



NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION

The City of San Marcos intends to adopt ND 15-010. A Negative Declaration* has been prepared for this project and a printed copy is available for review at the City of San Marcos, Development Services Department, 1 Civic Center Drive, San Marcos, CA 92069-2949. Upon request, the document is available digitally on a CD for a nominal fee, or at: www.san-marcos.net.

CASE NO.: P15-0019: SP 15-003, MFSDP 15-002, ND 15-010

APPLICANT: SJ Asset Management

DESCRIPTION OF THE PROJECT: A request for review of a Specific Plan (SP) and Multi-Family Site Development Plan (MFSDP) to allow for the development of a 50-unit senior apartment complex on 1.88 acres of a 3.38-acre parcel. The remaining western portion of the site is located within the floodway and will not be developed. The development will include five (5) multi-family buildings, recreation building, pool, sixty-four (64) parking spaces (17 garage/36 carport/11 open), and landscaping

LOCATION: West side of Woodward Street, north of Borden Road. Assessor's Parcel Number: 218-120-31-00.

REVIEW PERIOD: 2/12/16 – 3/3/16

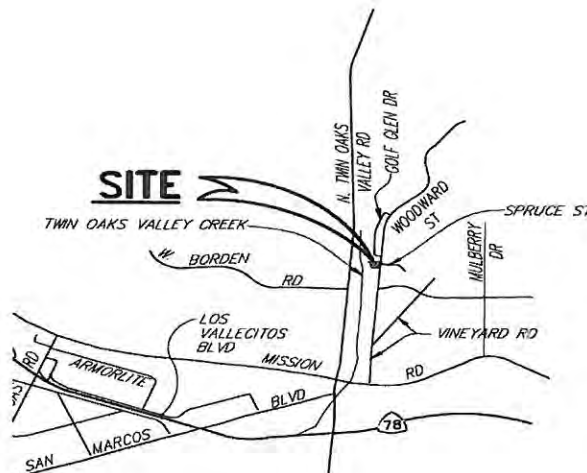
PUBLIC HEARING DATE: Planning Commission on Monday, April 4, 2016, 6:30 PM, in Council Chambers, 1 Civic Center Drive, San Marcos, CA 92069.

The purpose of this notice is to give interested persons an opportunity to be informed of the environmental determination prior to action by the City. If you have questions about this Notice, you may contact Norm Pedersen, Associate Planner, 760-744-1050, Extension 3236, or npedersen@san-marcos.net.

COUNTY CLERK: Please post until **March 3, 2016** per Section 21092.3 of the Public Resources Code.

*Negative Declaration means a written statement/analysis briefly describing the reasons why a proposed project will not have a significant effect on the environment.

VICINITY MAP:



AGENDA ITEM
2



CITY OF SAN MARCOS

Negative Declaration 15-010

DATE: February 12, 2016
APPLICANT: SJ Asset Management

- 1. PROJECT CASE NUMBER:** P15-0019, SP 15-003, MFSDP 15-002
- 2. LEAD AGENCY NAME AND ADDRESS:** 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 x3236.
- 4. PROJECT LOCATION:** West side of Woodward Street, north of Borden Road. Assessor's Parcel Number: 218-120-31-00.
- 5. PROJECT SPONSOR'S NAME AND ADDRESS:** Brian Merritt, SJ Asset Management, 7668 El Camino Real 104-280, Carlsbad, CA 92009.
- 6. GENERAL PLAN DESIGNATION:** Specific Plan Area (SPA).
- 7. ZONING:** Specific Plan Area (SPA).
- 8. DESCRIPTION OF PROJECT:** A request for review of a Specific Plan (SP) and Multi-Family Site Development Plan (MFSDP) to allow for the development of a 50-unit senior apartment complex on 1.88 acres of a 3.38-acre parcel. The remaining western portion of the site is located within the floodway and will not be developed. The development will include five (5) multi-family buildings, recreation building, pool, sixty-four (64) parking spaces (17 garage/36 carport/11 open), and landscaping.
- 9. SURROUNDING LAND USES AND SETTING:** The existing site consists of a relatively-level vacant lot with a tributary of San Marcos Creek crossing the western half of the property. The site is zoned Specific Plan Area (SPA), and designated per the General Plan as Specific Plan Area (SPA) for senior housing with a density range of 12 to 15 dwelling units per acre. Properties to the north have been developed with single-family residences and open space as part of the Twin Oaks Valley Ranch Specific Plan. Property to the east, across Woodward Street, is developed with multi-family residential and designated for 8 to 12 dwelling units per acre. The adjacent property to the south is also designated as Specific Plan Area (SPA) for senior housing; however, it has been established as open space for wetland mitigation and will not be developed. The property to the west, across the creek, is currently vacant and designated for Commercial per the General Plan.
- 10. OTHER PUBLIC AGENCIES WHOSE APPROVAL IS REQUIRED (e.g. PERMITS, FINANCING APPROVAL OR PARTICIPATION AGREEMENT):** Vallecitos Water District (VWD) for water and sewer utilities.
- 11. MITIGATION MEASURES:**
 - Front elevations (facing Woodward Street) of the proposed multi-family buildings shall have enhanced architectural features, and the south side elevation of Building 5 (facing the adjacent open space lot) shall also be enhanced. The proposed multi-family buildings shall be architectural compatible with each

other and the surrounding neighborhood.

- All retaining walls shall be constructed of earth tone colored keystone, split-face, or similar textured block. The applicant shall submit a material sample to the Planning Division for review and approval prior to issuance of grading permit.
- Street lights shall be shielded to direct light downward and reduce glare.
- The project shall implement a fugitive dust emissions control plan during construction. This plan shall include the watering of the site for dust control; isolating excavated soil until removed from the site; and periodic cleaning of streets to remove accumulated materials.
- The project shall comply with Regional Air Quality Standards.
- To mitigate for potential indirect impacts to sensitive vegetation communities during construction, temporary orange construction fencing shall be placed along the edge of the riparian corridor adjacent to the construction area. Staging areas, including lay down areas, equipment storage and other construction-related activities shall be located outside of the riparian area in order to avoid impacting sensitive areas. All employees shall be instructed that their activities, vehicles, equipment, and construction materials and debris are restricted to the proposed footprint, designated staging areas, and routes of travel.
- Construction monitoring by a qualified biological monitor shall occur during the grading activities to prevent indirect impacts to the sensitive biology within the riparian area. The biological monitor shall work with the contractor to implement specific mitigation measures while working adjacent to the riparian corridor. Installation of orange construction fencing adjacent to the riparian area shall be conducted under supervision of the biological monitor.
- Prior construction activities during the avian breeding season (February 1 to September 15), a qualified biologist shall conduct pre-construction surveys in the riparian habitat for Least Bell's Vireo, nesting raptors, and migratory birds. The survey shall be conducted not more than three (3) days prior to the beginning of grading activities or other disturbance of the site. The USFWS, CDFW, and the City of San Marcos Planning Division shall be notified in writing if any of these species are observed nesting on the property. No activities which would result in noise levels exceeding 60 dBA hourly Leq (excluding ambient noise) within the subject property shall be allowed. If grading and construction exceeding this noise threshold are not completed prior to the breeding season and any of these species are present, then noise barriers shall be erected to reduce noise impacts to occupied habitat to below 60 dBA hourly Leq or the activities shall be suspended.
- During construction, silt fencing or other sediment trapping devices shall be installed and maintained in order to prevent run-off from entering the riparian area without being treated.
- Permanent Best Management Practices (BMPs) shall be incorporated into the project design and maintained by the property owner/operator in perpetuity.
- Existing non-native plant species, including Mexican fan palm (*Washingtonia robusta*) and pampas grass (*Cortaderia selloana*), shall be eliminated from all areas of the property to be maintained in open space (riparian habitat and buffer zone). If identified, additional significant noxious plant species currently growing within the riparian corridor shall be flagged by a qualified biologist and carefully removed so that seeds are not dispersed (if such removal can practically be achieved).
- The property owner/operator shall maintain the riparian area in a generally weed-free, healthy condition, eliminating invasive plants, in perpetuity.
- Landscaping for the proposed project shall avoid the use of invasive plant species. Invasive plants shall be those identified on Lists A and B of the California Exotic Plant Council's List of Exotic Plants of Greatest Ecological Concern in California, as of October 1999, and updated if applicable.
- Fencing and signage shall be required to be installed between the riparian habitat to the west and the wetland mitigation site to the south to prevent public access and minimize domestic pet access to these areas from the proposed development.
- Exterior lighting shall use cut-off fixtures and shielded to direct the illumination downward away from the riparian habitat and buffer zone.

- The applicant/developer shall preserve the on-site riparian habitat and associated buffer zone within an open space easement.
- Prior to issuance of grading permit, the applicant shall enter into a pre-excavation agreement with a Luiseno tribe to provide for the following:
 - An archeological monitor and a Luiseño Native American monitor shall be present during all earth moving and grading activities to assure that any potential cultural resources, including tribal, found during project grading be protected.
 - Prior to beginning project construction, the Project Applicant shall retain a San Diego County qualified archaeological monitor to monitor all ground-disturbing activities in an effort to identify any unknown archaeological resources. Any newly discovered cultural resource deposits shall be subject to cultural resources evaluation, which shall include archaeological documentation, analysis and report generation.
 - At least thirty (30) days prior to beginning project construction, the Project Applicant shall enter into a Cultural Resource Treatment and Monitoring Agreement (also known as a pre-excavation agreement) with a Luiseño Tribe. The Agreement shall address the treatment of known cultural resources, the designation, responsibilities, and participation of professional Native American Tribal monitors during grading, excavation and ground disturbing activities; project grading and development scheduling; terms of compensation for the monitors; and treatment and final disposition of any cultural resources, sacred sites, and human remains discovered on site.
 - Prior to beginning project construction, the Project Archaeologist shall file a pre-grading report with the City to document the proposed methodology for grading activity observation, which will be determined in consultation with the contracted Luiseño Tribe. Said methodology shall include the requirement for a qualified archaeological monitor to be present and to have the authority to stop and redirect grading activities. In accordance with the required Agreement, the archaeological monitor's authority to stop and redirect grading will be exercised in consultation the Luiseño Native American monitor in order to evaluate the significance of any archaeological resources discovered on the property. Tribal and archaeological monitors shall be allowed to monitor all grading, excavation, and groundbreaking activities, and shall also have the authority to stop and redirect grading activities.
 - The pre-construction meeting with the developer, contractor, and City staff shall include the Project Archaeologist and Tribal Monitor in discussion of the proposed earth disturbing activities for the project site, including excavation schedules and safety protocol, as well as consultation with the Project Archaeologist regarding proposed archaeological techniques and strategies for the project.
 - In the event the project requires the import of fill onto the site, said material shall be clean of cultural resources and documented as such.
 - The landowner shall relinquish ownership of all cultural resources collected during the grading monitoring program and from any previous archaeological studies or excavations on the project site to the appropriate Tribe for proper treatment and disposition per the Cultural Resources Treatment and Monitoring Agreement. All cultural materials that are deemed by the Tribe to be associated with burial and/or funerary goods will be repatriated to the Most Likely Descendant as determined by the Native American Heritage Commission per California Public Resources Code Section 5097.98. In the event that curation of cultural resources is required, curation shall be conducted by an approved facility and the curation shall be guided by California State Historic Resource Commissions Guidelines for the Curation of Archaeological Collections. The City of San Marcos shall provide the developer final curation language and guidance on the project grading plans prior to issuance of the grading permit, if applicable, during project construction.
 - All sacred sites, should they be encountered within the project area, shall be avoided and preserved as the preferred mitigation, if feasible.
 - If human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the San Diego County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b) remains shall

be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. Suspected Native American remains shall be examined in the field and kept in a secure location at the site if the San Diego County Coroner determines the remains to be Native American, the Native American Heritage Commission (NAHC) must be contacted within twenty-four (24) hours. The NAHC must then immediately notify the "most likely descendant(s)" of receiving notification of the discovery. The most likely descendants(s) shall then make recommendations within forty-eight (48) hours, and engage in consultation concerning treatment of remains as provided in Public Resources Code 5097.98.

- If inadvertent discoveries of subsurface archaeological/cultural resources are discovered during grading, the Developer, the Project Archaeologist, and the Luiseño Tribe under the required Agreement with the landowner shall assess the significance of such resources and shall meet and confer regarding the mitigation for such resources. Pursuant to California Public Resources Code Section 21083.2(b) avoidance is the preferred method of preservation for archaeological resources. If the Developer, the Project Archaeologist and the Tribe cannot agree on the significance of mitigation for such resources, these issues will be presented to the Planning Director for decision. The Planning Director shall make a determination based upon the provisions of the California Environmental Quality Act with respect to archaeological resources and shall take into account the religious beliefs, customs, and practices of the Tribe. Notwithstanding any other rights available under law, the decision of the Planning Director shall be appealable to the Planning Commission and/or City Council.
- An updated report for the 2015 geotechnical investigation shall be submitted to the City Engineer for review and approval, addressing any changes of on-site conditions and said report shall include recommendations for cut and fill slopes and compaction.
- All recommendations and conclusions of the prepared geologic and soils study shall be incorporated into the project design and grading plan. Said report shall be approved by the City's Engineering and Building Divisions.
- A comprehensive grading plan shall be submitted and approved by the City Engineer and Planning Division Manager prior to the issuance of a grading permit.
- All slopes shall be designed and graded in accordance with the City's Grading Ordinance, particularly with respect to terraces, drainage, access, erosion control and setbacks. A comprehensive grading plan shall be submitted and approved by the City Engineer and Planning Division Manager prior to the issuance of a building permit.
- The City of San Marcos is located in Seismic Design Category "D". Buildings and structures shall be designed to adequately transmit the dynamic lateral forces in accordance with the requirements of the latest adopted California Building Code.
- An automatic fire extinguishing system is required in accordance with the latest adopted California Building Code and San Marcos Fire Code Ordinance (SMMC Chapter 17.64). Fire suppression systems shall conform to the National Fire Protection Association standards.
- Non-native and invasive plants species shall be removed from the adjacent riparian habitat for fuel modifications purposes.
- Plant material shall be fire and drought tolerant and acceptable for defensible space in fire prone areas.
- Building construction shall comply with the City's Urban-Wildland Interface Area standards.
- The applicant shall disclose to future owners/tenants of the proposed project that the property is located within the Airport Influence Area of McClellan-Palomar Airport, and may be subject to some of the annoyances or inconveniences, if any, associated with proximity to airport operations (i.e.: noise, vibration, or odors).
- Erosion control and/or sediment control details shall be submitted with/on the grading plans to the City's Engineering Division for review and approval. The details shall conform to the City's standards, codes and ordinances. The details shall include landscaping and temporary irrigation systems on exposed slopes to be approved by the City's Engineering and Planning Divisions. Plant material and irrigation

design shall comply with the City's landscape Water Efficiency Ordinance, Section 20.82 of the San Marcos Municipal Code.

