (San Marcos 2023). The SWQMP would require implementation of permanent water quality best management practices (BMPs) to ensure that water quality standards are met and that stormwater runoff from project site do not result in a degradation of water quality in receiving water bodies. The preliminary SWQMP prepared for this project indicates the project would meet the requirements of the BMP Design Manual. As such, the potential impacts would be less than significant.

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin? No Impact

The project would not use any groundwater. All water for the project would be provided by Vallecitos Water District. There is an existing water well in the east-central portion of the project site that would be abandoned as part of the project, pursuant to the County of San Diego Well Ordinance. Therefore, the project would not substantially deplete groundwater supplies nor 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.

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

The project has been designed to generally match the existing drainage pattern of the site. Under existing conditions, the property drains primarily by overland flow to an existing storm drain system located at the south edge of the project site. There is an existing brow ditch located at the south edge of the project site that conveys water from both offsite and onsite to the POC, which is located at the most southernly part of the project site. Under the developed condition, stormwater flows would continue to flow through storm drains to the existing POC. Implementation of the proposed project would increase impervious surfaces but would not substantially alter the existing drainage pattern of the site that would result in substantial erosion or siltation on- or off-site.

The project would implement construction BMPs in compliance with the Construction General Permit. These BMPs focus on areas such as good site management/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 BMPs would further reduce the potential for erosion and siltation to enter project area waterways. Impacts would be less than significant.

Additionally, the applicant would be required to comply with the National Pollutant Discharge Elimination System (NPDES) permit for post-construction addition of impervious surfaces. Regionally, this is achieved by preparing and implementing a Stormwater Quality Management Plan (SWQMP) based on the standards set forth in the City's BMP Design Manual (San Marcos 2023). The SWQMP would require implementation of permanent water quality best management practices (BMPs) to ensure that water quality standards are met and that stormwater runoff from project site do not result in a degradation of water quality in receiving water bodies. The project would construct two permanent biofiltration basin to address all additional impervious area created by the project. The preliminary SWQMP prepared for this project indicates the project would meet the requirements of the BMP Design Manual. As such, the potential impacts would be less than significant.

d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would 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

While the project would increase impervious surfaces, it would not alter the course of a stream or river. The project has been designed to accommodate 100-year storm floods and includes the use of two combined water quality and hydromodification bioretention facilities. The project runoff would exit the project site at the same location as the existing condition.

Table 6 summarizes the hydrologic effects in terms of calculated peak flows from the site under both existing and proposed conditions. As shown, the proposed project (with detention) would not increase the 100-year peak flows within the existing downstream storm drain system. Therefore, the project would not alter existing drainage patterns of the site area in a manner that would result in a substantial increase to the rate or amount of surface runoff in a manner which would result in flooding on- or off-site. Impacts would be less than significant.

Table 6. Summary of Hydrology Analysis

	Area (AC)	Q 100 (CFS)
Existing Conditions	20.871	25.929
Developed Condition with BMPs	20.871	25.352

Source: Excel Engineering 2024 (Appendix H).

Notes: 1. Q100 = Predicted peak runoff from a 100-year runoff event (in cubic feet second)
2. CFS = cubic feet per second

e) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? Less than Significant Impact

While the project would increase impervious surfaces, it would not alter the course of a stream or river. The project has been designed to accommodate 100-year storm floods and proposes a comprehensive stormwater management plan that includes the use of a biofiltration basin (BMP-A) and a modular wetland system unit (BMP-B). Construction of these features 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.

f) In flood hazards, tsunami or seiche zones, risk release of pollutants due to project inundation? No Impact

The project site is not located within a Tsunami Evacuation Area or FEMA Flood Zone; therefore, damage due to tsunamis and flooding is considered low. The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) Panel Number 06073C-0792G was reviewed to determine if the project site was located within an area designated as a Flood Hazard Zone (FEMA 2012). The property is within Zone X, which describes an area determined to be outside the 0.2 percent annual chance floodplain.

Seiches are periodic oscillations in large bodies of water such as lakes, harbors, bays, or reservoirs. The project site is not located immediately adjacent to any lakes or confined bodies of water; therefore, the potential for a seiche to affect the property is considered low. Therefore, no impacts are identified for this issue area.

g) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? Less than Significant Impact

The applicant would be required to comply with the National Pollutant Discharge Elimination System (NPDES) permit. Regionally, this is achieved by preparing and implementing a Stormwater Quality Management Plan (SWQMP) based on the standards set forth in the City's BMP Design Manual (San Marcos 2023). The SWQMP would require implementation of water quality best management practices (BMPs) to ensure that water quality standards are met and that stormwater runoff from construction areas do not result in a degradation of water quality in receiving water bodies. The preliminary SWQMP prepared for this project indicates the project would meet the requirements of the BMP Design Manual. Further the project is being designed to comply with the current Hydromodification Management Plan (HMP) Requirements which includes addressing flow-control. Additionally, the project would not use any groundwater or affect direct infiltration and saturation. Therefore, implementation of the proposed project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. As such, the potential impacts would be less than significant.

h) 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. 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. Additional measures identified in the SWPPP that would be implemented prior to the commencement of onsite work.

During project operation, the project includes a comprehensive water quality management approach, including installation of a biofiltration basin and a modular wetland system unit for water quality as well as hydromodification. In addition, the project would also implement a variety of site design, source control, Low Impact Development (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. To minimize these potential sources of pollution following construction, such measures could include, but are not limited to:

- Source Control BMPs
 - SC-1 Prevention of Illicit Discharges into the MS4
 - SC-2 Storm Drain Stenciling or Signage
 - SC-5 Protect trash storage areas from rainfall, run-on, runoff, and wind dispersal
- Site Design BMPs
 - SD-1 Maintain Natural Drainage Pathways and Hydrologic Features

- SD-2 Conserve Natural Areas, Soils, and Vegetation
- SD-3 Minimize Impervious Area
- SD-4 Minimize Soil Compaction
- SD-5 Runoff Collection
- SD-7 Landscaping with Native or Drought Tolerant Species

Therefore, the project would not result in significant alteration of receiving water quality during or following construction. Impacts would be less than significant.

i) 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 Twin Oaks hydrologic sub-area (904.53) of the San Marcos hydrologic area (904.5) of the Carlsbad watershed (904). San Marcos Creek (Upper) is identified on the State Water Resources Control Board (SWRCB) 303(d) impaired waters list for DDE, toxicity, benthic community effects, indicator bacteria, phosphorous, and selenium.

Anticipated pollutants to be generated by the project may include sediment, heavy metals, trash/debris, oil/grease, and pesticides. Per the Phase I Environmental Site Assessment (GeoTek 2021b), historically, some agricultural sites have utilized pesticides that are currently considered a health risk and no longer used. This particular environmental concern was investigated by GeoTek as part of their assessment. Near surface soil samples were collected from the site and were analyzed for organochlorine pesticides and arsenic. The laboratory testing concluded that organochlorine pesticides were not detected above regional screening levels in the soil samples tested. Detectable concentrations of arsenic were identified in multiple samples tested. However, the EPA and the DTSC have acknowledged that naturally occurring arsenic in southern California typically exceeds the maximum with levels recorded up to 12 mg/kg in many areas. Therefore, GeoTek concluded that the arsenic detected is not the result of environmental contamination but is naturally occurring.

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, including a biofiltration basin and modular wetland system unit. These would meet water quality goals and would meet the hydromodification requirements and peak flow attenuation.

With biofiltration, stormwater is directed to these areas then percolates through the system where it is treated by a number of physical, chemical, and biological processes. These processes are collectively called biofiltration. Biofiltration has a high efficiency for removal of sediments, nutrients, trash, metals, oil/grease, organics, and oxygen demanding substances and a medium efficiency for removal of bacteria. Therefore, the use of biofiltration would effectively treat stormwater runoff prior to discharge from the site and to receiving waters.

The biofiltration BMPs would be subject to regular inspection and maintenance. The property owner would be required, pursuant to the City's Municipal Code Section 4.14 and the City's BMP Design Manual to enter into a stormwater management and discharge control maintenance agreement for the

installation and maintenance of permanent BMPs prior to the issuance of construction permits. Since the project includes a comprehensive approach to the handling and treatment of onsite stormwater runoff and would achieve a medium or high 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.

j) 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

The project site is located in the Twin Oaks hydrologic sub-area (904.53) of the San Marcos hydrologic area (904.5) of the Carlsbad watershed (904). San Marcos Creek (Upper) is identified on the State Water Resources Control Board (SWRCB) 303(d) impaired waters list for DDE, toxicity, benthic community effects, indicator bacteria, phosphorous, and selenium. 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, including a bio-filtration basin and a modular wetland system unit. These would meet water quality goals and would meet the hydromodification requirements and peak flow attenuation.

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. Biofiltration has a high efficiency for removal of sediments, nutrients, trash, metals, oil/grease, organics, and oxygen demanding substances and a medium efficiency for removal of bacteria. Therefore, the use of biofiltration would effectively treat stormwater runoff prior to discharge from the site and to receiving waters. The biofiltration devices would be subject to regular inspection and maintenance. 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 onsite stormwater runoff and would achieve a medium or high 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.

k) 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

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 NCCP. The project site is currently undeveloped and has been highly disturbed from past agricultural use. The project site is located in a developed portion of the city; however, 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 BMPs 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.

l) 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 and there are no sensitive areas on the project site.

