

PLANNING COMMISSION

Meeting Date: 4/4/16

ADDITIONAL ITEM ADDED AFTER
DISTRIBUTION OF PACKET

SJ Asset Management
Agenda # 2

Date 4/1/16
Time 4:10 p.m.



Memorandum

TO: Planning Commission
FROM: Planning Division
DATE: 4/1/16
SUBJECT: P15-0019, Resolutions PC 16-4526 (SP 15-003) and PC 16-4527 (MFSDP 15-002)
SJ Asset Management

A. Revise the following for Resolution PC 16-4526 (SP 15-003):

1. There is a typographical error in the header on pages 2 and 3.

Page 2
Resolution PC 16-4426
April 4, 2016

shall be revised to:

Page 2
Resolution ~~PC 16-4426~~ PC 16-4526
April 4, 2016

2. Resolve 3:

This Specific Plan (SP 15-003) is hereby recommended to the City Council for approval.

shall be revised to:

This Specific Plan (SP 15-003) is hereby recommended to the City Council for approval,
except as modified by the attached errata sheet.



3. Resolve 5:

Prior to submittal of grading, final map, and/or building permit application, whichever comes first, the applicant shall submit the color specific plan as an editable digital file on a CD and two (2) hard copies to the Planning Division for review and final approval.

shall be revised to:

Prior to submittal of grading, final map, and/or building permit application, whichever comes first, the applicant shall submit the revised color specific plan with corrections made per the errata sheet as an editable digital file on a CD and two (2) hard copies to the Planning Division for review and final approval.

4. Add an errata sheet as follows:

ERRATA SHEET FOR SPECIFIC PLAN (SP 15-003)

Figure 15	(ADD) Detail of combination block wall (36-inch high min.) and tubular steel/wrought iron fencing on top. Call-out for western boundary of development.
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B. Revise the following for Resolution PC 16-4527 (MFSDP 15-002):

1. Condition H 21:

The applicant/developer shall preserve the on-site riparian habitat and associated buffer zone within an approximately 1.5-acre conservation easement. Said easement shall be recorded by means of a land use deed restriction. The deed restriction shall be approved by the City of San Marcos and recorded prior to the approval of the grading plans.

shall be revised to

The applicant/developer shall preserve the on-site riparian habitat and associated buffer zone within an approximately 1.5-acre conservation easement. Said easement shall be



recorded by means of a land use deed restriction. The deed restriction shall be reviewed and approved by the City of San Marcos and City Attorney prior to the approval of the grading plans. The applicant/developer shall submit a habitat management and maintenance plan for the conservation easement area to the City for review and approval. Said plan shall be prepared by a qualified biologist. It shall be the responsibility of the property owner to properly maintain the riparian area in accordance with the approved habitat management and maintenance plan in perpetuity. Said plan shall be included as an exhibit of the land use deed restriction and recorded on the property prior to the approval of the grading plans.

2. Condition H23g

The applicant shall submit a fencing plan, in conjunction with the landscape plan, which proposes a consistent type and style of fences and/or walls. The fencing plan shall include decorative fencing with a detail of each proposed fence/wall type in accordance with the approved specific plan, and shall not include chain link or dog-eared wood fencing. Fencing shall include pilasters spaced every fifty (50) feet. 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.

shall be revised to

The applicant shall submit a fencing plan, in conjunction with the landscape plan, which proposes a consistent type and style of fences and/or walls. The fencing plan shall include decorative fencing with a detail of each proposed fence/wall type in accordance with the approved specific plan, and shall not include chain link or dog-eared wood fencing. Fencing shall include pilasters spaced every fifty (50) feet. 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. In order to prevent vehicle headlights from shining into the habitat area from the parking lot, fencing along the western boundary shall be a combination of block wall (36-inch high min.) and tubular steel/wrought iron fencing on top.



U. S. Fish and Wildlife Service
Carlsbad Fish and Wildlife Office
2177 Salk Avenue, Suite 250
Carlsbad, California 92008
(760) 431-9440
FAX (760) 431-5902



California Department of Fish and Wildlife
South Coast Region
3883 Ruffin Road
San Diego, California 92123
(858) 467-4201
FAX (858) 467-4239

In Reply Refer To:
FWS/CDFW-SDG-15B0101-16CPA0263

MAR 23 2016

Norm Pedersen, Associate Planner
City of San Marcos
Development Services Department
1 Civic Center Drive
San Marcos, California 92069-2949
(760) 744-1050
npedersen@san-marcos.net