- A hydrology report (calculations) shall be prepared for the proposed project. Storm drains and drainage structures shall be sized according to the approved hydrology report. All surface runoff originating within the project and all surface waters that may flow onto the project from adjacent properties shall be accommodated by the drainage system. The report shall also determine the build-out runoff into existing off-site natural drainage swales and storm drain systems, and shall address any need for off-site improvement requirements. Blocking, concentrating, lowering or diverting of natural drainage from or onto adjacent property shall not be allowed without written approval of the affected property owner. This report shall be subject to approval of the City Engineer.
- The applicant/developer shall obtain coverage under the State Water Resources Control Board's General Permit to Discharge Storm Water Associated with Construction Activity. Coverage includes the preparation, certification and implementation of a Storm Water Pollution Prevention Plan (SWPPP). Implementation of the SWPPP is required during all phases of construction. Proof of coverage will be submitted to the City.
- The applicant/developer shall submit to the City for review and approval, a Storm Water Quality Management Plan (SWQMP) prepared by civil engineer that identifies receiving waters, water quality objectives, pollutants of concern, treatment control best management practices (BMPs), and hydromodification management requirements. The SWQMP shall demonstrate that, when implemented, the project meets or exceeds water quality objectives consistent with the City's adopted National Pollutant Discharge Elimination System (NPDES) permit.
- The applicant/developer shall submit a plan and agreement, for review and approval by the City, for the long-term maintenance of all post construction BMP's.
- The project is located within the existing 100-year floodplain. Any development in the 100-year floodplain shall comply with all terms of the City's Flood Damage Prevention Overlay Zone and all FEMA (Federal Emergency Management Agency) regulations and requirements.
- The limits of the 100-year floodplain shall be shown on all plans and maps per the hydrology/hydraulics report submitted by the applicant/developer and approved by the City Engineer.
- The project is located within the 100-year floodplain and requires the payment of a floodplain mitigation fee.
- The applicant/developer shall submit and obtain approval from Federal Emergency Management Agency (FEMA) for a Conditional Letter of Map Revision based on fill (CLOMR-F) prior to grading permit issuance.
- The applicant/developer shall submit and obtain approval from Federal Emergency Management Agency (FEMA) for a Letter of Map Revision based on fill (LOMR-F) prior to building occupancy.
- The proposed project requires approval of a Specific Plan (SP) and Multi-Family Site Development Plan (MFSDP) to allow for the development of the 50-unit senior apartment complex.
- Construction hours shall be limited in accordance with the Grading Ordinance and Municipal Code.
- The applicant/developer/property owner shall submit executed versions of separate petitions to annex into and establish, with respect to the property, the special taxes levied by the following Community Facilities Districts (CFDs): (a) CFD 98-01, Improvement Area No. 1, Police, (b) CFD 2001-01, Fire and Paramedic, and (c) CFD 98-02, Lighting and Landscape prior to issuance of grading permit.
- The proposed new development is subject to the payment of School Fees as required by law. The applicant is required to submit a Certificate of Compliance from the school district to obtain building permits from the City.
- The applicant/developer for the proposed development, redevelopment or discretionary use is required to pay Public Facilities Fees as established by the latest adopted Public Facilities Fee Resolution. The fee is based on the proposed land use and shall be paid prior to the issuance of building permit.
- The applicant/developer/property owner 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 Facilities

District (CFD): (a) CFD 2011-01, Congestion Management, prior to issuance of grading permit.

- Obtain “will-serve” letters from all affected public service and utilities agencies prior to issuance of grading permit.
- The project is subject to the approval of the Vallecitos Water District (VWD) for water and sewer services and all applicable fees and charges shall be paid to the satisfaction of the District prior to issuance of grading or building permit.
- The project shall incorporate site-design and naturalized treatment control Best Management Practices (BMPs) as required by the City Engineer; and shall implement a program, in a form to the satisfaction of the City Engineer, for long-term maintenance of all structural post-construction Best Management Practices (BMPs).

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” as indicated by the checklist on the following pages:

- | | |
|---|--|
| ☒ Aesthetics | ☒ Land Use / Planning |
| ☐ Agriculture and Forestry Resources | ☐ Mineral Resources |
| ☐ Air Quality | ☒ Noise |
| ☒ Biological Resources | ☐ Population / Housing |
| ☒ Cultural Resources | ☒ Public Services |
| ☒ Geology / Soils | ☐ Recreation |
| ☐ Greenhouse Gas Emissions | ☒ Transportation / Traffic |
| ☐ Hazards & Hazardous Materials | ☐ Utilities / Service Systems |
| ☒ Hydrology / Water Quality | ☒ 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, 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 EIR or NEGATIVE

DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



Signature

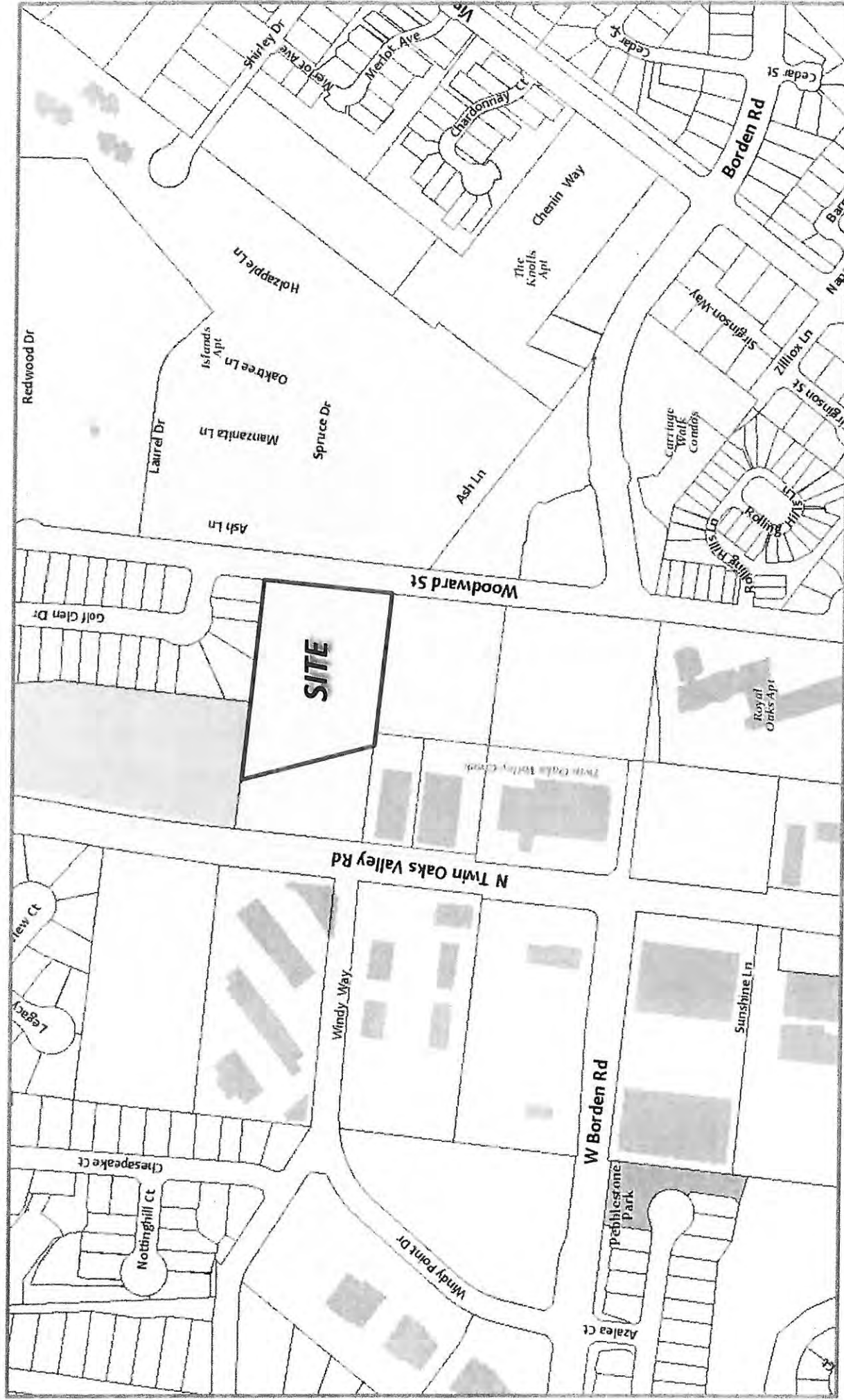
February 12, 2016

Date

Norm Pedersen

Printed Name

VICINITY MAP



VICINITY MAP

P15-0019: SJ Asset Management. Woodward Street.



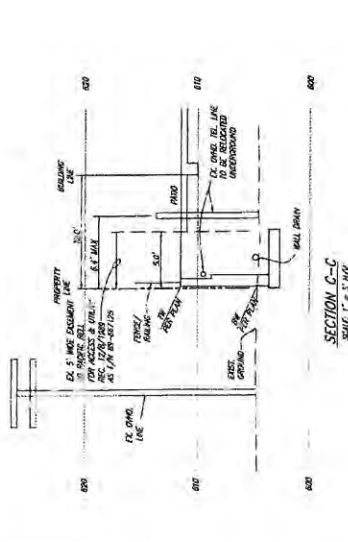
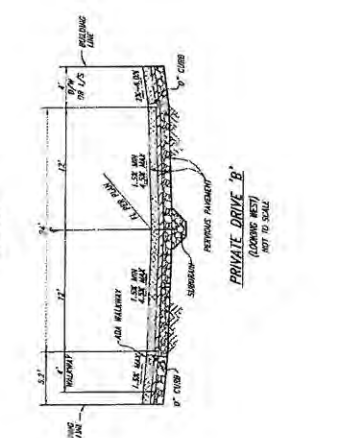
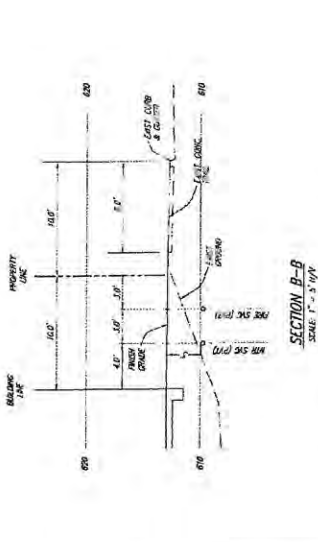
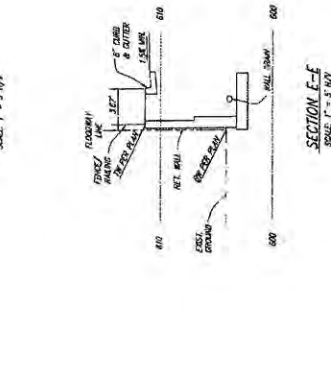
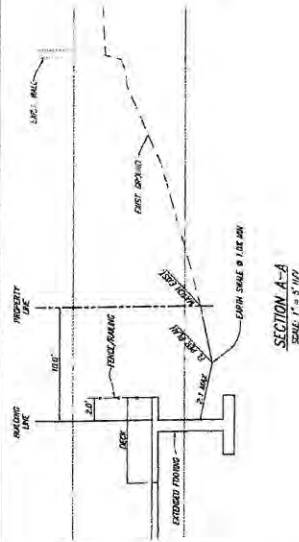
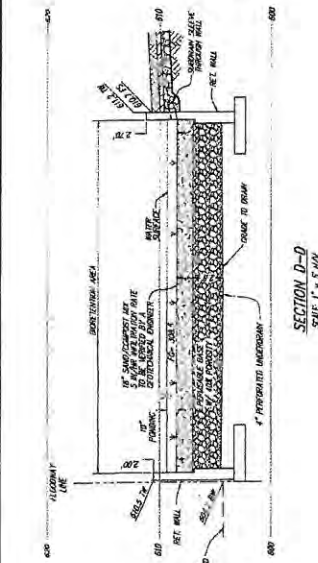
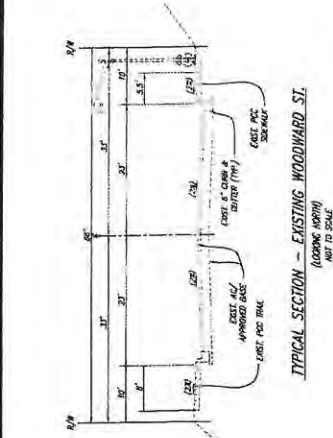


AERIAL PHOTO

P15-0019: SJ Asset Management. Woodward Street.