The project would implement BMPs during project construction to minimize potential impacts to surface water quality. The project also includes a comprehensive water quality approach, including a biofiltration basin and a modular wetland system unit. These would meet water quality goals and would meet the hydromodification requirements and peak flow attenuation. Incorporation of these measures would ensure that the project would not have a potentially significant impact on surface water quality to either marine, fresh, or wetland waters. Impacts would be less than significant.

4.11 Land Use and Planning

Would the project:

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community?				X
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating and environmental effect?			X	

The project is requesting approval of a Tentative Subdivision Map to create a 9-lot subdivision on a 10.06-acre site and to construct nine new single family detached homes.

a) Physically divide an established community? No Impact

The project site is currently vacant and was previously used for small-scale agriculture. Surrounding land uses include single-family residences. The project proposes construction of nine single family detached residential units on 10.06 acres, which is consistent with the Agricultural/Residential (AG) and Agricultural-1 (A-1) General Plan Land use and Zoning requirements. The project would not physically divide and established community and no impact is identified for this issue area.

b) Cause a significant environmental impact due to a conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating and environmental effect? Less than Significant Impact

The project site has a General Plan designation of Agricultural/Residential (AG) and a zoning designation of Agricultural-1 (A-1). The project is requesting approval of a Tentative Subdivision Map to create a 9-lot subdivision on a 10.06-acre site and to construct nine new single family detached homes. The proposed project is consistent with the General Plan and zoning designation. The project has been designed to meet required lot size, setback, and grading requirements. Future homes would be required to comply with the

development standards for the A-1 Zone (i.e., building setbacks, height, parking, etc.) prior to issuance of a building permit.

As discussed in Section 4.3, Air Quality, the project would be consistent with SANDAG population projections meaning it would also be consistent with the San Diego Air Basin’s air quality plans including the Regional Air Quality Strategy (RAQS) and/or State Implementation Plan (SIP). The project would also comply with all of San Diego Air Pollution Control District’s air quality requirements. As discussed in Section 4.4 Biological Resources, the project would be consistent with the Multiple Habitat Conservation Program (MHCP) and the draft San Marcos Subarea Plan. As discussed in Section 4.17 Transportation, since the project would generate below 1,000 trips per day, a local transportation analysis was not required for the project. The operation of the proposed project would not cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system. Therefore, implementation of the proposed project would not conflict with the City’s General Plan’s policies related to level of service. Therefore, the project would not cause a significant environmental impact due to a conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating and environmental effect. A less than significant impact is identified.

4.12 Mineral Resources

Would the project:

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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

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 vacant and located in a developed part of the City. There are no known mineral resources on the project site of value to the region or to residents of the state. Therefore, 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 vacant and located in a developed part of the City. 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.

4.13 Noise

Would the project:

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b) Generation of excessive groundborne vibration or groundborne noise levels?			X	
c) For a project located within the vicinity of a private airstrip or 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	

a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? Less Than Significant Impact

Construction Noise

Construction noise represents a short-term impact on the ambient noise levels. Noise generated by construction equipment includes haul trucks, water trucks, graders, dozers, loaders, and scrapers can reach relatively high levels. Grading activities typically represent one of the highest potential sources for noise impacts. The most effective method of controlling construction noise is through local control of construction hours and by limiting the hours of construction to normal weekday working hours.

Grading and earthwork activity would be required to prepare the site for development. Based upon information from the project applicant, the project requires 19,000 cy of cut and 19,000 cy of fill to balance on site. No demolition or rock crushing is proposed.

The project would be required to comply with Chapter 10.24 of the San Marcos Municipal Code, which prohibits loud, annoying, or unnecessary noises. Section 10.24.020 provides definitions for and examples of prohibited noise sources. Included in the list of prohibited noise sources are building construction activities that occur Monday through Friday before 7:00 AM and after 6:00 PM or on Saturdays before 8:00 AM or after 5:00 PM. The project would also be required to comply with the grading operation restrictions listed in Section 17.32.180 of the San Marcos Municipal Code. This section of the code addresses the time limits that apply to grading, extraction, and blasting between 7:00 AM and 4:30 PM Monday through Friday. Grading, extraction, or related earth moving is not allowed in the City on the weekends or holidays. The Municipal Code does not set noise limits on construction activities. Commonly, the City has utilized the County of San Diego's Noise Ordinance noise limit of 75 dBA for construction activities. These limits to construction hours are included as project design features listed in Table 1. Compliance with the San Marcos Municipal Code would ensure that temporary construction noise impacts would be less than significant.

Operational Noise

Transportation-Related Noise

The project site is surrounded by existing residential and public roads. The existing noise levels in the project area consisted primarily of traffic along Cox Road and Mulberry Drive. Typically, it requires a project to double (or add 100 percent) the traffic volumes to have a direct impact of 3 dBA CNEL or be a major contributor to the cumulative traffic volumes. The project proposes nine single family residential units and is estimated to only generate 90 daily trips. The existing average daily traffic (ADT) volumes on Mulberry Drive between La Cienega and Olive Street is 2,635 (San Marcos 2019). The project would add less than a 1 percent increase to the existing roadway volumes and no direct or cumulative transportation-related noise impacts are anticipated.

Project Operation

The City noise regulations and guidelines that apply to the project are found in Chapter 20.300 Site Planning and General Development Standards of the City Municipal Code. These regulations aim to prohibit unnecessary, excessive, and annoying noises from all sources, as certain noise levels are detrimental to the health and welfare of individuals. Property lines surrounding the project site are all single family residential therefore a 60 dBA Leq (hourly) noise standard during the daytime hours between 7 a.m. and 7 p.m. and a 50 dBA Leq standard during the evening hours of 7 p.m. and 10 p.m. are applicable.

Due to the small size and nature of the proposed project, along with compliance with applicable noise standards, the project is not anticipated to generate a substantial temporary or permanent increase in ambient noise levels.

Proposed Lift Station and Generator

A noise assessment was prepared for the proposed lift station and generator by LDN Consulting (LDN 2024). The complete analysis is included as **Appendix J**.

The lift station and generator would be located within an easement in proposed Lot 5. The lift station would be along the southern project boundary and the generator would be in the southeast corner of the project site (see Figure 5). The noise levels of the equipment associated with the lift station were modeled to the nearest existing residences to the south and east and to the nearest proposed residences to the north and west. The following equipment consist of the potential noise sources at the proposed sewer lift station:

- Pumps – The pumps will have 7.5 HP motors, but they are submerged and 19 feet below grade in a vault.
- Generator – The generator will be a 25-kilowatt (kW) unit fitting within a sound reducing enclosure.

It should be noted, the emergency generator would only be operational during the evening hours during an emergency. The standby generator would only be tested during daytime hours (7:00 a.m. to 10:00 p.m.).

Pumps

The pumps needed for the sewer pump/lift station operations would be submerged below ground in a wet well. Based on a similar underground pump station, the pumps would generate a noise level of 45 dBA at a distance of 15 feet from the access hatch (Harmony Grove Village – Pacific Noise Control, dated 7/24/06). At a minimum distance of 20 feet to the nearest residential property line to the west (future Lot 5), the pump noise levels would be reduced to below 35 dBA.

Generator

The lift station would include an emergency generator fitted in a sound reducing enclosure, which could generate unshielded noise levels that exceed the property line standards during normal maintenance and therefore shielding or mitigation may be required. The generator would be located in the southeast corner of the project site and would connect to the lift station via an electrical conduit. The 25 kW generator is needed to power the pumps if the main power supply is lost at the pump station. To assess the generator noise levels, tested outdoor sound levels were provided by the manufacturer/supplier. The noise ratings provided indicate the generator will produce noise levels of 60 dBA during weekly engine exercise and during normal operation when measured at a distance of 23 feet in all directions. The manufacturer specifications are provided in Attachment A of the noise study (Appendix J of this document). At a distance of 14 feet from the nearest property line to the north (future Lots 5 and 6), the generator noise levels would be increased from 60 dBA to approximately 64 dBA.

Cumulative Noise Levels

The noise levels for each of the sources were combined to determine the cumulative noise levels at the surrounding residential property lines. The modeling assumes the pumps and generator would operate at the same time. Although it is unlikely all the noise sources would be operating at the same time, this method is considered conservative in determining impact potential. As indicated above, distance alone would not be adequate to reduce noise levels from the emergency generator to below the City's nighttime threshold of 50 dBA.

Fresnel Barrier Reduction Calculations were used to determine the noise level reductions from barriers based on distance, source height, receiver elevation and the top of barrier. The calculations are provided in Attachment B of the noise study (Appendix J of this document) It was determined that a minimum 6-foot noise barrier would be required at the northern, western, and southern side of the generator to reduce noise levels below the City’s nighttime threshold of 50 dBA and this has been incorporated into the project design. The project will incorporate a 6-foot solid masonry wall with a solid access gate.