Subject: Comments on the Notice of Intent to Adopt a Mitigated Negative Declaration for the Woodward Street Project ND 15-010 City of San Marcos, County of San Diego

Dear Mr. Pedersen:

The U.S. Fish and Wildlife Service (Service) and the California Department of Fish and Wildlife (Department), hereafter collectively referred to as the Wildlife Agencies, have reviewed the above-referenced Mitigated Negative Declaration (MND) dated February 2, 2016. The Service received the Notice of Intent (NOI) on February 16, 2016. The Department did not receive the NOI from the State Clearinghouse pursuant to CEQA section 15386. The Wildlife Agencies have identified potential effects of this project on wildlife and sensitive habitats. The comments and recommendations provided are based on our knowledge of sensitive and declining vegetation communities in the County of San Diego and our participation in regional conservation planning efforts.

The primary concern and mandate of the Service is the protection of public fish and wildlife resources and their habitats. The Service has legal responsibility for the welfare of migratory birds, anadromous fish, and endangered animals and plants occurring in the United States. The Service is also responsible for administering the Federal Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*), including habitat conservation plans (HCP) developed under section 10(a)(1)(B) of the Act. The Department is a Trustee Agency and a Responsible Agency pursuant to the California Environmental Quality Act (CEQA; §§ 15386 and 15381, respectively) and is responsible for ensuring appropriate conservation of the state's biological resources, including rare, threatened, and endangered plant and animal species, pursuant to the California Endangered Species Act (CESA; Fish and Game Code § 2050 *et seq.*) and Fish and Game Code section 1600 *et seq.* The Department also administers the Natural Community Conservation Planning (NCCP) program, a California regional habitat conservation planning program.

The project would develop a 50-unit senior apartment complex on 1.88 acres of a 3.38-acre parcel. The remaining western portion of the site that is located within a tributary of San Marcos Creek would not be developed. The development would include five multi-family buildings, a recreation

building, pool, 64 parking spaces, and landscaping. The existing site is currently a vacant lot. 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 residences. The adjacent property to the south has been established as open space for wetland mitigation. The property to the west, across the creek, is currently vacant and designated for commercial uses per the City of San Marcos' (City) General Plan.

We offer our comments and recommendations in the enclosure to assist the City in avoiding, minimizing, and adequately mitigating project-related impacts to biological resources, and to ensure that the project is consistent with ongoing regional habitat conservation planning efforts. We appreciate the opportunity to comment on this MND. We are hopeful that further coordination between our agencies will ensure the protection we find necessary for the biological resources that would be affected by this project. If you have questions or comments regarding this letter, please contact Janet Stuckrath of the Service (760) 431-9440 or Eric Hollenbeck of the Department at (858) 467-2720 or Eric.Hollenbeck@wildlife.ca.gov.

Sincerely,



Karen A. Goebel
Assistant Field Supervisor
U.S. Fish and Wildlife Service



Gail K. Sevens
Environmental Program Manager
California Department of Fish and Wildlife

Enclosure

cc:
State Clearinghouse, Sacramento

ENCLOSURE

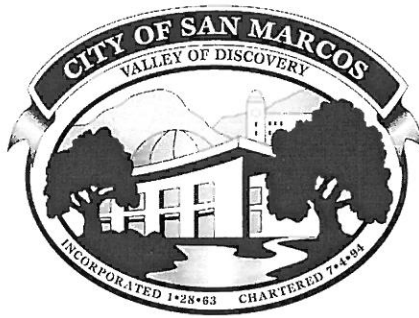
Wildlife Agency Comments and Recommendations on the Mitigated Negative Declaration for the Woodward Street Project ND 15-010 City of San Marcos

1. The MND specifies that 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 Wildlife Agencies recommend a minimum of 50 feet as a biological buffer in which no structures or anthropogenic uses would be allowed in order to avoid and minimize potential indirect impacts to the on-site riparian habitat and federally and State-listed least Bell's vireo (*Vireo bellii pusillus*). For similar reasons, the Wildlife Agencies also recommend a 50 feet biological buffer between any project development and the Borden Road Bridge Project wetland mitigation area established pursuant to the Service's informal consultation with the U.S. Army Corps of Engineers (FWS-SDG-09B0018-11I0255) located immediately south of the project property.