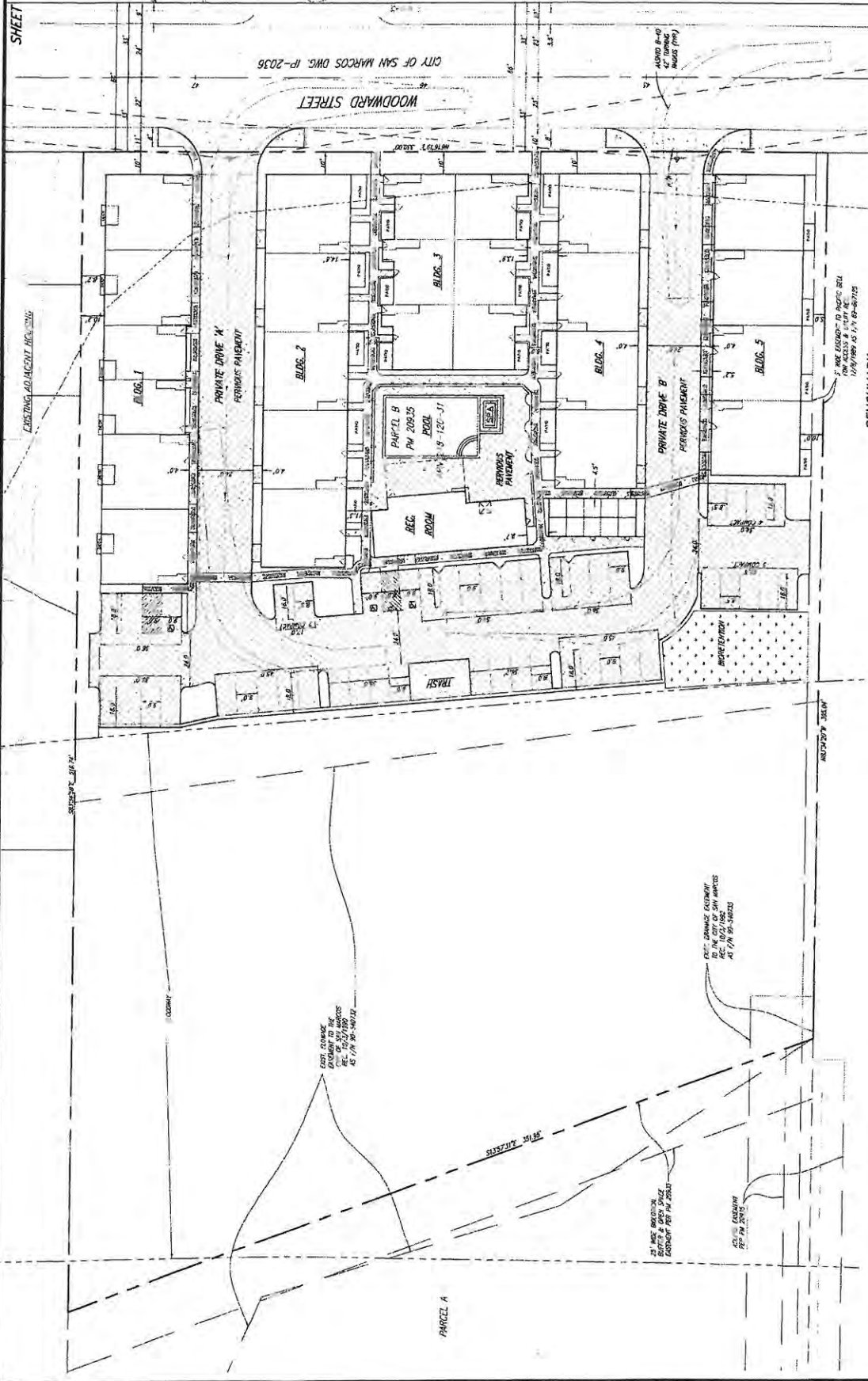
PROJECT SITE PLAN



BENCHMARK:
 DESCRIPTION: CITY OF SAN ANTONIO, TEXAS
 LOCATION: FROM INTERSECTION OF WOODWARD AND LANTANA RD. TO
 CITY PLANE SECTION TO 100' WEST TO INTERSECTION OF
 WOODWARD AND LANTANA RD.
 RECORD: 100' TO 100' SECTION TO
 ELEVATION: 100' TO 100' SECTION TO

DATE OF PRODUCTION: MARCH 10, 2015	DATE: MARCH 2015
REVISION: 1	SCALE: 1\"/>
ENGINEER OF WORK: O'DAY CONSULTANTS, INC.	ENGINEER: O'DAY CONSULTANTS, INC.
CHECKED: J. O'DAY	DATE: 3/10/15
PROJECT: 15-XXX	FILE: 15-XXX

NOTES:
 ELECTRIC DATA FILES ARE FOR REFERENCE ONLY
 AND ARE NOT TO BE USED FOR HORIZONTAL
 OR VERTICAL SURVEY CONTROL



DATE OF PREPARATION: MARCH 15, 2015
PROJECT: S.D.P. 15-KXX

DESIGNED BY: N.T.	DATE: MARCH 2015
DRAWN BY: T.E.	SCALE: 1" = 30'
PROJECT: S.D.P. 15-KXX	JOB NO.: 150101
ENGINEER OF WORK:	DATE: 1/14/15
PROJECT: S.D.P. 15-KXX	DATE: 1/14/15
PROJECT: S.D.P. 15-KXX	DATE: 1/14/15

BENCHMARK:

DESCRIPTION: 1" BENCH MARK SET IN CONCRETE
LOCATION: 1" BENCH MARK SET IN CONCRETE
ELEVATION: 1.00
DATE: 1/14/15

GRADING & UTILITY PLAN - SEE SHEET NO. J

NOTES:
ELECTRONIC DATA FILES ARE FOR REFERENCE ONLY
AND ARE NOT TO BE USED FOR HORIZONTAL
OR VERTICAL SURVEY CONTROL

INITIAL STUDY ENVIRONMENTAL CHECKLIST

	Potentially Significant Impact	Less than Significant w/ Mitigation Incorporated	Less Than Significant Impact	No Impact
I. AESTHETICS -- <i>Would the project:</i>				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☒	☐	☐
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

No significant impacts to the obstruction of any scenic vista, or view open to the public are anticipated as a result of the proposed 50-unit senior apartment complex. The 3.38-acre site is vacant and surrounded by single-family residential development to the north; multi-family residential to the east; open space to the south; and a vacant lot to the west across the creek. The site is relatively level within the eastern half of the property at an elevation of 606 feet above mean sea level. Within the western half of the property, the terrain slopes down approximately 4 to 6 feet to the creek which flows in a north to south direction. The visual characteristic of the eastern half of the property will be altered from a relatively level vacant field to a graded pad developed with five (5) 2-story multi-family buildings, a 2-story recreational building with a roof deck, pool, parking lot, and landscaping. A 4 to 7 foot high retaining wall is proposed along the western and southern perimeter of the building pad which will be constructed of split-face, keystone, or similar textured, earth-tone block to blend in with the surrounding terrain. Landscaping with a mixture of trees, shrubs, and ground cover is proposed along Woodward Street and throughout the development. The five (5) multi-family buildings will be required to have architecturally enhanced front elevations (facing Woodward Street), and the south side elevation of Building 5 (facing the adjacent open space lot) shall also be enhanced. The project requires approval of a Specific Plan which will establish development criteria for the proposed senior apartments, including incorporation of a Craftsman architectural style which includes architectural enhancements, varied roof lines and wall planes, textured/colored walls, and landscaping to beautify the building site. The exterior lighting will be required to be shielded to direct light downward and reduce glare. The western half of the property within the creek area will not be developed. The subject site is not located within a State scenic highway route. The proposed project will not have significant impacts to scenic views, scenic resources, or visual quality.

Mitigation Measures:

- Front elevations (facing Woodward Street) of the proposed multi-family buildings shall have enhanced architectural features, and the south side elevation of Building 5 (facing the adjacent open space lot) shall also be enhanced. The proposed multi-family buildings shall be architectural compatible with each other and the surrounding neighborhood.
- All retaining walls shall be constructed of earth tone colored keystone, split-face, or similar textured block.

The applicant shall submit a material sample to the Planning Division for review and approval prior to issuance of grading permit.

- Street lights shall be shielded to direct light downward and reduce glare.

Potentially Significant Impact	Less than Significant w/ Mitigation Incorporated	Less Than Significant Impact	No Impact
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II. AGRICULTURE AND FOREST RESOURCES -- *In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and Forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. - Would the project:*

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract	☐	☐	☐	☒
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by 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?	☐	☐	☐	☒
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

The 3.38-acre site is vacant and surrounded by single-family residential development to the north; multi-family residential to the east; open space to the south; and a vacant lot to the west across the creek. The site is not used

for agricultural purposes nor is it designated as prime or unique farmland for statewide or local importance per the General Plan Conservation and Open Space Element. The project will not impact prime or unique farmland. The development does not conflict with a Williamson Act contract. The site is not zoned nor used for forest or timberland purposes. Therefore, the proposed project will not impact agricultural and forest resources.

	Potentially Significant Impact	Less than Significant w/ Mitigation Incorporated	Less Than Significant Impact	No Impact
III. AIR QUALITY -- <i>Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:</i>				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☒	☐
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☐	☒
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☒

No greater impacts to air quality are anticipated as a result of the proposed senior apartment complex. The project will not significantly contribute to the deterioration of ambient air quality. Based upon the trip generation rate established by San Diego Association of Governments (SANDAG), the expected trip generation for the project is estimated to generate approximately 200 Average Daily Trips (ADT). Project construction will include the import of 15,540 cubic yards of soil involving approximately 622 truck trips. The routine implementation of Federal and State laws and regulations concerning emissions created by automobiles serves to mitigate potential impacts to air quality and to prevent a cumulatively considerable impact. An existing senior apartment complex is located approximately 700 feet to the south of the subject site, and would be considered a sensitive receptor. However, any development activity on the project site will be subject to all Federal and State air quality standards. During construction of the site, the project will implement a fugitive dust emissions control plan. Therefore, the development of the project will have a less than significant impact to the air quality in the area due to vehicle trip generation of the proposed senior apartment complex and construction activities.

Mitigation Measures:

- The project shall implement a fugitive dust emissions control plan during construction. This plan shall include the watering of the site for dust control; isolating excavated soil until removed from the site; and periodic

- cleaning of streets to remove accumulated materials.
- The project shall comply with Regional Air Quality Standards.

	Potentially Significant Impact	Less than Significant w/ Mitigation Incorporated	Less Than Significant Impact	No Impact
IV. BIOLOGICAL RESOURCES -- <i>Would the project:</i>				
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 Game or U.S. Fish and Wildlife Service?	☐	☒	☐	☐
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 Game or US Fish and Wildlife Service?	☐	☒	☐	☐
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
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?	☐	☐	☐	☒
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
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?	☐	☐	☐	☒

The 3.38-acre site is vacant and surrounded by single-family residential development to the north; multi-family residential to the east; open space to the south; and a vacant lot to the west across the creek. A Biology Survey (Attachment A) has been prepared by Planning Systems (dated: 10/5/15) for the subject site to assess potential biological impacts by the proposed senior apartment complex. Per the report, the site supports approximately 2.30 acres of Non-Native Grassland (NNG) covering the relatively-level eastern half of the property. In the western half, a tributary of San Marcos Creek flows north to south along the western property line and is vegetated with approximately 1.15 acres of Southern Cottonwood Willow Riparian Forest (RIP). The riparian

habitat is identified as a Focused Planning Area (FPA) in the City's draft Multiple Habitat Conservation Plan (MHCP).

The proposed project will impact 1.88 acres of the Non-Native Grassland (NNG) as a result of developing the eastern half of the property. The Non-Native Grassland is primarily made up of red brome (*Bromus madritensis ssp. Rubens*), ryegrass (*Lolium sp.*), fennel (*foeniculum vulgare*), wild radish (*Raphanus sativus*), Russian thistle (*Salsola tragus*), and wild oats (*Avena fatua*). Typically, Non-Native Grassland is considered a sensitive vegetation community, because it provides potential foraging habitat for raptors (hawks, owls). However, the subject grassland is very small in area and such minimal area does not provide a sufficiently robust area so as to constitute valuable foraging habitat. Further, no substantive foraging was observed during the surveys of the property, and no bird-occupied rodent burrows or nests were observed within the Non-Native Grassland (NNG) area. In addition, the on-site NNG is located outside of the Focused Planning Area (FPA) which would require mitigation under the City's draft Multiple Habitat Conservation Plan (MHCP). As a result, the Non-Native Grassland is not considered sensitive habitat. Therefore, the impact of 1.88 acres of Non-Native Grassland is not considered significant, and no mitigation is required.

Thread-Leaved Brodiaea (*Brodiaea filifolia*) has a moderate potential to occur due to the presence of Non-Native Grassland (NNG) and clay soils on site. Thread-Leaved Brodiaea is listed as threatened by the U.S. Endangered Species Act and endangered under the California Endangered Species Act. The species has been known to occur within a 2-mile area of the site. It is difficult to distinguish the species from grasses unless the survey is conducted during the flowering season (March to June). Therefore, a protocol survey was conducted at the subject property on April 9th, 16th, and 23rd, 2015 when Brodiaea was known to be flowering at other local sites. The results of the survey were negative, and concluded that no *Brodiaea filifolia* exists on site.

Within the western half of the property, the creek area is vegetated with approximately 1.15 acres of Southern Cottonwood Willow Riparian Forest (RIP). This habitat is comprised of a multi-layered canopy of Western sycamore (*Platanus racemosa*) trees over a thick canopy of Southern Arroyo willow (*Salix lasiolepis*), Black willow (*Salix gooddingii*), Mexican elderberry (*Sambucus mexicana*), and associated riparian vegetation. Castor bean (*Ricinus communis*), Mulefat (*Baccharis salicifolia*), Coyote bush (*Baccharis pulularis*), and Tree tobacco (*Nicotiana glauca*) characterize much of the understory shrubbery. The Southern Cottonwood Willow Riparian Forest (RIP) is considered sensitive habitat. The project proposes to develop only the 1.88 acres of the eastern half of the property, and to avoid the creek area of the western half. Therefore, the Southern Cottonwood Willow Riparian Forest (RIP) habitat will not be directly impacted. This habitat is located within a Focused Planning Area (FPA) and will be conserved on site within a open space easement as part of the project. During construction, temporary orange construction fencing will be required to be installed to delineate the limits of construction on site to ensure construction activities remain outside of the riparian habitat area. The project biologist will establish the construction boundaries and supervise the installation of the temporary fencing.

The City's Conservation and Open Space Element of the General Plan identifies a wildlife movement corridor through the western half of the property. The corridor provides an avenue for wildlife to travel in a north-south direction through Twin Oaks Valley. Wildlife corridors are considered to be biologically sensitive. Animals are known to follow canyon bottoms, riparian strips, and ridgelines in their local and regional movements. Riparian habitats are frequently identified as corridors, because they provide cover for animal movement, such as the tributary that runs through the subject property. The project proposes no direct impacts to this wildlife corridor, because development will occur only on the eastern half of the property outside of the creek area.