The cumulative noise levels for each of the property lines are detailed in Tables 7 through 10. Resultant noise contours are presented in **Figure 7**.

Table 7 shows the anticipated property line noise level for the northern property line, which would be associated with future Lot 6. Existing residences to the north of the project site would be shielded by the intervening development proposed as part of the project. As shown in Table 7, the resultant noise level for this location is 50 dBA.

Table 7. Property Line Noise Levels (Northern Property Line)

Source	Distance from Source to Measurement Location (Feet)	Measured Noise Level (dBA)	Distance to Nearest Property Line (Feet)	Noise Reduction due to Distance (dBA)	Noise Reduction from Barrier (dBA)	Resultant Noise Level @ Property Line (dBA)
Pumps	15	35	20	-2.5	0	33
Generator	23	60	14	+4	-14	50
Cumulative Noise Level @ Property Line (dBA)						50

Source: LDN, 2024.

Table 8 presents the expected property line noise level for the western property line, which would be associated with future Lot 5. Existing residences to the west of the project site would be shielded by the intervening development proposed as part of the project. As shown in Table 8, the resultant noise level for this location is 41 dBA. **Table 9** presents the expected property line noise level for the southern property line, which represents the nearest existing residence to the south of the project site. As shown in Table 9, the resultant noise level for this location is 42 dBA. **Table 10** presents the expected property line noise level for the eastern property line, which represents the nearest existing residence to the east of the project site.

Table 8. Property Line Noise Levels (Western Property Line)

Source	Distance from Source to Measurement Location (Feet)	Measured Noise Level (dBA)	Distance to Nearest Property Line (Feet)	Noise Reduction due to Distance (dBA)	Noise Reduction from Barrier (dBA)	Resultant Noise Level @ Property Line (dBA)
Pumps	15	35	16	-1	0	34
Generator	23	60	20	+1.2	-14	47
Cumulative Noise Level @ Property Line (dBA)						47

Source: LDN, 2024.

Figure 7. Noise Barrier and Contours

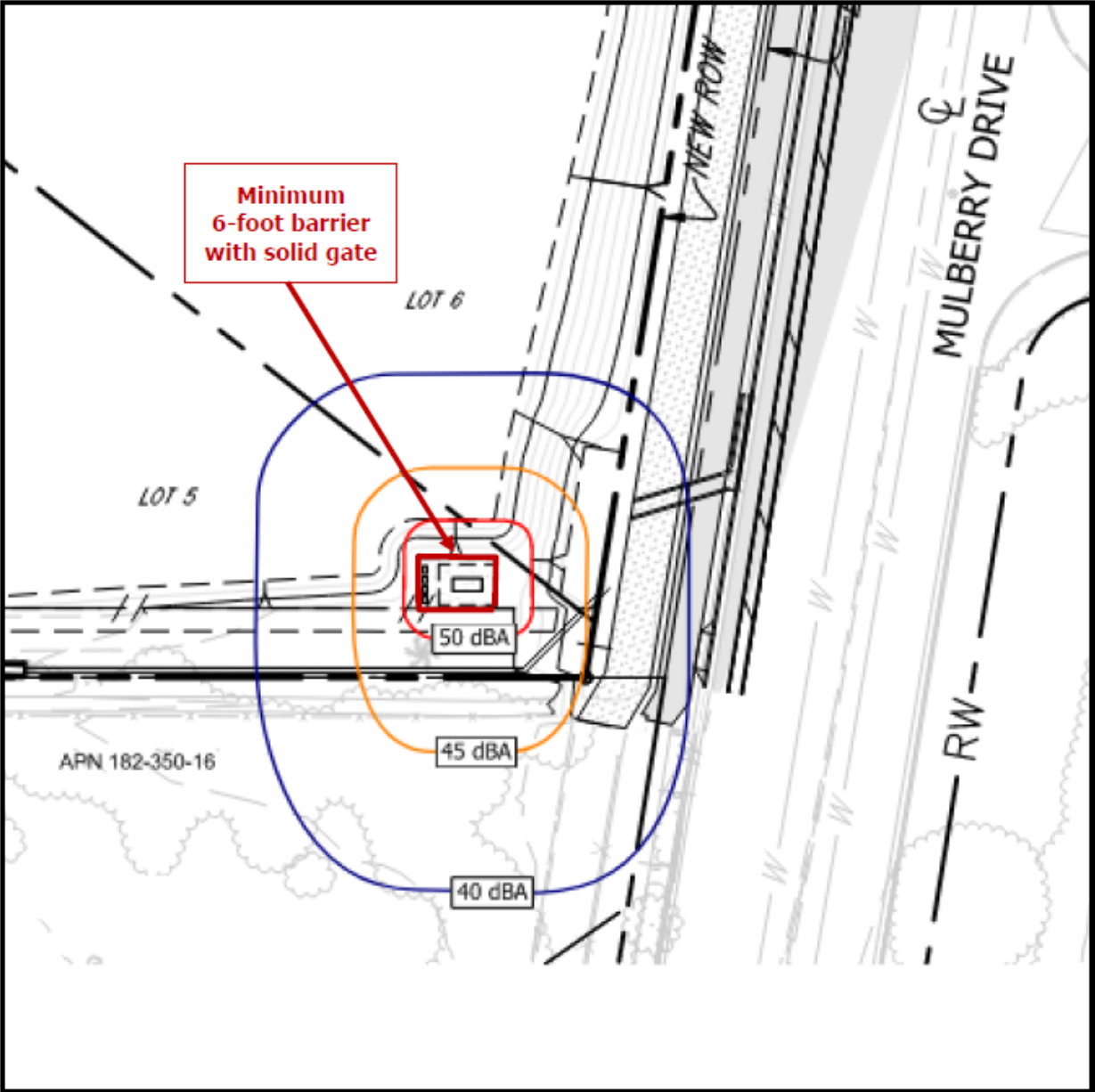


Table 9. Property Line Noise Levels (Southern Property Line)

Source	Distance from Source to Measurement Location (Feet)	Measured Noise Level (dBA)	Distance to Nearest Property Line (Feet)	Noise Reduction due to Distance (dBA)	Noise Reduction from Barrier (dBA)	Resultant Noise Level @ Property Line (dBA)
Pumps	15	35	42	-9	0	26
Generator	23	60	24	0	-11	49
Cumulative Noise Level @ Property Line (dBA)						49

Source: LDN, 2024.

Table 10. Property Line Noise Levels (Eastern Property Line)

Source	Distance from Source to Measurement Location (Feet)	Measured Noise Level (dBA)	Distance to Nearest Property Line (Feet)	Noise Reduction due to Distance (dBA)	Noise Reduction from Barrier (dBA)	Resultant Noise Level @ Property Line (dBA)
Pumps	15	35	350	-27	-	8
Generator	23	60	114	-14	-14	32
Cumulative Noise Level @ Property Line (dBA)						32

Source: LDN, 2024.

Figure 4 shows a 6-foot masonry wall to be constructed per the proposed wall and fence plan along all sides of the proposed generator. For the southern property line, the 6-foot masonry wall would provide -10 dBA noise reduction, which would result in the sound levels being below the City’s nighttime threshold of 50 dBA at each of the analyzed property lines. Based on the findings, the proposed lift station operations are anticipated to comply with the City’s noise requirements and impacts would be less than significant.

b) Generation of excessive groundborne vibration or groundborne noise levels? Less Than Significant Impact

The nearest vibration-sensitive uses are the residences located to the west and south of the project site, 50 feet or more from the proposed construction. Assuming receipt of all necessary approvals, construction is expected to start in early 2025. Complete buildout of the project is anticipated to be early 2026. Grading would balance on site meaning no export or import of fill material would be required. No blasting or rock crushing is anticipated. Therefore, construction activities are not likely to generate excessive levels of groundborne vibration or groundborne noise levels. Impacts would be less than significant.

c) For a project located within an airport land use plan within the vicinity of a private airstrip or 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 7.9 miles southwest of the project area. According to the Airport Land Use Compatibility

Plan (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 and requires 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. In summary, because the project site is located outside of the existing and future 60 dB CNEL noise contours of the airport, the project would not expose people residing or working in the project area to excessive noise levels. Impacts would be less than significant.

4.14 Population and Housing

Would the project:

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial unplanned 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 people or housing, necessitating the construction of replacement housing elsewhere?				X

a) Induce substantial unplanned 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)? No Impact

The project proposes nine single family homes. Based on the population rate of 3.1 persons per dwelling unit (SANDAG 2021), the proposed project would contribute to population growth to the area and would add an estimated 28 people to the area. The project site is surrounded by single family residential. The proposed project is consistent with the General Plan and zoning designations for the site so this minor population increase would have been considered in the City’s long-term planning and forecasting. All infrastructure improvements for the project have been sized only to serve the full buildout of the project and no upsizing of utilities or infrastructure is proposed. Therefore, the proposed project would not induce substantial population growth in the area directly or indirectly. No impact is identified for this issue area.

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

The project site is undeveloped and does not contain any existing residential units. Therefore, implementation of the project would not result in the need to construct replacement housing. The project proposes nine single family homes. No impact is identified for this issue area.