In addition to the mitigation measures specified in the MND, the Wildlife Agencies recommend the following:

2. The on-site riparian habitat and buffer be preserved in perpetuity within a conservation easement and the following:
 - a. Development and implementation of a perpetual management, maintenance and monitoring plan for all biological conservation easement areas and establishment of a non-wasting endowment for an amount approved by the Wildlife Agencies based on a Property Analysis Record (PAR) (Center for Natural Lands Management ©1998) or similar cost estimation method to secure the ongoing funding for the perpetual management, maintenance and monitoring of the biological conservation easement area by an agency, non-profit organization, or other entity approved by the Wildlife Agencies.
 - b. A draft plan including: 1) a description of perpetual management, maintenance and monitoring actions and the PAR or other cost estimation results for the non-wasting endowment; 2) proposed land manager's name, qualifications, business address, and contact information will be submitted to the Wildlife Agencies for approval prior to initiating project impacts. The final plan will be submitted to the Wildlife Agencies and a contract with the approved land manager, as well as transfer the funds for the non-wasting endowment to a non-profit conservation entity, within 90 days of receiving approval of the draft plan.
3. The 1.88 acres of impacted non-native grassland be mitigated at a 0.5:1 ratio consistent with the requirements of other jurisdictions and the Multiple Habitat Conservation Plan which includes the City.

1 Civic Center Drive
San Marcos, CA 92069-2918



Telephone
760.744.1050
FAX: 760.591.4135

April 1, 2016

Ms. Karen A. Goebel
U.S. Fish & Wildlife Service
California Fish & Wildlife Office
2177 Salk Avenue, Suite 250
Carlsbad, CA 92008

Ms. Gail K. Sevens
California Department of Fish & Wildlife
South Coast Region
3883 Ruffin Road
San Diego, CA 92123

Re: P15-0019; Response Letter; 50 Senior Apartment Units
West Side of Woodward Street, North of Borden Road; APN: 218-120-31.

Ms. Goebel and Ms. Sevens,

Thank you for comments regarding Mitigated Negative Declaration (MND 15-010) which was posted for public review from 2/12/16 to 3/3/16. The comments from USFWS/CDFW were received late by the City on March 23, 2016, and therefore, will not be included in the Final Mitigated Negative Declaration. This letter is to provide a response to your comments outside of the CEQA review process. A copy of your letter and this response will be included with the project review package for Planning Commission and City Council.

1. *The MND specifies that 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 Wildlife Agencies recommend a minimum of 50 feet as a biological buffer in which no structures or anthropogenic uses would be allowed in order to avoid and minimize potential indirect impacts to the on-site riparian habitat and federally and State-listed least Bell's vireo (Vireo bellii pusillus). For similar reasons, the Wildlife Agencies also recommend a 50 feet biological buffer between any project development and the Borden Road Bridge Project wetland mitigation area established pursuant to the Service's informal consultation with the U.S. Army Corps of Engineers (FWS-SDG-09B0018-1110255) located immediately south of the project property.*

RESPONSE: The proposed project involves development of housing for senior citizens which is typically a relatively low-impact land use on adjacent neighbors and properties. The proposed project will maintain a minimum 30-foot to 60-foot (average 44-foot) development setback (buffer) from the edge of the riparian habitat located on the western portion of the site. This setback area will provide an

environmental buffer that is free of any development, except for a small area of riprap (10' x 15') which is required for project storm drain outfall protection from soil scour and erosion. Further, the development will provide a 7-foot high retaining wall with 3.5-foot barrier fence on top. This combination wall/fence between the development and the riparian corridor will minimize the opportunity for human interaction and domestic pets to invade the habitat and harass or pursue the riparian-dependent wildlife.

On the southerly edge of the property, adjacent to the offsite recently-created wetlands mitigation site, there will be a 10-foot horizontal building setback from the property line to the building (5 feet to patio covers) and a vertical buffer of 4 to 6-foot retaining wall with 3.5-foot barrier fence on top is provided. Additionally, an offsite "upland buffer" varying between 15-feet and 75-feet between the joint property line and the wetlands has been designed into the mitigation site restoration plan. Therefore, a minimum of 25-feet horizontal distance and generally 8-foot high barrier (combination retaining wall and fence) vertical distance exists along this section. In addition, no direct access from the proposed senior housing project will be provided to the south along this rear section of units. Therefore all feasible access to this offsite mitigation area will be curtailed.

Further, as part of the program to minimize indirect impacts on the riparian corridor and the offsite wetland mitigation property, the project will provide cut-off fixtures and shielded lighting for the project with illumination directed away from the riparian and offsite wetland areas. The project's landscaping will avoid invasive plant species and storm water runoff will be filtered prior to discharge into the creek area. In addition, signage will be provided on the barrier fences to advise residents of the protected habitats and to avoid trespassing or other impacts. Prior to disturbance of the site, a nesting survey will also be required if start of construction will occur during the nesting season for potential birds within the adjacent riparian habitat.