The biology survey included a wetland delineation of the site to determine whether the proposed project would impact wetlands under the jurisdiction of the U.S. Army Corps of Engineers (USACE) and the California Department of Fish and Wildlife (CDFW). If impacts to delineated wetlands are proposed through implementation of the project, then a USACE permit would be necessary pursuant to Section 404 of the Clean

Water Act and a CDFW Streambed Alteration Agreement. The wetland delineation analysis concluded that jurisdictional lands are found on site, and the limits are well-defined by paralleling the boundary of the riparian canopy of the creek. No impacts or modifications of jurisdictional areas will result from the proposed project, since no development is proposed for the creek area. Therefore, no wetland permits from USACE or CDFW will be required. The proposed development will maintain a minimum 30-foot buffer zone from the riparian habitat with an average of forty-four (44) feet. A 7-foot high retaining wall with a fence on top will separate the buffer and riparian area from the proposed development. The closest apartment building is proposed to be ninety (90) feet from the riparian habitat. At the southwest corner of the development, the project proposes a bio-retention basin to filter the storm water runoff before entering the creek. A 10 by 15-foot area of rip-rap will be placed below the storm drain outfall for erosion control purposes. The rip-rap will be located approximately fifty (50) feet from the riparian habitat.

The riparian habitat primarily consists of wetland vegetation and does not constitute a high-fuel condition. Therefore, an extensive fuel modification zone is not required for fire protection. Because the proposed buildings will be required to incorporate fire protection construction, fire suppression thinning of vegetation will occur only within the buffer zone, and will not be required within the riparian habitat. Only non-native and invasive plant species will be required to be removed from the riparian habitat for fuel modification purposes, and to improve the quality of habitat. Therefore, the riparian habitat will not be directly impacted by the proposed project.

A zero to 20-foot buffer exists between the riparian habitat and the existing single-family residences to the north, and no buffers are provided for the existing industrial development to the southwest nor the existing senior housing complex to the south. These minimal buffers exist with no apparent substantive impact on the riparian wildlife. In comparison, the proposed project provides a superior buffer zone ranging from 30 to 60 feet between the riparian habitat and development. The biology survey concluded that the proposed buffer will adequately mitigate edge effects and indirect impacts between the project and the riparian habitat and wildlife corridor if the following mitigation measures are implemented: 1) The riparian habitat and buffer zone will be overlain with an open space easement to conserve this area in perpetuity; 2) Existing non-native and invasive plant species will be removed from the riparian habitat and buffer zone; 3) The property owner will maintain the riparian habitat and buffer zone in perpetuity; 4) The project's landscaping will avoid invasive plant species; 5) Fencing and signage will be installed to protect the riparian and buffer zone by minimizing access by the public and domestic pets; 6) Exterior lighting will be shielded in order to direct illumination downward and away from the riparian habitat and buffer zone; and 7) Permanent Best Management Practices (BMPs) will be incorporated into the project design to filter storm water runoff prior to discharge into the creek area. With implementation of these mitigation measures, potential indirect impacts will be reduced to a level below significance.

A wetland mitigation site for a separate project has been newly established on the adjacent property immediately to the south. This mitigation site consists of generally immature willows which are artificially irrigated at this early stage of growth. A 4-foot high retaining wall and fencing on top will separate the development from the mitigation site. The proposed fencing along the southern property line will prevent access from the development, exterior lighting will be shielded to prevent light spillage onto the mitigation site, and storm water runoff from the subject development will be filtered prior to discharge into the creek which also flows across the mitigation site. A conservancy maintains the site and is responsible for removal of invasive species for habitat protection and fuel modification purposes.

As with the entire tributary to San Marcos Creek, the riparian habitat along the western boundary of the property provides a multi-layer canopy that is suitable habitat for a variety of common wildlife species, including songbirds, raptors, and other birds protected by the Migratory Bird Treaty Act (MTBA). A protocol survey was conducted for the Least Bell's Vireo (LBV) (*Vireo bellii pusillus*) which is considered sensitive and is listed as a

Federal and State protected species. During this survey, one male LBV was seen and heard at the northern edge of the riparian habitat of the site. Since the project proposes to develop only the 1.88 acres of the eastern half of the property, and to avoid the riparian habitat of the western half, the LBV will not be directly impacted by the project. However, indirect impacts may impact the LBV and its habitat area such as construction noise, exterior lighting, domestic predators (cats and dogs), invasive plant species, and human disturbance (hiking and dumping). These indirect impacts would be considered significant if sensitive species, such as the LBV or raptor species, were displaced or failed to breed. In order to reduce impacts to a level below significance, the previously mentioned mitigation measures for potential edge effects will be required for the project, including the requirement for a bird nesting survey. Nesting birds may be significantly impacted by construction-related noise. Therefore, prior to grading the site or causing any impact to the site, in order to prevent potential impacts to nesting of the LBV or any migratory birds or raptors, grading and/or construction activities on site must be avoided during the nesting season which extends from February 1st to September 15th. In order to begin grading or site disturbance within the nesting season, a nesting survey from a qualified biologist or other expert in the field must be submitted to the Planning Division to verify there are no active nests on the subject site. This survey must be submitted prior to any disturbance or impact of the site.

Except for the Least Bell's Vireo (LBV), no other sensitive wildlife species were observed on site. No sensitive plant species were observed on site during the survey. The site does not contain lands which have been mapped by the USFWS as critical habitat for any plant or animal species.

The project development will avoid the on-site riparian habitat, and therefore it will not encroach into a Focused Planning Area (FPA), nor jurisdictional wetlands, nor a designated wildlife movement corridor, nor Least Bell's Vireo (LBV) habitat. In addition, the project development is not part of a Biological Resource Core Area, nor a pre-approved mitigation area, nor a primary habitat linkage, nor contributes to the long-term survival of sensitive species. Because of the small size of the site and that it is located within an area of urban development, the potential impacts of biological resources can be reduced to less than significant with implementation of the following mitigation measures.

Mitigation Measures:

- To mitigate for potential indirect impacts to sensitive vegetation communities during construction, temporary orange construction fencing shall be placed along the edge of the riparian corridor adjacent to the construction area. Staging areas, including lay down areas, equipment storage and other construction-related activities shall be located outside of the riparian area in order to avoid impacting sensitive areas. All employees shall be instructed that their activities, vehicles, equipment, and construction materials and debris are restricted to the proposed footprint, designated staging areas, and routes of travel.
- Construction monitoring by a qualified biological monitor shall occur during the grading activities to prevent indirect impacts to the sensitive biology within the riparian area. The biological monitor shall work with the contractor to implement specific mitigation measures while working adjacent to the riparian corridor. Installation of orange construction fencing adjacent to the riparian area shall be conducted under supervision of the biological monitor.
- Prior construction activities during the avian breeding season (February 1 to September 15), a qualified biologist shall conduct pre-construction surveys in the riparian habitat for Least Bell's Vireo, nesting raptors, and migratory birds. The survey shall be conducted not more than three (3) days prior to the beginning of grading activities or other disturbance of the site. The USFWS, CDFW, and the City of San Marcos Planning Division shall be notified in writing if any of these species are observed nesting on the property. No activities which would result in noise levels exceeding 60 dBA hourly Leq (excluding ambient noise) within the subject property shall be allowed. If grading and construction exceeding this noise threshold are not completed prior to the breeding season and any of these species are present, then noise barriers shall be erected to reduce noise impacts to occupied habitat to below 60 dBA hourly Leq or the activities shall be suspended.

- During construction, silt fencing or other sediment trapping devices shall be installed and maintained in order to prevent run-off from entering the riparian area without being treated.
- Permanent Best Management Practices (BMPs) shall be incorporated into the project design and maintained by the property owner/operator in perpetuity.
- Existing non-native plant species, including Mexican fan palm (*Washingtonia robusta*) and pampas grass (*Cortaderia selloana*), shall be eliminated from all areas of the property to be maintained in open space (riparian habitat and buffer zone). If identified, additional significant noxious plant species currently growing within the riparian corridor shall be flagged by a qualified biologist and carefully removed so that seeds are not dispersed (if such removal can practically be achieved).
- The property owner/operator shall maintain the riparian area in a generally weed-free, healthy condition, eliminating invasive plants, in perpetuity.
- Landscaping for the proposed project shall avoid the use of invasive plant species. Invasive plants shall be those identified on Lists A and B of the California Exotic Plant Council's List of Exotic Plants of Greatest Ecological Concern in California, as of October 1999, and updated if applicable.
- Fencing and signage shall be required to be installed between the riparian habitat to the west and the wetland mitigation site to the south to prevent public access and minimize domestic pet access to these areas from the proposed development.
- Exterior lighting shall use cut-off fixtures and shielded to direct the illumination downward away from the riparian habitat and buffer zone.
- The applicant/developer shall preserve the on-site riparian habitat and associated buffer zone within an open space easement.

Potentially Significant Impact	Less than Significant w/ Mitigation Incorporated	Less Than Significant Impact	No Impact
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V. CULTURAL RESOURCES -- *Would the project:*

- | | | | | |
|---|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? | ☐ | ☐ | ☒ | ☐ |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? | ☐ | ☒ | ☐ | ☐ |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic features? | ☐ | ☐ | ☐ | ☒ |
| d) Disturb any human remains, including those interred outside of formal cemeteries? | ☐ | ☐ | ☐ | ☒ |

No significant impacts to cultural resources are anticipated as a result of the proposed senior apartment complex. There are no known previously recorded cultural or historic resources on site, nor is the site identified with such resources per the General Plan Conservation and Open Space Element. The 3.38-acre site is vacant and surrounded by single-family residential development to the north; multi-family residential to the east; open space to the south; and a vacant lot to the west across the creek. The eastern half of the property is relatively level and covered with non-native grasses and weeds which is routinely mowed for weed abatement purposes. The western half of the property is crossed in a north to south direction by a tributary of San Marcos Creek

consisting of riparian habitat. A cultural resources study (Attachment B) was prepared by Brian F. Smith and Associates, Inc. (dated 9/29/15) which analyzed potential prehistoric and historic resources on the subject property. The report indicates there are twenty (20) prehistoric and eight (8) historic sites within a one-mile vicinity, but no sites have been previously recorded on the property. A field survey was also conducted by the consultant that identified no evidence for prehistoric or historic resources on site. Even though no significant prehistoric or historic cultural resources were found during the field survey of the property, there is the potential for subsurface resources to exist. Therefore, all ground-disturbing work for the project will be required to be monitored by an archaeologist and Native American observer. Therefore, any potential impacts to cultural resources will be mitigated to a level below insignificance.

Mitigation Measures:

- Prior to issuance of grading permit, the applicant shall enter into a pre-excavation agreement with a Luiseno tribe to provide for the following:
 - An archeological monitor and a Luiseño Native American monitor shall be present during all earth moving and grading activities to assure that any potential cultural resources, including tribal, found during project grading be protected.
 - Prior to beginning project construction, the Project Applicant shall retain a San Diego County qualified archaeological monitor to monitor all ground-disturbing activities in an effort to identify any unknown archaeological resources. Any newly discovered cultural resource deposits shall be subject to cultural resources evaluation, which shall include archaeological documentation, analysis and report generation.
 - At least thirty (30) days prior to beginning project construction, the Project Applicant shall enter into a Cultural Resource Treatment and Monitoring Agreement (also known as a pre-excavation agreement) with a Luiseño Tribe. The Agreement shall address the treatment of known cultural resources, the designation, responsibilities, and participation of professional Native American Tribal monitors during grading, excavation and ground disturbing activities; project grading and development scheduling; terms of compensation for the monitors; and treatment and final disposition of any cultural resources, sacred sites, and human remains discovered on site.
 - Prior to beginning project construction, the Project Archaeologist shall file a pre-grading report with the City to document the proposed methodology for grading activity observation, which will be determined in consultation with the contracted Luiseño Tribe. Said methodology shall include the requirement for a qualified archaeological monitor to be present and to have the authority to stop and redirect grading activities. In accordance with the required Agreement, the archaeological monitor's authority to stop and redirect grading will be exercised in consultation the Luiseño Native American monitor in order to evaluate the significance of any archaeological resources discovered on the property. Tribal and archaeological monitors shall be allowed to monitor all grading, excavation, and groundbreaking activities, and shall also have the authority to stop and redirect grading activities.
 - The pre-construction meeting with the developer, contractor, and City staff shall include the Project Archaeologist and Tribal Monitor in discussion of the proposed earth disturbing activities for the project site, including excavation schedules and safety protocol, as well as consultation with the Project Archaeologist regarding proposed archaeological techniques and strategies for the project.
 - In the event the project requires the import of fill onto the site, said material shall be clean of cultural resources and documented as such.
 - The landowner shall relinquish ownership of all cultural resources collected during the grading monitoring program and from any previous archaeological studies or excavations on the project site to the appropriate Tribe for proper treatment and disposition per the Cultural Resources Treatment and Monitoring Agreement. All cultural materials that are deemed by the Tribe to be associated with burial and/or funerary goods will be repatriated to the Most Likely Descendant as determined by the Native American Heritage Commission per California Public Resources Code Section 5097.98. In the event that curation of cultural resources is required, curation shall be conducted by an approved facility and the curation shall be guided by California State Historic Resource Commissions Guidelines for the Curation

of Archaeological Collections. The City of San Marcos shall provide the developer final curation language and guidance on the project grading plans prior to issuance of the grading permit, if applicable, during project construction.