4.15 Public Services

Would the project:

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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	
c) Schools?			X	
d) Parks?			X	
e) Other public facilities?			X	

a) Fire protection? Less than Significant Impact

Fire protection services in the City are provided by the San Marcos Department (SMFD). SMFD is a full-service department responsive to the City and the San Marcos Fire Protection District, which covers an area of 33 square miles and a population of approximately 95,000 residents. SMFD has an ISO Rating 1 and provides the following services within its service area: fire suppression, rescue, emergency medical service, fire prevention services, vegetation management, public education, emergency preparedness and trauma support.

The closest fire station is San Marcos Fire Station #1, located approximately three miles south of the site at 180 W. Mission Road. The project includes construction of nine residences so would contribute to the incremental increase in demand for fire protection services City-wide however, the project would participate in CDF 2001-01 (Fire and Paramedic). Participation in the CFD would offset the cost of increases in necessary fire services resulting from implementation of the proposed project. The proposed project would not result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities to maintain fire services. Impacts are less than significant.

b) Police protection? Less than Significant Impact

The San Diego County Sheriff’s Department provide law enforcement services to the City. The closest station is the San Marcos Station located nearby at 182 Santar Place, located approximately 3.5 miles south of the project site.

The project would contribute to the incremental increase in demand for police protection services City-wide however, the project would participate in CFD 98-01, Improvement Area No. 1 (Police). Participation in the CFD would offset the cost of increases in necessary police services resulting from implementation of the proposed project. The proposed project would not result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities to maintain police services. Impacts would be less than significant.

c) Schools? Less than Significant Impact

The project site is located within the service boundary of the San Marcos Unified School District (SMUSD). Using the student generation rates for single family detached residential provided in the SMUSD’s 2021 School Facilities Needs Analysis (SFNA), the project would generate 8 students (**Table 11**).

Table 11. Student Generation

Level	Units Proposed	Generation Rate ⁽¹⁾	Students Generated
Elementary School	28	0.3537	4
Middle School	28	0.1266	2
High School	28	0.155	2
Total Students			8

Source: SMUSD School Facilities Needs Analysis (SMUSD 2021).

Note: (1) Generation rate is for single family detached homes from the SMUSD School Facilities Needs Analysis (SMUSD 2021).

The schools that would serve the project site include:

- Twin Oaks Elementary School at 1 Cassou Road;
- Woodland Park Middle School at 1270 Rock Springs Road; and
- Mission Hills High School at 1 Mission Hills Court

The project applicant would be required to pay applicable school fees pursuant to California Education Code Section 17620 et seq. and Governments Code Sections 65995(h) and 65996(b) in effect at the time of building permit issuance. Current Level II school fees at SMUSD are \$4.38 per square foot for residential uses. Payment of these fees would assist in funding SMUSD’s long-range plans. State Bill (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)). As such, with contribution of required development fees, impacts to schools would be less than significant.

The proposed project would not result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities to maintain fire services. Impacts are less than significant.

d) Parks? Less than Significant Impact

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 Walnut Grove Park, located 0.75 miles northwest of the project site at 1950 Sycamore Drive. Walnut Grove Park has a BBQ, restrooms, picnic tables, picnic shelter, turf play areas, play equipment, an unlighted multi-purpose field and an equestrian center. . The project proposes nine homes which would increase population by approximately 28 persons. The park acreage standard in the San Marcos General Plan calls for five acres of parkland for every 1,000 residents. The addition of 28 residents equates to a demand of approximately 0.14 acres of public park space.

The project applicant would be required to pay the City’s Public Facility Fees (PFF), which is required by all projects that increase the demand for park and recreation needs in the City. The PFF money would go towards the acquisition and development of local and community park facilities throughout the City, to offset the demand on public park space generated by the project, as described in Municipal Code Chapter 17.36 and 17.44. Payment of the PFF shall be made prior to City issuance of the first building permit for the proposed project. The PFF payment would ultimately contribute to development of new parks and recreational facilities and would offset the increase in demand of parks and recreational facilities generated by the proposed project, such that existing facilities would not substantially deteriorate. Impacts to existing neighborhood and regional parks would be less than significant.

e) Other public facilities? Less than Significant Impact

The analysis within Sections 4.15(a) through 4.15(d) concluded that the project would have a less than significant impact or reduce impacts to below a level of significance for 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.

4.16 Recreation

Would the project:

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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				X

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
recreational facilities, which might have an adverse physical effect on the environment?				

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 Impact

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 Walnut Grove Park, located 0.75 miles northwest of the project site at 1950 Sycamore Drive. Walnut Grove Park has a BBQ, restrooms, picnic tables, picnic shelter, turf play areas, play equipment, an unlighted multi-purpose field and an equestrian center. The project proposes nine homes which would increase population by approximately 28 persons. The San Marcos General Plan park acreage standard calls for five acres of parkland for every 1,000 residents. The addition of 28 residents equates to a demand of approximately 0.14 acres of public park space.

The project applicant would be required to pay the City’s PFF, which is required by all projects that increase the demand for park and recreation needs in the City. The PFF money would go towards the acquisition and development of local and community park facilities throughout the City, to offset the demand on public park space generated by the project, as described in Municipal Code Chapter 17.36 and 17.44. Payment of the PFF shall be made prior to City issuance of the first building permit for the proposed project. The PFF payment would ultimately contribute to development of new parks and recreational facilities and would offset the increase in demand of parks and recreational facilities generated by the proposed project, such that existing facilities would not substantially deteriorate. Impacts to existing neighborhood and regional parks would be less than significant.

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? No Impact

The project proposes a nine-lot subdivision. The project does not include recreational facilities. No construction or expansion of recreation facilities is required due to the project. No impact is identified for this issue area.

4.17 Transportation

Would the project:

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?			X	
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3 subdivision (b)?			X	
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
d) Result in inadequate emergency access?				X

a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities? Less than Significant Impact

Roadways

The project would generate a minor increase in traffic through the development of nine single family residential units on the project site. The project site is accessed from Cox Road, which runs from Sycamore Drive to Birchwood Drive through a residential area. Mulberry Drive borders the site to the east and runs from Olive Street to East Mission Road.

According to the City's *Transportation Impact Analysis Guidelines* (TIA Guidelines), a local transportation analysis is required for projects generating more than 1,000 daily vehicle trips or more than 100 peak hour vehicle trips (if consistent with the latest version of the City's General Plan) or generating at least 500 daily vehicle trips or at least 50 peak hour vehicle trips if inconsistent with the City's latest General Plan (San Marcos 2020b). As shown in **Table 12** the project would generate an increase of 90 ADT, including 7 trips in the AM peak hour and 9 trips in the PM peak hour. Since the project would generate below 1,000 trips per day, a local transportation analysis was not required for the project. The operation of the proposed project would not cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system, and impacts would be less than significant.

Table 12. 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			
Single Family Detached	10 trips/du			8%	0.30	:	0.70	10%	0.70	:	0.30
TRIP GENERATION CALCULATIONS											
Land Use	Amount		ADT	AM PEAK HOUR			PM PEAK HOUR				
				Total	In	Out	Total	In	Out		
Single Family Detached	9	DU	90	7	2	5	9	6	3		

Source: SANDAG 2002.

Note: DU = dwelling unit

Transit Facilities

Transit services in San Marcos are provided by the North County Transit District (NCTD) and includes the Breeze Bus and the SPRINTER light rail. NCTD Breeze Route 305 runs between Escondido Transit Center to Vista via Mission Rd and S. Santa Fe Ave. The closest bus stops to the project site are approximately two miles south of the site near the Mulberry Drive and E. Mission Road intersection. The San Marcos Civic Center is the closest SPRINTER stop and is located 2.6 miles south of the project site. The project would not result in any impact to or change in transit facilities. No impact is identified.

Bicycle and Pedestrian Facilities

The project site is located at the intersection of Cox Road and Mulberry Drive. There is an existing decomposed granite trail along the project frontage on Cox Road that would remain with development of the project site. There are no existing sidewalks or bike lanes along Cox Road. The General Plan does not identify future bicycle facilities along Cox Road.

There is an existing Class I bike lane along Mulberry Drive that stops at the southern border of the project site. The project frontage along Mulberry Drive is identified as having future Class I and II bike lanes. The San Marcos Active Transportation Plan calls for a Class II buffered bike lane along the project frontage on Mulberry Drive. The project will be required to stripe a bike lane along the eastern property frontage on Mulberry Drive. The project proposes both a DG trail and a paved trail along Mulberry Drive which would enhance pedestrian and bicycle mobility in the project vicinity. The project is also installing American with Disabilities Act (ADA) pedestrian ramps at each corner of the Mulberry Drive and Cox Road intersection to prepare for future sidewalk connectivity in the area. Therefore, the project would maintain existing bicycle and pedestrian facilities and provide additional facilities along Mulberry Drive and at the Mulberry Drive/Cox Road intersection. No impact is identified.

b) Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)? Less than Significant Impact

Vehicle Miles Traveled

Section 15064.3(b) of the CEQA Guidelines provide criteria for analyzing transportation impacts for land use projects and transportation projects. The City produced their TIA Guidelines to provide guidance on the requirements to evaluate transportation impact for projects in the City. These guidelines implement the requirements of SB 743 with respect to the City.