Thus, in consideration of the combination of these factors, it is concluded that the proposed senior housing project maintains the functional equivalent of a 50-foot buffer, and thus will possess an adequate buffer which will serve to mitigate for indirect impacts to the westerly riparian corridor and the southerly wetlands mitigation site.

2a. Development and implementation of a perpetual management, maintenance and monitoring plan for all biological conservation easement areas and establishment of a non-wasting endowment for an amount approved by the Wildlife Agencies based on a Property Analysis Record (PAR) (Center for Natural Lands Management ©1998) or similar cost estimation method to secure the ongoing funding for the perpetual management, maintenance and monitoring of the biological conservation easement area by an agency, non-profit organization, or other entity approved by the Wildlife Agencies.

RESPONSE: The riparian area to be maintained is only 1.15 acres in area. This is an area that is of such a small size that it is not, in our opinion, a good candidate for management by a nature conservancy and rather can readily be maintained and managed by the property owner. As an alternative to conservancy management, the City has conditioned the proposed project to preserve, as a non-buildable area, the on-site riparian habitat and associated buffer zone within an approximately 1.5-acre conservation easement. Said easement shall be recorded by means of a land use deed restriction and will require the property owner to; (a) maintain the riparian area in generally weed-free, healthy conditions, (b) eliminate invasive plants on Lists A and B of the Cal EPC List, (c) eliminate existing non-native and noxious plants, (d) control erosion that may occur in this area, (e) keep the property free of trash or refuse, (f) remove dead plant materials as they may occur, and (g) generally keep the riparian area in a thriving, natural condition. These maintenance efforts will be the responsibility of the property owner in perpetuity, and they will run with the land. If the property owner fails to maintain the riparian area in accordance with these

requirements, the City of San Marcos has the option to issue to the property owner a written notice of non-compliance with the land use deed restriction, violation of City regulations, and demand the cure of such violation. In the event that the property owner does not complete such cure in accordance with City of San Marcos requirements, the City can bring an action to enforce the regulations. Compliance with the above regulations by the property owner provides permanent funding of riparian maintenance and thus performs the functional equivalent of a PAR, endowment, and conservancy package.

2b. A draft plan including: 1) a description of perpetual management, maintenance and monitoring actions and the PAR or other cost estimation results for the non-wasting endowment; 2) proposed land manager's name, qualifications, business address, and contact information will be submitted to the Wildlife Agencies for approval prior to initiating project impacts. The final plan will be submitted to the Wildlife Agencies and a contract with the approved land manager, as well as transfer the funds for the non-wasting endowment to a non-profit conservation entity, within 90 days of receiving approval of the draft plan.

RESPONSE: The proposed project is conditioned to submit a habitat management plan to the City for review and approval. Said habitat management plan shall be prepared by a qualified biologist. It shall be the responsibility of the property owner to properly maintain the riparian area in accordance with the approved habitat management plan in perpetuity. Said plan shall be included as an exhibit of the land use deed restriction which will be recorded on the property. Also see answer to Comment #2a above.

3. The 1.88 acres of impacted non-native grassland be mitigated at a 0.5:1 ratio consistent with the requirements of other jurisdictions and the Multiple Habitat Conservation Plan which includes the City.

RESPONSE: It is correct that the project proposes impacts to 1.88 acres of non-native grasslands. However, the biological survey concluded that no impacts to sensitive botanical or wildlife species will result from impacts to this grassland area. Further, the site does not contain property which has been mapped by the USFWS as critical habitat for any plant or animal species. And while non-native grasslands of decent size do provide foraging area for raptors and migratory birds, the subject grasslands are very small and do not provide a sufficiently robust area so as to constitute valuable foraging habitat. Further, the grasslands are isolated, in that an existing residential neighborhood exists to the north of the property, the wetlands mitigation site exists to the south, residential property exists to the east, and industrial development exists to the southwest. Also, the biological survey report indicates that no substantive foraging was observed during the wildlife surveys of the property, and no bird-occupied rodent burrows or nests were observed within the area. Thus it is the City's conclusion that the non-native grassland on the subject site is of a minimal size and isolated location, and thus the impact to this vegetation is considered not significant and not requiring mitigation.

If you have any questions, please feel free to contact me at (760) 744-1050, extension 3236, or npedersen@san-marcos.net via email.

Sincerely,



Norm Pedersen
Associate Planner