- All sacred sites, should they be encountered within the project area, shall be avoided and preserved as the preferred mitigation, if feasible.
- If human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the San Diego County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. Suspected Native American remains shall be examined in the field and kept in a secure location at the site if the San Diego County Coroner determines the remains to be Native American, the Native American Heritage Commission (NAHC) must be contacted within twenty-four (24) hours. The NAHC must then immediately notify the "most likely descendant(s)" of receiving notification of the discovery. The most likely descendants(s) shall then make recommendations within forty-eight (48) hours, and engage in consultation concerning treatment of remains as provided in Public Resources Code 5097.98.
- If inadvertent discoveries of subsurface archaeological/cultural resources are discovered during grading, the Developer, the Project Archaeologist, and the Luiseño Tribe under the required Agreement with the landowner shall assess the significance of such resources and shall meet and confer regarding the mitigation for such resources. Pursuant to California Public Resources Code Section 21083.2(b) avoidance is the preferred method of preservation for archaeological resources. If the Developer, the Project Archaeologist and the Tribe cannot agree on the significance of mitigation for such resources, these issues will be presented to the Planning Director for decision. The Planning Director shall make a determination based upon the provisions of the California Environmental Quality Act with respect to archaeological resources and shall take into account the religious beliefs, customs, and practices of the Tribe. Notwithstanding any other rights available under law, the decision of the Planning Director shall be appealable to the Planning Commission and/or City Council.

Potentially Significant Impact	Less than Significant w/ Mitigation Incorporated	Less Than Significant Impact	No Impact
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VI. GEOLOGY AND SOILS -- *Would the project:*

- a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
 - i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.
 - ii) Strong seismic ground shaking?
 - iii) Seismic-related ground failure, including liquefaction?
 - iv) Landslides?

☐	☐	☐	☒
☐	☒	☐	☐
☐	☐	☐	☒
☐	☐	☐	☒

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Result in substantial soil erosion or the loss of topsoil? | ☐ | ☐ | ☐ | ☒ |
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on-or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | ☐ | ☐ | ☐ | ☒ |
| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? | ☐ | ☐ | ☐ | ☒ |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? | ☐ | ☐ | ☐ | ☒ |

The 3.38-acre site is vacant and surrounded by single-family residential development to the north; multi-family residential to the east; open space to the south; and a vacant lot to the west across the creek. The site is relatively level within the eastern half of the property at an elevation of 606 feet above mean sea level. Within the western half of the property, the terrain slopes down approximately 4 to 6 feet to the creek which flows in a north to south direction. According to the preliminary geotechnical investigation (Attachment C) prepared by East County Soil Consultation and Engineering, Inc. (dated: 1/14/15), the site is suitable for development of the proposed senior apartment complex provided that the recommendations stated therein are implemented (i.e.: existing top soil and alluvium shall be excavated to firm native material and re-compacted, etc.). The estimated earthwork will involve approximately 15,540 cubic yards of placement of fill. The project will create a level pad area for the apartment complex with a 4 to 7 foot high retaining wall along the western and southern perimeter of the building pad. The soils investigation indicates there are no existing landslides, faults, or other natural disturbance on site, and the soil conditions do not allow for liquefaction. Therefore, there are no significant impacts to earth conditions or geologic substructures, substantial changes in topography, increase in soil erosion, or the exposure of people or property from the project, and no geologic hazards are anticipated from the implementation of the proposed project.

Mitigation Measures:

- An updated report for the 2015 geotechnical investigation shall be submitted to the City Engineer for review and approval, addressing any changes of on-site conditions and said report shall include recommendations for cut and fill slopes and compaction.
- All recommendations and conclusions of the prepared geologic and soils study shall be incorporated into the project design and grading plan. Said report shall be approved by the City's Engineering and Building Divisions.
- A comprehensive grading plan shall be submitted and approved by the City Engineer and Planning Division Manager prior to the issuance of a grading permit.
- All slopes shall be designed and graded in accordance with the City's Grading Ordinance, particularly with respect to terraces, drainage, access, erosion control and setbacks. A comprehensive grading plan shall be submitted and approved by the City Engineer and Planning Division Manager prior to the issuance of a building permit.
- The City of San Marcos is located in Seismic Design Category "D". Buildings and structures shall be designed to adequately transmit the dynamic lateral forces in accordance with the requirements of the latest adopted California Building Code.

Potentially Significant Impact	Less than Significant w Mitigation Incorporated	Less Than Significant Impact	No Impact
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VII. GREENHOUSE GAS EMISSIONS -- *Would the project:*

- a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?
- b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

☐	☐	☒	☐
☐	☐	☐	☒

The requirements of State of California Assembly Bill 32 to address Global Climate Change (GCC) under CEQA address the potential cumulative impacts that a project's GHG emissions could have on GCC. As discussed in Section 15064.4 of the CEQA Regulations, the determination of the significance of greenhouse gas emissions calls for a determination by the lead agency consistent with the provisions in section 15064. A lead agency should make a good-faith effort, based to the extent possible on scientific and factual data, to describe, calculate or estimate the amount of greenhouse gas emissions resulting from a project.

The City's Climate Action Plan (CAP) identifies ways to reduce greenhouse gas emissions to meet State requirements, and establishes an emissions threshold to determine whether a detailed GHG study would be required for a proposed project. An emissions quantity of 2.76 metric tons per service population is used as a screening threshold to determine a level of significance for a project such as the proposed senior apartment complex. The emission level is based on the amount of vehicle trips, typical energy and water use for the project, as well as other factors. Based upon the trip generation rate established by San Diego Association of Governments (SANDAG), the expected trip generation for the project is estimated to generate approximately 200 Average Daily Trips (ADT). Construction of the buildings will require compliance with State (2013 Title 24) energy efficiency requirements. Landscaping will be required to comply the City's Landscape Water Efficiency Ordinance (SMMC Chapter 20.330). The proposed senior apartment complex is consistent with the General Plan's land use designation of Specific Plan Area (SPA) for the site which allows for senior housing with a density range of 15 to 20 dwelling units per acre. In 2012, the General Plan Update changed the land use designation of the subject property from Light Industrial to a Specific Plan Area (SPA) for senior housing, amongst other City-wide land use changes, where potential greenhouse gas emissions were evaluated under the previously approved Environmental Impact Report (EIR 11-44) and the CAP's previously approved Mitigated Negative Declaration (ND 13-005). Since the proposal is consistent with the General Plan land use designation as inventoried by the CAP, it is estimated the proposed project, including construction activities, will generate greenhouse gas emissions significantly less than the aforementioned threshold, and therefore no further analysis is warranted. Any contribution of greenhouse gas emissions by the proposed project will not have a significant impact on the environment, nor will it conflict with implementation of the plans and programs proposed in the conservation element of the City's General Plan Update, nor will it conflict with the City's Climate Action Plan (CAP).

Potentially Significant Impact	Less than Significant w/ Mitigation Incorporated	Less Than Significant Impact	No Impact
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VIII. HAZARDS AND HAZARDOUS MATERIALS -- *Would the project:*

a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?	☐	☐	☐	☒
b) Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	☒
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
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?	☐	☐	☐	☒
e) For a project located within an airport land use plan, or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☒	☐
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☒	☐	☐

No significant impacts to emergency response plans or exposure to hazardous substances, or risk of explosion are anticipated as a result of the proposed senior apartment complex. Adequate emergency response capability is available with San Marcos Fire Station No. 1 located within a 1-mile vicinity. The project will be required to install a fire hydrant(s) on site and fire sprinklers within the buildings. The site layout provides adequate

circulation for emergency vehicles with two (2) access driveways off of Woodward Street. The proposed development will be required to comply with all applicable City Fire Code requirements (SMMC Chapter 17.64). In addition, the property will be required to be annexed into the City's Community Facilities Districts, CFD 2001-01: Fire/Paramedic and CFD 98-01: Police. The proposed apartment complex will be located adjacent to existing riparian habitat which is considered "wildlands"; however, this habitat primarily consists of wetland vegetation and does not constitute a high-fuel condition. Therefore, fire suppression thinning of vegetation will occur within a minimum 30-foot buffer zone between the riparian habitat and the proposed development, and non-native and invasive plant species will be required to be removed from the riparian habitat for fuel modification purposes. In addition, building construction will be required to be fire-resistant design features and materials as approved by the City Fire Marshal. The subject property is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. The project is not located within two miles of any airports; however, it is located within the Airport Influence Area of the McClellan-Palomar Airport Land Use Compatibility Plan within Review Area 2. Due to the nature and location of the proposed project, it is a compatible land use within Review Area 2 which limits the heights of structures, particularly in areas of high terrain. The project would not subject people to safety hazards associated with public or private airports. The project site is not within the vicinity of a private airstrip; therefore, no safety hazard associated with such a facility would occur. No impacts to these issues are anticipated as a result of the project.

The riparian habitat primarily consists of wetland vegetation and does not constitute a high-fuel condition. Therefore, an extensive fuel modification zone is not required for fire protection. Because the proposed buildings will incorporate fire protection construction, fire suppression thinning of vegetation will occur only within the buffer zone, and will not be required within the riparian habitat. Only non-native and invasive plant species will be required to be removed from the riparian habitat for fuel modification purposes, and to improve the quality of habitat. Therefore, the riparian habitat will not be directly impacted by the proposed project.

Mitigation Measures:

- An automatic fire extinguishing system is required in accordance with the latest adopted California Building Code and San Marcos Fire Code Ordinance (SMMC Chapter 17.64). Fire suppression systems shall conform to the National Fire Protection Association standards.
- Non-native and invasive plants species shall be removed from the adjacent riparian habitat for fuel modifications purposes.
- Plant material shall be fire and drought tolerant and acceptable for defensible space in fire prone areas.
- Building construction shall comply with the City's Urban-Wildland Interface Area standards.
- The applicant shall disclose to future owners/tenants of the proposed project that the property is located within the Airport Influence Area of McClellan-Palomar Airport, and may be subject to some of the annoyances or inconveniences, if any, associated with proximity to airport operations (i.e.: noise, vibration, or odors).

Potentially Significant Impact	Less than Significant w/ Mitigation Incorporated	Less Than Significant Impact	No Impact
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IX. HYDROLOGY AND WATER QUALITY -- *Would the project:*

- a) Violate any water quality standards or waste discharge requirements?

☐ ☒ ☐ ☐

- | | | | | |
|--|--------------------------|-------------------------------------|--------------------------|-------------------------------------|
| b) Have a potentially significant adverse impact on groundwater quality or cause or contribute to an exceedance of applicable groundwater receiving water quality objectives or degradation of beneficial uses? | ☐ | ☐ | ☐ | ☒ |
| c) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of preexisting nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | ☐ | ☐ | ☐ | ☒ |
| d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on-or off-site (e.g. downstream)? | ☐ | ☒ | ☐ | ☐ |
| e) Create a significant adverse environmental impact to drainage patterns due to changes in runoff flow rates or volumes? | ☐ | ☒ | ☐ | ☐ |
| f) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on-or off-site? | ☐ | ☒ | ☐ | ☐ |
| g) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff? | ☐ | ☒ | ☐ | ☐ |
| h) Result in increased impervious surfaces and associated increased runoff? | ☐ | ☒ | ☐ | ☐ |
| i) Result in significant alteration of receiving water quality during or following construction? | ☐ | ☒ | ☐ | ☐ |
| j) Result in an increase in pollutant discharges to receiving waters? Consider water quality parameters such as temperature, dissolved oxygen, turbidity and other typical storm water pollutants (e.g. heavy metals, pathogens, petroleum derivatives, synthetic organics, sediment, nutrients, oxygen-demanding substances, and trash). | ☐ | ☒ | ☐ | ☐ |

- | | | | | |
|--|--------------------------|-------------------------------------|--------------------------|-------------------------------------|
| k) Be tributary to an already impaired water body as listed on the Clean Water Act Section 303(d) list. If so, can it result in an increase in any pollutant for which the water body is already impaired? | ☐ | ☒ | ☐ | ☐ |
| l) Be tributary to environmentally sensitive areas (e.g. MSCP, RARE, Areas of Special Biological Significance, etc.)? If so, can it exacerbate already existing sensitive conditions? | ☐ | ☐ | ☐ | ☒ |
| m) Have a potentially significant environmental impact on surface water quality, to either marine, fresh or wetland waters? | ☐ | ☐ | ☐ | ☒ |
| n) Otherwise substantially degrade water quality? | ☐ | ☒ | ☐ | ☐ |
| o) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? | ☐ | ☒ | ☐ | ☐ |
| p) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? | ☐ | ☒ | ☐ | ☐ |
| q) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? | ☐ | ☐ | ☐ | ☒ |
| r) Inundation by seiche, tsunami, or mudflow? | ☐ | ☐ | ☐ | ☒ |

No bodies of water are present on the site, therefore, the project is not expected to result in the alteration of: currents or water movements, temperature or turbidity of water, direction or rate of flow of ground waters, the quantity of water, or the amount of potable water. A tributary to the San Marcos Creek flows in a north to south direction through the western half of the site. This drainage area is located within the 100-year floodway, and therefore is not proposed to be developed. The eastern half of the property is located within the 100-year floodplain, and may be subject to flooding according to the Federal Emergency Management Agency (FEMA) flood hazard map. Development is proposed only for the 1.88-acre eastern half of the property which will be graded to create a building pad for the proposed senior apartment complex. The building finish floor will be at least two (2) feet above the 100-year floodplain. As conditions of approval, development of the project within the floodplain will be required to comply with the terms of the City's Flood Damage Prevention Overlay Zone and FEMA (Federal Emergency Management Agency) requirements, and the applicant/developer will be required to demonstrate within the required hydrology report that encroachment will not result in any increased flood levels and velocities. In addition, the proposed project will be subject to the payment of a floodplain mitigation fee for drainage improvements within the San Marcos Creek area.

The proposed grading and development of the site will result in a change to the rate and amount of surface water runoff from the site. The project will incorporate Low Impact Design (LID) Best Management Practices (BMPs) and Hydromodification Management Plan (HMP), and BMPs will be implemented during construction of the project. The project proposes to drain runoff from impervious surfaces (i.e.: building, road, etc.) through landscape areas (bio-infiltration), including a bio-retention pond at the southwest corner of the development, prior to exiting into the creek which ultimate flows south to San Marcos Creek. Development of the project will

require implementation of a Storm Water Pollution Prevention Plan (SWPPP). Landscaping shall comply with the City's water efficiency ordinance. Therefore, potential project impacts can be reduced to a level less than significant with implementation of mitigation measures.