The TIA Guidelines include a process to determine if a detailed vehicle miles traveled (VMT) analysis is needed, including several screening approaches that can be used to identify when a project should be expected to cause a less than significant impact related to VMT.

A project that meets at least one of the screening criteria listed below would be considered to have a less-than-significant impact due to the project or location characteristics.

1. Small Projects (less than 110 daily vehicle trips)
2. Affordable Housing (100% deed restricted)
3. Local Serving Retail and Public Facilities (50,000 square feet gross floor area or less)
4. Adjacency to High-Quality Transit
5. Map-Based Screening (projects located in VMT efficient areas)

As identified in Table 8, the project would generate 90 daily vehicle trips so the project would meet criterion 1 for small projects. As such, the City has determined that a VMT analysis is not warranted for this project. Implementation of the project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3(b). A less than significant impact is identified.

c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? Less than Significant Impact

The project proposes to take access from Cox Road via one private gated driveway. Proposed Street A would have a total right of way (ROW) of 60 feet, consisting of two 20-foot ingress and egress lanes with 10 feet of ROW on either side. Street A ends in a cul-de-sac that expands the lanes to 100 feet to provide adequate space for emergency vehicle turnaround.

A sight distance analysis was prepared for the intersection of Cox Road and Mulberry Drive. In order to ensure adequate driver corner and sight distance, the project would be conditioned to widen Mulberry Road along the project frontage and to install a striping buffer and traffic calming measures along Mulberry Road. This would ensure that there is adequate sight distance at this intersection. The striping plan would be submitted as part of final engineering. With implementation of this project design feature, the project would not substantially increase hazards due to a geometric design feature or incompatible uses. A less than significant impact is identified.

d) Result in inadequate emergency access? No Impact

Access to the project site would be via a driveway on Cox Road. Interior drive aisles are a minimum of 20 feet wide and can accommodate emergency vehicles. The Fire Marshal reviewed the project and did not identify any emergency access issues with the project. No impact is identified for this issue area.

4.18 Tribal Cultural Resources

Would the project:

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>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:</p>				
<p>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)?</p>		X		
<p>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.</p>		X		

a) *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: 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*

AB 52 Coordination

Outreach to local tribes by the City, consistent with AB 52, was initiated as part of the preparation of this environmental document. The City received a consultation request from the San Luis Rey Band on March

23, 2022. The City met with representatives of the San Luis Rey Band on April 7, 2022. On November 17, 2022, via letter to the City, the San Luis Rey Band considered consultation complete. The City also received a consultation request from the Rincon Band on April 13, 2022 and the Pechanga Band on April 21, 2022. The City is currently consulting with the Rincon Band and Pechanga Band.

Potential for Resources

The intensive visual inspection of the accessible portions of the project site conducted by ASM provided scant evidence for the presence of cultural resources in those areas. No pre-historic or historic resources were observed.

The majority of the project site was covered with dense vegetation, which limited the ground surface visibility during the pedestrian survey. Therefore, it is possible that cultural materials are present on the ground surface within the project site that were not visible during the survey. To further ensure Native American archaeological resources are protected, implementation of MM-CR-1 through MM-CR-4 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) 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 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 the cultural resources study prepared for the project (ASM 2023) and 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 4.5, Cultural Resources, and as identified above, there remains the potential to encounter unidentified resources during project grading activities

The project has the potential to disturb unidentified archaeological resources during project grading (Impact CR-1). Mitigation measures MM-CR-1 through MM-CR-14, identified in the cultural resources analysis (Section 4.5. 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.

To further ensure Native American archaeological resources are protected, implementation of MM-CR-1 through MM-CR-4 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.

4.19 Utilities and Services Systems

Would the project:

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Require or result in relocation or the construction of new or expanded water, wastewater treatment facilities, or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?			X	
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?			X	
c) 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	
d) Generate solid waste in excess of State or local standards or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?			X	
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?			X	

a) Require or result in the construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction of which could cause significant environmental effects? Less Than Significant Impact

A Water and Sewer Study was prepared for the project by Vallecitos Water District (2022a). The complete report is included as Appendix K of this document. The project site is within the overall boundaries of the VWD. Currently, the project site is within VWD's water service boundary but not within VWD's sewer service boundary. In order to receive sewer service from VWD, the project applicant **would** be requesting a sewer annexation to bring the site into the sewer service boundary. This is an inter-District annexation that is done in-house at VWD and does not require detachment from any other agency, nor does it require approval from LAFCO. The project applicant **would** pay the required annexation fees.

Water

The project is located within the VWD boundaries for water service and is within the 1028 Pressure Zone. The project would connect to an existing VWD 8-inch water line within Cox Road. The 2018 VWD Master Plan assumed an Agricultural/Residential land use on the project site and a corresponding water demand of 8,048 gallons per day (gpd). Under the proposed project, the water demand would remain the same (**Table 13**).

Water modeling was conducted by VWD and focused on the infrastructure in the direct vicinity of the proposed project. The analysis concluded the project would not create any distribution system deficiencies under average day demand or maximum day plus fire flow demand conditions. No water infrastructure improvements would be required by VWD to serve the project (VWD 2022a). The project would pay Water Capital Facility Fees per VWD Ordinance No. 175. These fees would be used by VWD to help fund water infrastructure improvements that are assumed in the 2018 VWD Master Plan. In summary, water facility impacts would be less than significant.

Wastewater Facilities Analysis

The project site lies completely within VWD sewer shed 6C. The 2018 VWD Master Plan assumed an Agricultural/Residential use on the project site and a corresponding wastewater flow generation of 805 gpd. Under the proposed project, the anticipated wastewater flow generation would be 1,509 gpd, which represents an increase in generation of 704 gpd (**Table 14**). The project would pay Wastewater Capital Facility Fees per VWD Ordinance No. 176. These fees would be used by VWD to help fund wastewater infrastructure improvements that are assumed in the 2018 VWD Master Plan.

Table 13. Estimated Water Demand

Land Use Type	Area (acres)	Residential Units	Duty Factor (gpd/acre)	Water Demand (gpd)
2018 Master Plan Land Use Demand				
Agricultural/Residential (0.125 – 0.5 du/ac)	10.06		800	8,048
Total	10.06			8,048
Proposed Project Demand				
Residential (<1.0 du/ac)	10.06	9	800	8,048
Total	10.06			8,048
Change in Water Demand				0

Source: VWD 2022a.

Table 14. Estimated Wastewater Flows

Land Use Type	Area (acres)	Residential Units	Duty Factor (gpd/acre)	Wastewater Demand (gpd)
2018 Master Plan Land Use Demand				
Agricultural/Residential (0.125 – 0.5 du/ac)	10.06		80	805
Total	10.06			805
Proposed Project Demand				
Residential (<1.0 du/ac)	10.06	9	150	1,509
Total	10.06			1,509
Change in Water Demand				704

Source: VWD 2022a.

Wastewater Collection System Analysis – VWD’s analysis modeled sewer collection infrastructure in the direct vicinity of the project as well as all downstream infrastructure to Lift Station No. 1 on San Marcos Boulevard that could potentially be impacted by project sewer flows (VWD 2022a). In addition, the VWD study included proposed wastewater flows from the proposed Kiddie Academy project, which is located downstream from the proposed project on Twin Oaks Valley Road. The VWD analysis concluded there are deficiencies in the existing sewer facilities in Twin Oaks Valley Road under both existing conditions and peak wet weather flows during ultimate build-out condition with the project. VWD does not have capacity to serve new connections in the Twin Oaks Valley sewer basin unless project-specific conditions are implemented. VWD provided a Conditions of Approval Letter, which is included as **Appendix L** (VWD 2022b). The letter identified four different options:

- Option 1: Replacement of approximately 13,705 feet of sewer main in Twin Oaks Valley Road;
- Option 2: Install a septic system to serve the project. This would require a variance from the City and the San Diego County Department of Environmental Health;
- Option 3: Install a private detention tank onsite to allow for the collection and temporary storage of peak wet weather sewage effluent generated by the project. The stored effluent would be pumped to the VWD sewer system on Twin Oaks Valley Road during off-peak hours; or
- Option 4: Wait until VWD implements a Twin Oaks Sewer Sub-Area Master Plan.

After reviewing the options, the project applicant decided to implement Option 3. For sewer service, the project would construct a private (HOA-maintained) underground sewer lift station in the southeast corner of the project site. The lift station would include an underground reinforced fiberglass basin/wet well and storage tank sized for the nine residential units, plus nine potential future accessory dwelling units (ADUs) and an additional safety factor. Per VWD, this would require 9,000 gallons of storage. The storage has been designed to hold 9,300 gallons. The final size would be approved by VWD. At the bottom of the wet well would be two submersible pumps. The sewer pumps would be programmed to pump only between 10:00 PM and 4:00 AM. The pumps would move the wastewater to the public sewer system via

a private sewer force main along the southern border of the project site. The sewer force main would connect into the existing sewer lateral that runs within a VWD easement along the southern portion of the project site. Once VWD upsizes the sewer facilities in Twin Oaks Valley Road as part of a future capital improvement project, the project would no longer need to restrict the timing of the pumping. At that time, the pumps would be re-programmed to allow pumping at any time it is needed. These features would be constructed within the development footprint of the project. With implementation of the private sewer pump, lift station and private force main, VWD will be able to provide adequate sewer service to the project and impacts would be less than significant.