Mitigation Measures:

- Erosion control and/or sediment control details shall be submitted with/on the grading plans to the City's Engineering Division for review and approval. The details shall conform to the City's standards, codes and ordinances. The details shall include landscaping and temporary irrigation systems on exposed slopes to be approved by the City's Engineering and Planning Divisions. Plant material and irrigation design shall comply with the City's landscape Water Efficiency Ordinance, Section 20.82 of the San Marcos Municipal Code.
- A hydrology report (calculations) shall be prepared for the proposed project. Storm drains and drainage structures shall be sized according to the approved hydrology report. All surface runoff originating within the project and all surface waters that may flow onto the project from adjacent properties shall be accommodated by the drainage system. The report shall also determine the build-out runoff into existing off-site natural drainage swales and storm drain systems, and shall address any need for off-site improvement requirements. Blocking, concentrating, lowering or diverting of natural drainage from or onto adjacent property shall not be allowed without written approval of the affected property owner. This report shall be subject to approval of the City Engineer.
- The applicant/developer shall obtain coverage under the State Water Resources Control Board's General Permit to Discharge Storm Water Associated with Construction Activity. Coverage includes the preparation, certification and implementation of a Storm Water Pollution Prevention Plan (SWPPP). Implementation of the SWPPP is required during all phases of construction. Proof of coverage will be submitted to the City.
- The applicant/developer shall submit to the City for review and approval, a Storm Water Quality Management Plan (SWQMP) prepared by civil engineer that identifies receiving waters, water quality objectives, pollutants of concern, treatment control best management practices (BMPs), and hydromodification management requirements. The SWQMP shall demonstrate that, when implemented, the project meets or exceeds water quality objectives consistent with the City's adopted National Pollutant Discharge Elimination System (NPDES) permit.
- The applicant/developer shall submit a plan and agreement, for review and approval by the City, for the long-term maintenance of all post construction BMP's.
- The project is located within the existing 100-year floodplain. Any development in the 100-year floodplain shall comply with all terms of the City's Flood Damage Prevention Overlay Zone and all FEMA (Federal Emergency Management Agency) regulations and requirements.
- The limits of the 100-year floodplain shall be shown on all plans and maps per the hydrology/hydraulics report submitted by the applicant/developer and approved by the City Engineer.
- The project is located within the 100-year floodplain and requires the payment of a floodplain mitigation fee.
- The applicant/developer shall submit and obtain approval from Federal Emergency Management Agency (FEMA) for a Conditional Letter of Map Revision based on fill (CLOMR-F) prior to grading permit issuance.
- The applicant/developer shall submit and obtain approval from Federal Emergency Management Agency (FEMA) for a Letter of Map Revision based on fill (LOMR-F) prior to building occupancy.

Potentially Significant Impact	Less than Significant w/ Mitigation Incorporated	Less Than Significant Impact	No Impact
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X. LAND USE AND PLANNING -- *Would the project:*

- | | | | | |
|---|--------------------------|-------------------------------------|--------------------------|-------------------------------------|
| a) Physically divide an established community? | ☐ | ☐ | ☐ | ☒ |
| b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | ☐ | ☒ | ☐ | ☐ |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan? | ☐ | ☐ | ☐ | ☒ |

The proposed 50-unit senior apartment complex will be located on 1.88 acres of a 3.38-acre property on the west side of Woodward Street, north of Borden Road. The site is zoned Specific Plan Area (SPA). In the General Plan, the site is identified as Focus Area 20 with a designation of Specific Plan Area (SPA) for senior housing with a density range of 12 to 15 dwelling units per acre. The yield for the proposed project is 14.8 dwelling units per acre which complies with the density per the General Plan. Properties to the north have been developed with single-family residences and open space as part of the Twin Oaks Valley Ranch Specific Plan. Property to the east, across Woodward Street, is developed with multi-family residential and designated for 8 to 12 dwelling units per acre. The adjacent property to the south is also designated as Specific Plan Area (SPA) for senior housing; however, it has been established as open space for wetland mitigation and will not be developed. The property to the west, across the creek, is currently vacant and designated for Commercial per the General Plan.

The General Plan requires approval of a Specific Plan for the new development which will establish development criteria for the proposed senior housing project including building setbacks, height limit, landscaping, recreational amenities, architectural details, and parking. The development will include five (5) multi-family buildings (totaling 50 apartment units), a recreation building, pool; and 64 parking spaces (17 garage/36 carport/11 open). The proposed buildings will be two (2) stories, and not exceed thirty-five (35) feet in height. The recreation building will have a roof deck. The one (1) to two (2) bedroom apartments will range in size from approximately 746 to 1060 square feet. The frontage along Woodward Street and throughout the complex will be landscaped with a mixture of trees, shrubs, and ground cover to beautify the neighborhood. Landscaping will be required to comply with the Landscape Water Efficiency Ordinance (SMMC Chapter 20.330).

Mitigation Measures:

- The proposed project requires approval of a Specific Plan (SP) and Multi-Family Site Development Plan (MFSDP) to allow for the development of the 50-unit senior apartment complex.

	Potentially Significant Impact	Less than Significant w/ Mitigation Incorporated	Less Than Significant Impact	No Impact
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XI. MINERAL RESOURCES -- *Would the project:*

- a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?
- 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?

☐	☐	☐	☒
☐	☐	☐	☒

The 3.38-acre site is vacant and surrounded by single-family residential development to the north; multi-family residential to the east; open space to the south; and a vacant lot to the west across the creek. There are no known mineral resources on site. Therefore, the proposed project will not impact mineral resources.

	Potentially Significant Impact	Less than Significant w/ Mitigation Incorporated	Less Than Significant Impact	No Impact
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XII. NOISE -- *Would the project result in:*

- a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
- b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?
- c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?
- d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?
- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?
- f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

☐	☐	☐	☒
☐	☐	☐	☒
☐	☐	☐	☒
☐	☐	☒	☐
☐	☐	☒	☐
☐	☐	☐	☒

No significant impacts regarding increases in existing noise levels or the exposure of people to severe noise levels are anticipated as a result of the proposed project. It is expected that there will be an incremental impact upon the ambient noise level of the area by the activities associated with the proposed senior apartment complex. However, the noise generated by the proposed project is expected to generate no more noise than is usually associated with typical neighboring single-family subdivisions and multi-family developments, and no greater than anticipated noise levels for residential uses per the General Plan.

Per the General Plan Noise Element, 60 CNEL is acceptable an exterior noise level for a senior apartment complex. According to a noise study (Attachment D) prepared by RECON Environmental (dated 9/28/15), the main source of traffic noise at the project site is vehicle traffic on Woodward Street, N. Twin Oaks Valley Road, and Borden Road. The study analyzed 21 modeled receivers on the project site, and concluded exterior noise levels are not projected to exceed 60 CNEL at the first or second story of any of the proposed buildings or pool area. In addition, the Noise Element specifies interior noise levels not to exceed 45 dBA for senior apartments as with other residential uses. Typical building construction as required by the California Building Code will reduce interior noise levels by at least 20 dB to comply with this standard. Therefore, exterior and interior noise impacts will be less than significant.

Project related noise sources, such as vehicles arriving and leaving, and landscape maintenance machinery, would be consistent with residential developments to the north and east. Typically, HVAC units for air conditioning of the apartment units is a potential noise source generated on site. The project proposes rooftop HVAC units; however, the brand and model of unit is unknown at this time. For the analysis, a typical residential HVAC unit was assumed by using a 4-ton Carrier 38HDR HVAC with a power level of 72 dB(A). The analysis concluded that HVAC noise levels at the property line will not exceed the noise ordinance standard of 60 dB(A) during daytime hours or 50 dB(A) during nighttime hours. Therefore, potential noise impacts generated from the project itself will be less than significant.

Any severe noise during the site preparation and construction will be mitigated to a level of insignificance with routine implementation of the Grading Ordinance and Municipal Code which limit the hours of construction. The project is not located within two miles of any airports or private airstrip; however, it is located within the Airport Influence Area of the McClellan-Palomar Airport Land Use Compatibility Plan. Palomar Airport is located more than eight (8) miles to the west in Carlsbad; however, the site is not located within an area exposed to potential excessive airport noise as identified per the plan, and any potential noise impacts from overhead flights approaching Palomar Airport would be considered less than significant.

Mitigation Measures:

- Construction hours shall be limited in accordance with the Grading Ordinance and Municipal Code.

Potentially Significant Impact	Less than Significant w/ Mitigation Incorporated	Less Than Significant Impact	No Impact
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XIII. POPULATION AND HOUSING -- *Would the project:*

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

☐ ☐ ☐ ☒

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

☐ ☐ ☐ ☒

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

☐ ☐ ☐ ☒

No significant impacts to population are anticipated nor will substantial growth be induced by the development of the proposed senior apartment complex. The 3.38-acre site is vacant and surrounded by single-family residential development to the north; multi-family residential to the east; open space to the south; and a vacant lot to the west across the creek. The proposed project complies with the density permitted in the City's General Plan. Therefore, the proposed project will not displace or relocate residents, but will provide additional senior housing anticipated by the General Plan for the Richmar Neighborhood. Therefore, no significant impacts to housing or population will occur as a result of the proposed project.

Potentially Significant Impact	Less than Significant w/ Mitigation Incorporated	Less Than Significant Impact	No Impact
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XIV. PUBLIC SERVICES --

a. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, 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 objective for any of the public services:

Fire protection?	☐	☒	☐	☐
Police protection?	☐	☒	☐	☐
Schools?	☐	☒	☐	☐
Parks?	☐	☒	☐	☐
Other public facilities?	☐	☒	☐	☐

The project proposes a 50-unit senior apartment complex to be constructed. The apartment buildings will be required to be constructed with fire sprinklers in compliance with the California Building Code; fire hydrants will be installed as required per the City Fire Marshal; and the site layout provides adequate circulation for emergency vehicles. San Marcos Fire Station No. 1 is located within an 1-mile vicinity. Current fire staff levels and equipment are adequate to serve the project. However, the project will contribute toward an incremental and cumulative increase in City-wide demand for emergency services. Additional resources will be needed in the future to adequately respond to this cumulative increase in demand for emergency services. Therefore, the property will be required to be annexed into the Police and Fire/Paramedic Community Facilities Districts. The property will also be required to annex into the Lighting and Landscaping District for maintenance of City-wide parks, public landscaping, street lights, traffic signals, and other public infrastructure. In addition, the proposal will be subject to school impact fees and public facilities fees. With implementation of the following mitigation

measures, potential impacts to fire protection, police, schools, parks, maintenance of public facilities, or other governmental facilities will be mitigated to a level below significance for the proposed project.

Mitigation Measures:

- The applicant/developer/property owner shall submit executed versions of separate petitions to annex into and establish, with respect to the property, the special taxes levied by the following Community Facilities Districts (CFDs): (a) CFD 98-01, Improvement Area No. 1, Police, (b) CFD 2001-01, Fire and Paramedic, and (c) CFD 98-02, Lighting and Landscape prior to issuance of grading permit.
- The proposed new development is subject to the payment of School Fees as required by law. The applicant is required to submit a Certificate of Compliance from the school district to obtain building permits from the City.
- The applicant/developer for the proposed development, redevelopment or discretionary use is required to pay Public Facilities Fees as established by the latest adopted Public Facilities Fee Resolution. The fee is based on the proposed land use and shall be paid prior to the issuance of building permit.

Potentially Significant Impact	Less than Significant w/ Mitigation Incorporated	Less Than Significant Impact	No Impact
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XV. RECREATION --

- a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?
- 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 significant impacts to recreation are anticipated as a result of the proposed project. Since this is an infill development project, the project will not affect the quality or quantity of recreational opportunities. It is expected that the occupants of the fifty (50) senior apartments will be able to utilize existing recreational facilities within the Richmar Neighborhood. Development of the proposed project will require payment of Public Facilities Fees which include park impact fees.

Potentially Significant Impact	Less than Significant w/ Mitigation Incorporated	Less Than Significant Impact	No Impact
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XVI. TRANSPORTATION/TRAFFIC -- *Would the project:*

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

☐	☐	☐	☒
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|--|--------------------------|-------------------------------------|--------------------------|-------------------------------------|
| b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways? | ☐ | ☒ | ☐ | ☐ |
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? | ☐ | ☐ | ☐ | ☒ |
| d) Substantially increase hazards due to a design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)? | ☐ | ☐ | ☐ | ☒ |
| e) Result in inadequate emergency access? | ☐ | ☐ | ☐ | ☒ |
| f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? | ☐ | ☐ | ☐ | ☒ |

The project proposes to construct fifty (50) senior apartments units. Based upon the trip generation rate established by San Diego Association of Governments (SANDAG), this project will generate 200 Average Daily Trips (50 units x 4 trips per unit = 200 ADT). The project will contribute toward City-wide traffic resulting in potential cumulative impacts to State Route (SR-78) which currently operates at below-satisfactorily Levels of Service. In order to mitigate for SR-78 cumulative impacts, the proposed project shall financially participate in a planned intra-City shuttle system which will assist in the reduction of City-wide traffic congestion and impacts to SR-78. The senior apartment complex will have two (2) driveways off of Woodward Street. The project proposes sixty-four (64) parking spaces (17 garage/36 carport/11 open) which exceeds the required rate of 1.25 spaces per unit according to the City's Off-Street Parking Ordinance. No significant impacts or the generation of substantial additional vehicular movement, effects on existing parking facilities, or demand for new parking, substantial impacts upon existing transportation systems, alterations of present patterns of circulation or movement of people and/or goods, alterations to waterborne, rail or air traffic, or increase in traffic hazards are anticipated as a result of the proposed project.

Mitigation Measures:

- The applicant/developer/property owner 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 Facilities District (CFD): (a) CFD 2011-01, Congestion Management, prior to issuance of grading permit.