Stormwater Drainage

As discussed in the Section 4.10 Hydrology/Water Quality, stormwater management includes the construction of a biofiltration basin, (BMP-A) and a modular wetland system unit (BMP-B). Biofiltration basin BMP-A would be located at the south edge of the project site and would be owned and maintained by the project HOA. This biofiltration basin is intended to collect stormwater from the project site and direct the flows through storm drains to the existing Point of Compliance (POC), which is located at the most southerly part of the project site. BMP-B would be a modular wetland system unit to be located on the southeast corner of the project site and is intended to treat all the pollutants of concern from the fronting streets (Mulberry Drive and Cox Road.) A portion of the existing street and offsite flows as well as the flows from the street improvements would be treated by this flow through this biofiltration basin. The City would maintain BMP-B. The project requires hydromodification, so the biofiltration units accomplish both stormwater treatment and flow control mitigation in an integrated design. The project runoff would exit the project site at the same location as the existing condition and the proposed project (with detention) would not increase peak flows within the existing downstream storm drain system.

Although the project would include new stormwater infrastructure to support project facilities, proposed infrastructure occurs within the project footprint analyzed throughout this document. The project would not contribute a substantial amount of new stormwater runoff relative to existing conditions, and impacts are determined to be less than significant. Please refer to Section 4.10, Hydrology and Water Quality, for additional discussion related to drainage.

Electric Power and Natural Gas

Electricity and natural gas service would be provided by San Diego Gas & Electric (SDG&E). As part of the project, overhead utility lines along the project frontage on Mulberry Drive would be undergrounded. Internal infrastructure within the project to connect to SDG&E infrastructure has been analyzed as part of the project footprint. Thus, the project would not result in physical impacts associated with the construction of electric or natural gas infrastructure. Impacts would be less than significant.

Telecommunications Facilities

Communications systems for telephones, computers, and cable television are serviced by utility providers such as AT&T, Cox, Spectrum (formerly Time Warner), and other independent cable companies. However, no specific systems upgrades are proposed with this project, and the location and extent of future facilities is not known at this time. Internal infrastructure within the project to connect to the existing telecommunications network has been analyzed as part of the project footprint. Thus, the project would not result in physical impacts associated with the construction of communications systems. Impacts would be less than significant.

b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years? Less Than Significant Impact

Water would be provided by VWD. The project is located within the VWD boundary for water service and is within the 1028 Pressure Zone. The project would connect to an existing VWD 8-inch water line within Cox Road. The 2018 VWD Master Plan assumed an Agricultural/Residential land use on the project site and a corresponding water demand of 8,048 gallons per day (gpd). Under the proposed project, the water demand would remain the same (Table 9). Page 29 of the VWD study states that VWD currently has water capacity to serve the project (VWD 2022a). Therefore, sufficient water supplies would be available to serve the project from existing entitlements and resources and the project does not increase water demand beyond what was already assumed in VWD's 2018 Master Plan. VWD would have sufficient supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years. Impacts would be less than significant.

c) 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

As discussed in Section 4.19a, above, the VWD analysis found there are deficiencies in the existing sewer facilities in Twin Oaks Valley Road under both existing conditions and peak wet weather flows during ultimate build-out condition with the project (VWD 2022a). VWD does not have capacity to serve new connections in the Twin Oaks Valley Road sewer basin unless project-specific conditions are implemented. As discussed in Section 4.19a, above, the project would construct a private (HOA-maintained) underground sewer lift station. The lift station would include an underground reinforced fiberglass basin/wet well and storage tank sized for the nine residential units, plus nine potential future accessory dwelling units (ADUs) and an additional safety factor. Per VWD, this would require 9,000 gallons of storage. The storage has been designed to hold 9,300 gallons. The final size would be approved by VWD. At the bottom of the wet well would be two submersible pumps. The sewer pumps would be programmed to pump only between 10:00 PM and 4:00 AM. The pumps would move the wastewater to the public sewer system via a private sewer force main along the southern border of the project site. The sewer force main would connect into the existing sewer lateral that runs within a VWD easement along the southern portion of the project site. Once VWD upsizes the sewer facilities in Twin Oaks Valley Road as part of a future capital improvement project, the project would no longer need to restrict the timing of the pumping. At that time, the pumps would be re-programmed to allow pumping at any time it is needed.

This would allow VWD to serve the project for wastewater treatment, even with the existing deficiencies in the sewer facilities in Twin Oaks Valley Road. Impacts would be less than significant.

d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals? Less than Significant Impact

Construction of the proposed project would result in the generation of solid waste such as scrap lumber, concrete, residual wastes, packing materials, and plastics. The City works with EDCO to promote its construction and demolition material waste removal and recycling program (City of San Marcos 2012).

During project operation, the project would generate solid waste. 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. The Sycamore Sanitary Landfill has a daily permitted throughput of 5,000 tons/day of solid waste (CalRecycle 2019b) with an anticipated closure date of 2054 (County of San Diego 2018).

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 AB 939. The most recent data (2019) from CalRecycle identifies the annual per capita disposal rate for the City of San Marcos is 5.0 lbs/person/day (CalRecycle 2019c). Thus, the City is exceeding their current targets for diversion.

The most recent data from CalRecycle identifies the estimated solid waste generation rate is 12.23 lbs/household/day (CalRecycle 2019a). Using this disposal rate, nine homes could generate 110 lbs/day. 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 55 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.

The proposed project's solid waste generation during operation associated with nine single family detached houses can be accommodated at the landfill based upon the available daily permitted capacity. Impacts would be less than significant.

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

The proposed project would comply with all federal, state, and local statutes and regulations regarding solid waste. More specifically, the proposed project would comply with AB 341, which requires a 75 percent diversion rate by 2020. 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. As such, the project would comply with existing regulations related to solid waste disposal and would not violate federal, state, or local management and reduction statutes and regulations related to solid waste. Impacts would be less than significant.

4.20 Wildfire

If located in or near state responsibility areas or lands classified as very high fire hazard severity zone, would the project:

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?				X
b) Due to slope, prevailing wind, and other factors, exacerbate wildlife risk, and thereby expose project occupants to, pollutant concentrations from a wildlife or the uncontrolled spread of wildlife?				X
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in the temporary or ongoing impacts to the environment?				X
d) Expose people or structures to significant risk, including downslope or downstream flooding or landslide, as a result of runoff, post-fire slope instability, or drainage changes?				X

The four wildlife thresholds relate specifically to projects located in or near state responsibility areas or lands classified as very high fire severity zones. The project site is not located in or near a State Responsibility Area nor is it classified as being located in a very high fire severity zone (CalFire 2007). Per Figure 6-4 (Fire Hazard Severity Zones) of the Safety Element of the City’s General Plan, the project site is identified as being in a high local fire hazard severity zone, but is not identified as being in a federal or state hazard zone. Additionally, development of the site would remove vegetation that could serve as fire fuel and aid in wildlife spread. No wildfire impact is identified for the project.

4.21 Mandatory Findings of Significance

Does the project:

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a		X		

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially 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?				
b) 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	
c) Have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?		X		

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 has the potential to impact roosting habitat for the western yellow bat if Mexican fan palm trees are removed and bats are present during bat roosting season (March 1 through September 30). Implementation of mitigation measure MM-BIO-1 would reduce this potential impact to below a level of significance. The project also has the potential to impact active bird nests protected under the Migratory Bird Species Act (MBTA) and the California Fish and Game Code if vegetation is removed or ground disturbing activities occur during the nesting season (February 1 to August 31). Implementation of mitigation measure MM-BIO-2 would reduce this potential impact to below a level of significance. No other impacts to biological resources are identified for the project. The project would 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.

A cultural resources study was prepared for the project and did not identify any resources on the site. The project site has been heavily disturbed for past agricultural use. The City also conducted outreach to tribes consistent with the requirements of AB 52 and a summary of that consultation is discussed in the cultural resources and tribal cultural resources sections of this document. Mitigation measures MM-CR-1 through MM-CR-4 would be applicable to the project for any additional grading in previously-undisturbed areas.

Additionally, per mitigation measure MM-GEO-2, prior to project grading the project applicant shall retain a qualified paleontologist to review the proposed project area to determine the potential for paleontological resources to be encountered. If there is a potential for paleontological resources to occur, the paleontologist shall identify the area(s) where these resources are expected to be present, and a qualified paleontological monitor shall be retained to monitor the initial cut in any areas that have the potential to contain paleontological resources.

b) 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

Based upon the analysis in this document, no cumulative impacts were identified.

c) 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 4.1. Aesthetics, 4.3. Air Quality, 4.7. Geology and Soils, 4.9. Hazards and Hazardous Materials, 4.10. Hydrology and Water Quality, 4.13. Noise, 4.14. Population and Housing, 4.15. Public Services, and 4.17. Transportation. 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 through implementation of mitigation measures that would be required as a condition of project approval (MM-GEO-1). 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.

5.0 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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7.0 Mitigation Monitoring and Reporting Program

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 measurable 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 Water Mill Homes project provided an analysis of the environmental effects resulting from construction and operation of the project.

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 7-1. Additionally, the project will be required to adhere to the design features presented in Table 7-2.

Table 7-1. Mitigation Measures

Impact	Mitigation Measure	Action	Timing	Responsibility
<p>Impact BIO-1 The mature Mexican fan palm trees in the study area provide potential roosting habitat for the western yellow bat. The bat roosting season is typically March 1 to September 30. If bats are present, removal of these Mexican fan palm trees could disrupt maternity roosting, which would result in a significant impact (Impact BIO-1)</p>	<p>MM-BIO-1 Pre-Construction Bat Roost Survey To avoid disturbance of potential roosting habitat for the western yellow bat, activities related to vegetation removal, shall occur outside of the bat roosting season (March 1 through September 30). If vegetation removal must begin within the roosting season, no less than 30 days prior to vegetation removal, a qualified Bat Biologist shall conduct a pre-construction bat survey within the project site plus a 100-foot buffer as access allows to identify potential habitat that could provide daytime and/or nighttime roost sites, and any maternity roosts, within trees on the project site. The survey shall use acoustic technology and emergency counts to maximize detection of bats onsite. Night roosts are typically utilized from the approach of sunset until sunrise. Maternity colonies, composed of adult females and their young, typically occur from spring through fall. If a maternity roost is determined present, a 300-foot no work buffer shall be placed around the roost and no work shall occur within the buffer until after the roosting season is over. Work may proceed after a qualified biologist is able to verify that the roost is no longer active. If the survey is negative, vegetation clearing may commence. If vegetation clearing activities are scheduled outside of the roosting season (March 1 through September 30), a pre-construction bat roost survey will not be required.</p>	<p>Avoid construction during bat roosting season but if vegetation removal is proposed during the roosting season, conduct a pre-construction survey. If a maternity roost is present, implement buffer zone and avoidance measures. If bat survey is negative, no further mitigation is required.</p>	<p>For construction activities proposed for the period of March 1 through September 30, conduct survey within 30 days prior to vegetation removal activities.</p>	<p>Applicant/ Owner, Qualified Bat Biologist, Contractor</p>

Impact	Mitigation Measure	Action	Timing	Responsibility
<p>Impact BIO-2 The project has the potential to impact active bird nests protected under the MBTA and the CFGC if vegetation is removed or ground disturbing activities occur during the nesting season (February 1 to August 31).</p>	<p>MM-BIO-2 To avoid disturbance of nesting and special-status birds, including raptorial species protected by the MBTA and CFGC, activities related to the project, including, but not limited to, vegetation removal, ground disturbance, and construction and demolition, shall occur outside of the bird breeding season (February 1 through August 31). If construction must begin within the breeding season, then a pre-construction nesting bird survey shall be conducted no more than three (3) days prior to initiation of ground disturbance and vegetation removal activities. The nesting bird pre-construction survey shall be conducted within the project site, plus a 300-foot buffer (500-foot for raptors), on foot, and within inaccessible areas (i.e., private lands) afar using binoculars to the extent practical. The survey shall be conducted by a biologist familiar with the identification of avian species known to occur in southern California scrub communities. If nests are found, an avoidance buffer (which is dependent upon the species, the proposed work activity, and existing disturbances associated with land uses outside of the site) shall be determined and demarcated by the biologist with bright orange construction fencing, flagging, construction lathe, or other means to mark the boundary. All construction personnel shall be notified as to the existence of the buffer zone and to avoid entering the buffer zone during the nesting season. No ground disturbing activities shall occur within this buffer until the avian biologist has confirmed that breeding/nesting is completed, and the young have fledged the nest. Encroachment into the buffer shall occur only at the discretion of the qualified biologist.</p> <p>If active nests are not identified, vegetation clearing and ground disturbing activities may commence. If vegetation clearing and ground disturbing activities are scheduled outside of the nesting season (February 1 through August 31), a pre-construction nesting bird survey will not be required.</p>	<p>Avoid construction during breeding season but if construction is proposed during the breeding season, conduct a pre-construction survey. If nesting birds are present, implement buffer zone and avoidance measures.</p> <p>If nesting birds are not detected during the preconstruction survey, no further mitigation is required.</p>	<p>For construction activities proposed for the period of February 1 through August 31, conduct survey within three days prior to the start of ground disturbance and vegetation removal activities.</p>	<p>Applicant/ Owner, Project Biologist, Contractor</p>

Impact	Mitigation Measure	Action	Timing	Responsibility
<p>Impact CR-1 While no archaeological resources were identified on the project site, there is a potential to impact unidentified resources during ground disturbing activities in areas of previously-undisturbed soil.</p>	<p>MM-CR-1 Pre-Excavation Agreement. Prior to the issuance of a Grading Permit, or ground disturbing activities, the Applicant/Owner shall enter into a Tribal Cultural Resources Treatment and Repatriation Agreement (Pre-Excavation Agreement) with a Traditionally and Culturally Affiliated Native American Tribe (TCA Tribe), identified in consultation with the City. The purpose of the Pre-Excavation Agreement shall be to formalize protocols and procedures between the Applicant/Owner and the TCA Tribe for the protection, treatment, and repatriation of Native American human remains, funerary objects, cultural and/or religious landscapes, ceremonial items, traditional gathering areas, and other tribal cultural resources. Such resources may be located within and/or discovered during ground disturbing and/or construction activities for the proposed project, including any additional culturally appropriate archaeological studies, excavations, geotechnical investigations, grading, preparation for wet and dry infrastructure, and other ground disturbing activities. Any project-specific Monitoring Plans and/or excavation plans prepared by the project archaeologist shall include the TCA Tribe requirements for protocols and protection of tribal cultural resources that were agreed to during the tribal consultation. The landowner shall relinquish ownership of all non-burial related tribal cultural resources collected during construction monitoring and from any previous archaeological studies or excavations on the project site to the TCA Tribe for proper treatment and disposition per the Pre-Excavation Agreement, unless ordered to do otherwise by responsible agency or court of competent jurisdiction. The requirement and timing of such release of ownership, and the recipient thereof, shall be reflected in the Pre-Excavation Agreement. If the TCA Tribe does not accept the return of the cultural resources, then the cultural resources will be subject to curation.</p>	<p>Development of a Tribal Cultural Resources Treatment and Repatriation Agreement (Pre-Excavation Agreement) and relinquishment of all cultural resources.</p>	<p>The Pre-Excavation Agreement shall occur prior to issuance of a Grading Permit or any ground disturbing activities.</p> <p>The relinquishment of cultural resources shall occur before, during and after construction.</p>	<p>Applicant/Owner and TCA Tribe.</p>
	<p>MM-CR-2 Construction Monitoring. Prior to the issuance of a Grading Permit or ground disturbing activities, the Applicant/Owner or Grading Contractor shall provide</p>	<p>Letter to the City's Development Services</p>	<p>The written documentation shall be provided prior to</p>	<p>Applicant/Owner and Grading Contractor.</p>

Impact	Mitigation Measure	Action	Timing	Responsibility
	<p>written documentation (either as signed letters, contracts, or emails) to the City’s Planning Division stating that a Qualified Archaeologist and Traditionally and Culturally Affiliated Native American monitor (TCA Native American monitor) have been retained at the Applicant/Owner or Grading Contractor’s expense to implement the construction monitoring program, as described in the Pre-Excavation Agreement.</p> <p>The Qualified Archaeologist and TCA Native American monitor shall be invited to attend all applicable pre-construction meetings with the General Contractor and/or associated subcontractors to present the construction monitoring program. The Qualified Archaeologist and TCA Native American monitor shall be present on site during grubbing, grading, trenching, and/or other ground disturbing activities that occur in areas of native soil or other permeable natural surfaces that have the potential to unearth any evidence of potential archaeological resources or tribal cultural resources. In areas of artificial paving, the Qualified Archaeologist and TCA Native American monitor shall be present on site during grubbing, grading, trenching, and/or other ground disturbing activities that have the potential to disturb more than six inches below the original pre-project ground surface to identify any evidence of potential archaeological or tribal cultural resources. No monitoring of fill material, existing or imported, will be required if the General Contractor or developer can provide documentation to the satisfaction of the City that all fill materials being utilized at the site are either: 1) from existing commercial (previously permitted) sources of materials; or 2) are from private or other non-commercial sources that have been determined to be absent of tribal cultural resources by the Qualified Archaeologist and TCA Native American monitor.</p> <p>The Qualified Archaeologist and TCA Native American monitor shall maintain ongoing collaborative coordination with one another during all ground disturbing activities. The requirement for the construction monitoring program shall be noted on all applicable</p>	<p>Department stating a Qualified Archaeologist and TCA Native American monitor have been retained.</p> <p>Monitoring during grubbing, grading, trenching, and/or other ground disturbing activities that occur in areas of native soil or other permeable natural surfaces that have the potential to unearth any evidence of potential archaeological resources or tribal cultural resources.</p>	<p>issuance of a Grading Permit or any ground disturbing activities.</p> <p>Monitoring during grubbing, grading, trenching, and/or other ground disturbing activities that occur in areas of native soil or other permeable natural surfaces that have the potential to unearth any evidence of potential archaeological resources or tribal cultural resources.</p> <p>The monitoring report shall be provided prior to the release of any grading bonds, or prior to the issuance of any project Certificate of Occupancy.</p>	<p>Monitoring during grading includes the Qualified Archaeologist, TCA Native American Monitor and Contractor.</p>