Potentially Significant Impact	Less than Significant w/ Mitigation Incorporated	Less Than Significant Impact	No Impact
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XVII. UTILITIES AND SERVICE SYSTEMS -- *Would the project:*

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☒
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☒
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☒

The subject site is located within the boundaries of the Vallecitos Water District (VWD). A water and sewer study (Attachment E)) was prepared by the Vallecitos Water District (VWD) (dated 10/21/15), and determined that adequate water storage, wastewater treatment/disposal, and land outfall capacities exist at this time. As part of the project approximately 564 feet of the existing 8-inch sewer main in Woodward Street will be upsized to 10-inch main to serve the project, and additional 122 feet will be upsized for continuity of the pipeline for a total of 686 feet. The applicant will be required to comply with all requirements of the Vallecitos Water District (VWD) for the provision of water and sewer services to the subject site. Per the City's implementation of the BMP Design Manual storm water discharge procedures and the latest adopted NPDES Permit, the proposed project will incorporate site-design and naturalized treatment control Best Management Practices (BMPs) for all drainage before entering the City's storm drain system per the approval of the City Engineer/Public Works Director. Trash collection service for the project will be provided by EDCO which will include collection of recyclable materials. With implementation of the following mitigation measures, potential impacts to utilities and service systems will

be mitigated to a level below significance for the proposed project.

Mitigation Measures:

- Obtain “will-serve” letters from all affected public service and utilities agencies prior to issuance of grading permit.
- The project is subject to the approval of the Vallecitos Water District (VWD) for water and sewer services and all applicable fees and charges shall be paid to the satisfaction of the District prior to issuance of grading or building permit.
- The project shall incorporate site-design and naturalized treatment control Best Management Practices (BMPs) as required by the City Engineer/Public Works Director; and shall implement a program, in a form to the satisfaction of the City Engineer/Public Works Director, for long-term maintenance of all structural post-construction Best Management Practices (BMPs).

Potentially Significant Impact	Less than Significant w Mitigation Incorporated	Less Than Significant Impact	No Impact
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XVIII. MANDATORY FINDINGS OF SIGNIFICANCE --

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

☐ ☒ ☐ ☐

The project has the potential to degrade the quality of the environment; however, the proposal's potential impacts to biological resources will be mitigated to a level below significant.

- 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)?

☐ ☒ ☐ ☐

The proposed project does not have impacts that are “individually limited, but cumulatively considerable” since this project proposes a restaurant building which is allowed per the General Plan, except that the proposal will contribute toward City-wide traffic resulting in potential cumulative impacts to State Route (SR-78) which currently operates at below-satisfactorily Levels of Service. Although the Negative Declaration analysis does identify potentially significant impacts unless mitigated that could result from the project, any such impact will be mitigated to below a level of significance thereby insuring that impacts are not cumulatively considerable, including the proposed project shall financially participate in the Congestion Management Community Facilities District (CFD) 2011-01 for a planned intra-City shuttle system which will assist in the reduction of City-wide traffic congestion and impacts to SR-78.

- c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

☐ ☐ ☒ ☐

The project will be mitigated and conditioned to ensure that impact areas of concern such as aesthetics, biological resources, cultural resources, geology & soils, hydrology & water quality, land use, noise, and public services are fully mitigated to below a level of significance and will not cause a substantial adverse effects on human beings, either directly or indirectly. In staff's opinion, no significant issues remain unmitigated through compliance with mitigation measures, compliance with code requirements, and the recommended conditions of approval for the proposed senior apartment complex.

**MITIGATION MONITORING PROGRAM
FOR NEGATIVE DECLARATION 15-010**

MITIGATION MEASURES	MONITORING ACTIVITY/TIMING	RESPONSIBILITY
The proposed project requires approval of a Specific Plan (SP) and Multi-Family Site Development Plan (MFSDP) to allow for the development of the 50-unit senior apartment complex.	Currently processing	Developer
All retaining walls shall be constructed of earth tone colored keystone, split-face, or similar textured block. The applicant shall submit a material sample to the Planning Division for review and approval prior to issuance of grading permit.	Prior to issuance of grading permits	Developer
Prior construction activities during the avian breeding season (February 1 to September 15), a qualified biologist shall conduct pre-construction surveys in the riparian habitat for Least Bell's Vireo, nesting raptors, and migratory birds. The survey shall be conducted not more than three (3) days prior to the beginning of grading activities or other disturbance of the site. The USFWS, CDFW, and the City of San Marcos Planning Division shall be notified in writing if any of these species are observed nesting on the property. No activities which would result in noise levels exceeding 60 dBA hourly Leq (excluding ambient noise) within the subject property shall be allowed. If grading and construction exceeding this noise threshold are not completed prior to the breeding season and any of these species are present, then noise barriers shall be erected to reduce noise impacts to occupied habitat to below 60 dBA hourly Leq or the activities shall be suspended.	Prior to issuance of grading permits	Developer
Landscaping for the proposed project shall avoid the use of invasive plant species. Invasive plants shall be those identified on Lists A and B of the California Exotic Plant Council's List of Exotic Plants of Greatest Ecological Concern in California, as of October 1999, and updated if applicable.	Prior to issuance of grading permits	Developer
The applicant/developer shall preserve the on-site riparian habitat and associated buffer zone within an open space easement.	Prior to issuance of grading permits	Developer
Prior to issuance of grading permit, the applicant shall enter into a pre-excavation agreement with a Luiseno tribe to provide for the following: - An archeological monitor and a Luiseño Native American monitor shall be present during all earth moving and grading activities to assure that any potential cultural resources, including tribal, found during project grading be protected. - Prior to beginning project construction, the Project Applicant shall retain a San Diego County qualified archaeological monitor to monitor all ground-disturbing activities in an effort to identify any unknown archaeological resources. Any newly discovered cultural resource deposits shall be subject to cultural resources evaluation, which shall include archaeological documentation, analysis and report generation. - At least thirty (30) days prior to beginning project construction, the Project Applicant shall enter into a Cultural Resource Treatment and Monitoring Agreement (also known as a pre-excavation agreement) with a Luiseño Tribe. The Agreement shall address the treatment of known cultural resources, the designation, responsibilities, and participation of professional Native American Tribal monitors during grading, excavation and ground disturbing activities; project grading and development scheduling; terms of compensation for the monitors; and treatment and final disposition of any cultural resources, sacred sites, and human remains discovered on site. - Prior to beginning project construction, the Project Archaeologist shall file a pre-grading report with the City to document the proposed methodology for grading activity observation, which will be determined in consultation with the contracted Luiseño Tribe. Said methodology shall include the requirement for a qualified archaeological monitor to be present and to have the authority to stop and redirect grading activities. In accordance with the required Agreement, the archaeological monitor's authority to stop and redirect grading will be exercised in consultation the Luiseño Native American monitor in order to evaluate the significance of any archaeological resources discovered on the property. Tribal and archaeological monitors shall be allowed to monitor all grading, excavation, and groundbreaking activities, and shall also have the authority to stop and redirect grading activities. - The pre-construction meeting with the developer, contractor, and City staff shall	Prior to issuance of grading permits	Developer

MITIGATION MEASURES	MONITORING ACTIVITY/TIMING	RESPONSIBILITY
include the Project Archaeologist and Tribal Monitor in discussion of the proposed earth disturbing activities for the project site, including excavation schedules and safety protocol, as well as consultation with the Project Archaeologist regarding proposed archaeological techniques and strategies for the project. • In the event the project requires the import of fill onto the site, said material shall be clean of cultural resources and documented as such. • The landowner shall relinquish ownership of all cultural resources collected during the grading monitoring program and from any previous archaeological studies or excavations on the project site to the appropriate Tribe for proper treatment and disposition per the Cultural Resources Treatment and Monitoring Agreement. All cultural materials that are deemed by the Tribe to be associated with burial and/or funerary goods will be repatriated to the Most Likely Descendant as determined by the Native American Heritage Commission per California Public Resources Code Section 5097.98. In the event that curation of cultural resources is required, curation shall be conducted by an approved facility and the curation shall be guided by California State Historic Resource Commissions Guidelines for the Curation of Archaeological Collections. The City of San Marcos shall provide the developer final curation language and guidance on the project grading plans prior to issuance of the grading permit, if applicable, during project construction. • All sacred sites, should they be encountered within the project area, shall be avoided and preserved as the preferred mitigation, if feasible. • If human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the San Diego County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. Suspected Native American remains shall be examined in the field and kept in a secure location at the site if the San Diego County Coroner determines the remains to be Native American, the Native American Heritage Commission (NAHC) must be contacted within twenty-four (24) hours. The NAHC must then immediately notify the "most likely descendant(s)" of receiving notification of the discovery. The most likely descendants(s) shall then make recommendations within forty-eight (48) hours, and engage in consultation concerning treatment of remains as provided in Public Resources Code 5097.98. • If inadvertent discoveries of subsurface archaeological/cultural resources are discovered during grading, the Developer, the Project Archaeologist, and the Luiseño Tribe under the required Agreement with the landowner shall assess the significance of such resources and shall meet and confer regarding the mitigation for such resources. Pursuant to California Public Resources Code Section 21083.2(b) avoidance is the preferred method of preservation for archaeological resources. If the Developer, the Project Archaeologist and the Tribe cannot agree on the significance of mitigation for such resources, these issues will be presented to the Planning Director for decision. The Planning Director shall make a determination based upon the provisions of the California Environmental Quality Act with respect to archaeological resources and shall take into account the religious beliefs, customs, and practices of the Tribe. Notwithstanding any other rights available under law, the decision of the Planning Director shall be appealable to the Planning Commission and/or City Council.		
An updated report for the 2015 geotechnical investigation shall be submitted to the City Engineer for review and approval, addressing any changes of on-site conditions and said report shall include recommendations for cut and fill slopes and compaction.	Prior to issuance of grading permits	Developer
All recommendations and conclusions of the prepared geologic and soils study shall be incorporated into the project design and grading plan. Said report shall be approved by the City's Engineering and Building Divisions.	Prior to issuance of grading permits	Developer
A comprehensive grading plan shall be submitted and approved by the City Engineer and Planning Division Manager prior to the issuance of a grading permit.	Prior to issuance of grading permits	Developer
All slopes shall be designed and graded in accordance with the City's Grading Ordinance, particularly with respect to terraces, drainage, access, erosion control and setbacks. A comprehensive grading plan shall be submitted and approved by the City Engineer and Planning Division Manager prior to the issuance of a building permit.	Prior to issuance of grading permits	Developer

MITIGATION MEASURES	MONITORING ACTIVITY/TIMING	RESPONSIBILITY
Erosion control and/or sediment control details shall be submitted with/on the grading plans to the City's Engineering Division for review and approval. The details shall conform to the City's standards, codes and ordinances. The details shall include landscaping and temporary irrigation systems on exposed slopes to be approved by the City's Engineering and Planning Divisions. Plant material and irrigation design shall comply with the City's landscape Water Efficiency Ordinance, Section 20.82 of the San Marcos Municipal Code.	Prior to issuance of grading permits	Developer
A hydrology report (calculations) shall be prepared for the proposed project. Storm drains and drainage structures shall be sized according to the approved hydrology report. All surface runoff originating within the project and all surface waters that may flow onto the project from adjacent properties shall be accommodated by the drainage system. The report shall also determine the build-out runoff into existing off-site natural drainage swales and storm drain systems, and shall address any need for off-site improvement requirements. Blocking, concentrating, lowering or diverting of natural drainage from or onto adjacent property shall not be allowed without written approval of the affected property owner. This report shall be subject to approval of the City Engineer.	Prior to issuance of grading permits	Developer
The applicant/developer shall obtain coverage under the State Water Resources Control Board's General Permit to Discharge Storm Water Associated with Construction Activity. Coverage includes the preparation, certification and implementation of a Storm Water Pollution Prevention Plan (SWPPP). Implementation of the SWPPP is required during all phases of construction. Proof of coverage will be submitted to the City.	Prior to issuance of grading permits	Developer
The applicant/developer shall submit to the City for review and approval, a Storm Water Quality Management Plan (SWQMP) prepared by civil engineer that identifies receiving waters, water quality objectives, pollutants of concern, treatment control best management practices (BMPs), and hydromodification management requirements. The SWQMP shall demonstrate that, when implemented, the project meets or exceeds water quality objectives consistent with the City's adopted National Pollutant Discharge Elimination System (NPDES) permit.	Prior to issuance of grading permits	Developer
The applicant/developer shall submit a plan and agreement, for review and approval by the City, for the long-term maintenance of all post construction BMP's.	Prior to issuance of grading permits	Developer
The project is located within the existing 100-year floodplain. Any development in the 100-year floodplain shall comply with all terms of the City's Flood Damage Prevention Overlay Zone and all FEMA (Federal Emergency Management Agency) regulations and requirements.	Prior to issuance of grading permits	Developer
The limits of the 100-year floodplain shall be shown on all plans and maps per the hydrology/hydraulics report submitted by the applicant/developer and approved by the City Engineer.	Prior to issuance of grading permits	Developer
The applicant/developer shall submit and obtain approval from Federal Emergency Management Agency (FEMA) for a Conditional Letter of Map Revision based on fill (CLOMR-F) prior to grading permit issuance.	Prior to issuance of grading permits	Developer
The project is located within the 100-year floodplain and requires the payment of a floodplain mitigation fee.	Prior to issuance of grading permits	Developer
Obtain "will-serve" letters from all affected public service and utilities agencies prior to issuance of grading permit.	Prior to issuance of grading permits	Developer
The project shall incorporate site-design and naturalized treatment control Best Management Practices (BMPs) as required by the City Engineer; and shall implement a program, in a form to the satisfaction of the City Engineer, for long-term maintenance of all structural post-construction Best Management Practices (BMPs).	Prior to issuance of grading permits	Developer
The applicant/developer/property owner shall submit executed versions of separate petitions to annex into and establish, with respect to the property, the special taxes levied by the following Community Facilities Districts (CFDs): (a) CFD 98-01, Improvement Area No. 1, Police, (b) CFD 2001-01, Fire and Paramedic, and (c) CFD 98-02, Lighting and Landscape prior to issuance of grading permit.	Prior to issuance of grading permits	Developer