Impact	Mitigation Measure	Action	Timing	Responsibility
	<p>construction documents, including demolition plans, grading plans, etc. The Applicant/Owner or Grading Contractor shall provide written notice to the Planning Division and the TCA Tribe, preferably through e-mail, of the start and end of all ground disturbing activities.</p> <p>Prior to the release of any grading bonds, or prior to the issuance of any project Certificate of Occupancy, an archaeological monitoring report, which describes the results, analysis, and conclusions of the construction monitoring shall be submitted by the Qualified Archaeologist, along with any TCA Native American monitor's notes and comments received by the Qualified Archaeologist, to the Planning Division Manager for approval. Once approved, a final copy of the archaeological monitoring report shall be retained in a confidential City project file and may be released, as a formal condition of Assembly Bill (AB) 52 consultation, to the San Luis Rey Band of Mission Indians, Rincon Band of Luiseño Indians, and Pechanga Band of Indians, or any parties involved in the project specific monitoring or consultation process. A final copy of the report, with all confidential site records and appendices, will also be submitted to the South Coastal Information Center after approval by the City.</p>			
	<p>MM-CR-3 Unanticipated Discovery Procedures. Both the Qualified Archaeologist and the TCA Native American monitor may temporarily halt or divert ground disturbing activities if potential archaeological resources or tribal cultural resources are discovered during construction activities. Ground disturbing activities shall be temporarily directed away from the area of discovery for a reasonable amount of time to allow a determination of the resource's potential significance. Isolates and clearly non-significant archaeological resources (as determined by the Qualified Archaeologist, in consultation with the TCA Native American monitor) will be minimally documented in the field. All unearthed archaeological resources or tribal cultural resources will be collected, temporarily stored in a secure location (or as</p>	<p>Halting of ground disturbing activities if cultural resources are discovered. Redirection of ground disturbing activities, if needed. Coordination regarding treatment and disposition of</p>	<p>During ground disturbing activities.</p>	<p>Qualified Archaeologist or the TCA Native American monitor and TCA Tribe.</p>

Impact	Mitigation Measure	Action	Timing	Responsibility
	<p>otherwise agreed upon by the Qualified Archaeologist and the TCA Tribe), and repatriated according to the terms of the Pre-Excavation Agreement, unless ordered to do otherwise by responsible agency or court of competent jurisdiction.</p> <p>If a determination is made that the archaeological resources or tribal cultural resources are considered potentially significant by the Qualified Archaeologist, the TCA Tribe, and the TCA Native American monitor, then the City and the TCA Tribe shall determine, in consultation with the Applicant/Owner and the Qualified Archaeologist, the culturally appropriate treatment of those resources.</p> <p>If the Qualified Archaeologist, the TCA Tribe, and the TCA Native American monitor 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 CEQA and California Public Resources Code Section 21083.2(b) with respect to archaeological resources and California Public Resources Section 21704 and 21084.3 with respect to tribal cultural resources, and shall take into account the religious beliefs, cultural beliefs, customs, and practices of the TCA Tribe.</p> <p>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 avoidance of the resource is determined to be infeasible by the City as the Lead Agency, then the City shall require additional culturally appropriate mitigation to address the negative impact to the resource, such as, but not limited to, the funding of an ethnographic study and/or a data recovery plan, as determined by the City in consultation with the Qualified Archaeologist and the TCA Tribe. The TCA Tribe shall be notified and consulted regarding the determination and implementation of culturally appropriate</p>	<p>cultural resources, if identified.</p>		

Impact	Mitigation Measure	Action	Timing	Responsibility
	<p>mitigation and the drafting and finalization of any ethnographic study and/or data recovery plan, and/or other culturally appropriate mitigation. Any archaeological isolates or other cultural materials that cannot be avoided or preserved in place as the preferred mitigation shall be temporarily stored in a secure location on site (or as otherwise agreed upon by the Qualified Archaeologist and TCA Tribe), and repatriated according to the terms of the Pre-Excavation Agreement, unless ordered to do otherwise by responsible agency or court of competent jurisdiction. The removal of any artifacts from the project site will be inventoried with oversight by the TCA Native American monitor.</p> <p>If a data recovery plan is authorized as indicated above and the TCA Tribe does not object, then 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 for later reburial or storage at local curation facility, as described in the Pre-Excavation Agreement.</p> <p>In the event that curation of archaeological resources or tribal cultural resources is required by a superseding regulatory agency, curation shall be conducted by an approved local facility within San Diego County and the curation shall be guided by California State Historical Resources Commission’s Guidelines for the Curation of Archaeological Collections. The City shall provide the Applicant/Owner final curation language and guidance on the project grading plans prior to issuance of the grading permit, if applicable, during project construction. The Applicant/Owner shall be responsible for all repatriation and curation costs and provide</p>			

Impact	Mitigation Measure	Action	Timing	Responsibility
	to the City written documentation from the TCA Tribe or the curation facility, whichever is most applicable, that the repatriation and/or curation have been completed.			
	<p>MM-CR-4 Human Remains. As specified by California Health and Safety Code Section 7050.5, if human remains, or remains that are potentially human, are found on the project site during ground disturbing activities 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 by telephone. No further excavation or disturbance of the discovery or any nearby area reasonably suspected to overlie adjacent remains (as determined by the Qualified Archaeologist and/or the TCA Native American monitor) shall occur until the Medical Examiner has made the necessary findings as to origin and disposition pursuant to Public Resources Code 5097.98.</p> <p>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 (as determined by the Qualified Archaeologist and/or the TCA Native American monitor), and consultation and treatment could occur as prescribed by law. As further defined by State 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, and not under his or her jurisdiction, then he or she shall contact the Native American Heritage Commission by telephone within 24 hours. The Native American Heritage Commission will make a determination as to the Most Likely Descendent, who shall be afforded 48 hours from the time access is granted to the discovery site to make recommendations regarding culturally appropriate treatment.</p> <p>If suspected Native American remains are discovered, the remains shall be kept in situ (in place) until after the Medical Examiner</p>	Halting of construction and contact NAHC.	At the time human remains are encountered.	Applicant, Contractor.

Impact	Mitigation Measure	Action	Timing	Responsibility
	<p>makes its determination and notifications, and until after the Most Likely Descendent is identified, at which time the archaeological examination of the remains shall only occur on site in the presence of the Most Likely Descendent. The specific locations of Native American burials and reburials will be proprietary and not disclosed to the general public. According to California Health and Safety Code, six or more human burials at one location constitute a cemetery (Section 8100), and disturbance of Native American cemeteries is a felony (Section 7052). In the event that the Applicant/Owner and the Most Likely Descendant are in disagreement regarding the disposition of the remains, State law will apply, and the mediation process will occur with the NAHC. In the event that mediation is not successful, the landowner shall rebury the remains at a location free from future disturbance (see Public Resources Code Section 5097.98(e) and 5097.94(k)).</p>			
<p>Impact GEO-1 The project site contains expansive soils.</p>	<p>MM-GEO-1 The project applicant shall implement the geotechnical recommendations identified beginning on pages 8 through 22 of the preliminary geotechnical report prepared by GeoTek (2021a) for the project site. These recommendations address earthwork activities, design recommendations, retaining and garden wall design and construction, preliminary pavement design recommendations, and concrete construction.</p>	<p>Implementation of recommendation in the project's geotechnical report.</p>	<p>During project construction.</p>	<p>Applicant/ Civil Engineer.</p>
<p>Impact GEO-2 Because the potential for fossils from metasedimentary rock exists, there is a potential that the project site could contain paleontological resources that could be disturbed during</p>	<p>MM-GEO-2 Prior to project grading the project applicant shall retain a qualified paleontologist to review the proposed project area to determine the potential for paleontological resources to be encountered. If there is a potential for paleontological resources to occur, the paleontologist shall identify the area(s) where these resources are expected to be present, and a qualified paleontological monitor shall be retained to monitor the initial cut in any areas that have the potential to contain paleontological resources.</p>	<p>Letter to the City's Development Services Department stating a Qualified Paleontologist has been retained and whether the potential for paleontological resources exists.</p>	<p>The written documentation shall be provided prior to issuance of a Grading Permit or any ground disturbing activities. Monitoring during initial cut in any areas that have potential to contain</p>	<p>Applicant/Owner, Grading Contractor, qualified paleontological monitor.</p>

Impact	Mitigation Measure	Action	Timing	Responsibility
grading activities for the project.		Monitoring during initial cut in any areas that have potential to contain paleontological resources.	paleontological resources.	