MITIGATION MEASURES	MONITORING ACTIVITY/TIMING	RESPONSIBILITY
The applicant/developer/property owner 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 Facilities District (CFD): (a) CFD 2011-01, Congestion Management, prior to issuance of grading permit.	Prior to issuance of grading permits	Developer
Street lights shall be shielded to direct light downward and reduce glare.	Prior to issuance of building permits	Developer
Front elevations (facing Woodward Street) of the proposed multi-family buildings shall have enhanced architectural features, and the south side elevation of Building 5 (facing the adjacent open space lot) shall also be enhanced. The proposed multi-family buildings shall be architectural compatible with each other and the surrounding neighborhood.	Prior to issuance of building permits	Developer
The City of San Marcos is located in Seismic Design Category "D". Buildings and structures shall be designed to adequately transmit the dynamic lateral forces in accordance with the requirements of the latest adopted California Building Code.	Prior to issuance of building permits	Developer
An automatic fire extinguishing system is required in accordance with the latest adopted California Building Code and San Marcos Fire Code Ordinance (SMMC Chapter 17.64). Fire suppression systems shall conform to the National Fire Protection Association standards.	Prior to issuance of building permits	Developer
Non-native and invasive plants species shall be removed from the adjacent riparian habitat for fuel modifications purposes.	Prior to issuance of building permits	Developer
Plant material shall be fire and drought tolerant and acceptable for defensible space in fire prone areas.	Prior to issuance of building permits	Developer
Building construction shall comply with the City's Urban-Wildland Interface Area standards.	Prior to issuance of building permits	Developer
The proposed new development is subject to the payment of School Fees as required by law. The applicant is required to submit a Certificate of Compliance from the school district to obtain building permits from the City.	Prior to issuance of building permits	Developer
The applicant/developer for the proposed development, redevelopment or discretionary use is required to pay Public Facilities Fees as established by the latest adopted Public Facilities Fee Resolution. The fee is based on the proposed land use and shall be paid prior to the issuance of building permit.	Prior to issuance of building permits	Developer
The project is subject to the approval of the Vallecitos Water District (VWD) for water and sewer services and all applicable fees and charges shall be paid to the satisfaction of the District prior to issuance of grading or building permit.	Prior to issuance of building permits	Developer
The project shall implement a fugitive dust emissions control plan during construction. This plan shall include the watering of the site for dust control; isolating excavated soil until removed from the site; and periodic cleaning of streets to remove accumulated materials.	During construction	Developer
The project shall comply with Regional Air Quality Standards.	During construction	Developer
To mitigate for potential indirect impacts to sensitive vegetation communities during construction, temporary orange construction fencing shall be placed along the edge of the riparian corridor adjacent to the construction area. Staging areas, including lay down areas, equipment storage and other construction-related activities shall be located outside of the riparian area in order to avoid impacting sensitive areas. All employees shall be instructed that their activities, vehicles, equipment, and construction materials and debris are restricted to the proposed footprint, designated staging areas, and routes of travel.	During construction	Developer
Construction monitoring by a qualified biological monitor shall occur during the grading activities to prevent indirect impacts to the sensitive biology within the riparian area. The biological monitor shall work with the contractor to implement specific mitigation measures while working adjacent to the riparian corridor. Installation of orange construction fencing adjacent to the riparian area shall be conducted under supervision of the biological monitor.	During construction	Developer
During construction, silt fencing or other sediment trapping devices shall be installed	During	Developer

MITIGATION MEASURES	MONITORING ACTIVITY/TIMING	RESPONSIBILITY
and maintained in order to prevent run-off from entering the riparian area without being treated.	construction	
Construction hours shall be limited in accordance with the Grading Ordinance and Municipal Code.	During construction	Developer
Existing non-native plant species, including Mexican fan palm (<i>Washingtonia robusta</i>) and pampas grass (<i>Cortaderia selloana</i>), shall be eliminated from all areas of the property to be maintained in open space (riparian habitat and buffer zone). If identified, additional significant noxious plant species currently growing within the riparian corridor shall be flagged by a qualified biologist and carefully removed so that seeds are not dispersed (if such removal can practically be achieved).	Prior to occupancy	Developer
Fencing and signage shall be required to be installed between the riparian habitat to the west and the wetland mitigation site to the south to prevent public access and minimize domestic pet access to these areas from the proposed development.	Prior to occupancy	Developer
Exterior lighting shall use cut-off fixtures and shielded to direct the illumination downward away from the riparian habitat and buffer zone.	Prior to occupancy	Developer
The applicant/developer shall submit and obtain approval from Federal Emergency Management Agency (FEMA) for a Letter of Map Revision based on fill (LOMR-F) prior to building occupancy.	Prior to occupancy	Developer
The applicant shall disclose to future owners/tenants of the proposed project that the property is located within the Airport Influence Area of McClellan-Palomar Airport, and may be subject to some of the annoyances or inconveniences, if any, associated with proximity to airport operations (i.e.: noise, vibration, or odors).	During operations	Property owner/operator
Permanent Best Management Practices (BMPs) shall be incorporated into the project design and maintained by the property owner/operator in perpetuity.	During operations	Property owner/operator
The property owner/operator shall maintain the riparian area in a generally weed-free, healthy condition, eliminating invasive plants, in perpetuity.	During operations	Property owner/operator

TECHNICAL APPENDICES

ND 15-010

(SJ Asset Management, P15-0019)

Available upon request or at www.san-marcos.net

A – Biological Technical Report

B – Cultural Resource Survey

C – Geotechnical

D – Noise Analysis

E – Water & Sewer Study

Agenda item # 2

SJ Asset Management. ND 15-010 Response to Comments

The Vallecitos Water District indicates in their letter (dated 2/23/16) that the District currently has water and sewer capacity available to serve the project as proposed. Comment noted. The project will be conditioned to comply with all VWD requirements including the upgrade of sections of sewer line along Woodward Street in accordance with the water/sewer study prepared for the project.



VALLECITOS WATER DISTRICT

A PUBLIC AGENCY

201 Vallecitos de Oro • San Marcos, California • 92069-1453 Telephone (760) 744-0460

February 23, 2016

Mr. Norm Pedersen
City of San Marcos
Planning Division
1 Civic Center Drive
San Marcos, CA 92069

**RE: NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION
P15-0019: SP 15-003, MFSDP 15-002, ND15-010;
SJ ASSET MANAGEMENT (WOODWARD SENIOR HOUSING)**

Dear Mr. Pedersen:

Thank you for the opportunity to review the Notice of Intent to Adopt a Mitigated Negative Declaration. The proposed Woodward Senior Housing project (Project) is a multi-family residential development located on Woodward Street north of Borden Road within the City of San Marcos. The 3.38-acre project proposes 50 multi-family residential units.

Water and sewer service will be provided under the rules and regulations of the District, under normal operating conditions after all required fees have been paid and all conditions of the District have been satisfied.

Any existing District pipelines located within the areas that are in conflict with proposed development will require relocation within the public right-of-way or District easements. District policy requires that all newly created parcels have frontage on a District main and extensions of facilities to serve each newly created parcel will be required. The exact location of the main line extensions and relocation will be determined during the planning stage for the development.

Water or sewer facilities not within the public right-of-way will require a minimum 20-foot easement granted to the District. The District may require additional easements through the new development or private properties for future extensions. The developer is responsible for obtaining any easements including expenses incurred. Joint use of these easements is not allowed by the District and easements for storm drain and other facilities should be analyzed early so that adequate sizing of easements for all facilities and various agencies is provided.

No structures will be allowed over District facilities. This includes, but is not limited to, walls, entrance medians, landscaping, gates, guard house structures, curbs and gutters, and driveways. For protection of District facilities, any areas with water pressures near or higher than 150 psi will require water pressure regulators between the water main and the metering device.

The District adopted Ordinance No. 162 on May 6, 2009, which identifies various water conservation measures including mandatory conservation, the curtailment of availability letters and limiting new service connections as it relates to current and future drought conditions.

On April 1, 2015, Governor Brown issued an Executive Order directing that the State Water Resources Control Board impose restrictions on urban water users to achieve a statewide 25% reduction in potable urban water use. On May 5, 2015, the State adopted new regulations and mandated a 24% reduction in potable water use for the District from 2013 demands.

On May 20, 2015, the District's Board of Directors adopted emergency drought restrictions under Ordinance 195 (to supplement Ordinance 162) to limit all outdoor irrigation, excluding certified agricultural or commercial growers, to 2 unassigned days per week/8 minutes per station and additionally as follows:

- The use of potable water for irrigation of ornamental turf within public street rights of ways including adjacent landscape strips.
- The use of potable water outside of newly constructed homes and buildings inconsistent with regulations established by the California Building Standards Commission.
- The application of potable water to outdoor landscaping during and after 48 hours of a measurable rain event.

The District currently obtains 100% of its water supply from the San Diego County Water Authority, which in turn obtains most of its water from the Metropolitan Water District of Southern California. Therefore, the District's primary water sources are from northern California via the California State Water Project and from the Colorado River via the Colorado River Aqueduct. The Vallecitos Water District is currently a member agency in the Poseidon Resources Desalination project. This project includes a 30 year water purchase agreement through the San Diego County Water Authority for 3,500 acre-feet per year of desalinated water.

At this time, the District does not have recycled water available in the County of San Diego

Mr. Norm Pederson
NOI to adopt a Mitigated NEG DEC – Woodward Senior Housing
February 23, 2016
Page 3

planning area. Furthermore, no plan exists for extending recycled water infrastructure or availability into the County of San Diego planning area through Year 2030.

Conclusion

The proposed Project is expected to increase average daily water demands by 5,070 gallons per day and wastewater flow by 3,380 gallons per day over the ultimate flows projected in the 2008 Master Plan.

The Study concludes that the proposed Project will result in the following:

- An increase of 25,350 gallons of potable water storage demand.
- An increase of 3,380 gpd in solids handling, liquids handling and ocean disposal demand at the Encina Water Pollution Control Facility.
- An increase of 3,380 gpd in the parallel land outfall's demand.

The District has determined that adequate water storage, wastewater treatment/disposal and land outfall capacities exist at this time. A complete list of the required conditions to provide service to the proposed project is outlined in the conclusion of the attached study.

The District currently has water and sewer capacity available to serve the Project as proposed. However, the ability to provide water and sewer service in the future depends upon ultimate build-out of the Project and could change depending upon the timing of the build-out, as well as annexations and build-outs of other development projects, continued reliable water supplies from the San Diego County Water Authority, the District's treatment capacity at the EWPCF and other factors affecting growth in the District which may change over time.

The Vallecitos Water District requests notification of and inclusion in any future public review and requests copies of any related studies and environmental documents when they become available.

If you have any questions, please contact the undersigned at (760) 744-0460 or by e-mail at istichter@vwd.org.

Sincerely,



Ingrid Stichter
Engineering Technician II
VALLECITOS WATER DISTRICT

cc: Robert Scholl, Senior Engineer Development Services
James Gumpel, District Engineer

Agenda item # 2

SJ Asset Management. ND 15-010 Response to Comments

The San Luis Rey Band of Mission Indians concurs with the ND cultural mitigation measures.
Comment noted.

SAN LUIS REY BAND OF MISSION INDIANS

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760-724-8505 • FAX 760-724-2172

www.slrmissionindians.org

February 29, 2016

Norm Pederson
Associate Planner
Planning Division
City of San Marcos
1 Civic Center Drive
San Marcos, CA 92069-2918

**VIA ELECTRONIC MAIL
npederson@san-marcos.net**

**RE: COMMENTS ON THE NOTICE OF INTENT TO ADOPT THE SJ
ASSET MANAGEMENT NEGATIVE DECLARATION 15-010
(PROJECT CASE NOS. P15-0019, SP 15-003, MFSDP 15-002)**

Dear Mr. Pederson:

We, the San Luis Rey Band of Mission Indians ("Tribe") thank you for the opportunity to submit the following comments regarding the SJ Asset Management Negative Declaration ("ND") hereinafter referred to as the SJ Asset Management Project ("Project"). As you are aware, we are a northern San Diego County that is traditionally and culturally affiliated to Camp Pendleton, the current cities of Oceanside, Carlsbad, Vista, San Marcos and Escondido, and the unincorporated areas in northern San Diego County, such as the communities of Valley Center, Fallbrook and Bonsall. We are resolute in the preservation and protection of tribal cultural resources within all these jurisdictions.

It is the Tribe's understanding that the Project proposes a Specific Plan and Multi-Family Site Development Plan to allow for the development of a 50-unit senior apartment complex on 1.88 acres of a 3.38 acre parcel. It is the Tribe's further understanding that the remaining western portion of the site is located within the floodway and will not be subject to development. The Project consists of five (5) multi-family buildings, recreation pool, sixty-four (64) parking spaces, and landscaping. The Project Location is located at the west side of Woodward Street, north of Borden Road, also known as APN 218-120-31-00 ("Project Location and/or Project Site").

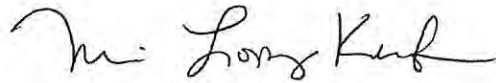
The Tribe has reviewed the City's ND for the Project and all of its supporting documentation as it pertains specifically to the protection and preservation of Luiseño tribal cultural resources that may be located within the parameters of the Project's property boundaries. The Tribe has independently visited the site, as well as performed a

*San Luis Rey Band of Mission Indians Comment Letter
Negative Declaration for SJ Asset Management Project
City of San Marcos*

search of our own Sacred Lands Inventory for the Project Location. We concur with the City's determination that Luiseño Native American and archaeological monitoring is appropriate for this Project Location given the potential for inadvertent discoveries of subsurface tribal cultural resources. Therefore, the Tribe is satisfied, and concurs, with the ND's tribal cultural resource mitigation measures.

The San Luis Rey Band of Mission Indians appreciates this opportunity to provide the City of San Marcos with our comments on the SJ Asset Management Project. As stated above, the Tribe is satisfied with the mitigation measures for tribal cultural resources as proposed in the ND. As always, we look forward to working with the City to guarantee that the requirements of the CEQA are rigorously applied to this Project and all projects. We thank you for your continuing assistance in protecting our invaluable Luiseño cultural resources.

Sincerely,

A handwritten signature in black ink, appearing to read "Merri Lopez-Keifer". The signature is fluid and cursive, with the first name "Merri" being more prominent.

Merri Lopez-Keifer
Chief Legal Counsel

cc: Mel Vernon, SLR Captain
Carmen Mojado, SLR Secretary of Government Relations and President of
Saving Sacred Sites