

RESOLUTION PC 16-4550

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF SAN MARCOS RECOMMENDING THAT THE CITY
COUNCIL CERTIFY THE FINAL ENVIRONMENTAL IMPACT
REPORT NO. 15-001

FEIR 15-001
P13-0009
Farouk Kubba

WHEREAS, the City of San Marcos received an application from Farouk Kubba requesting approval of the San Marcos Highlands Specific Plan (SP 13-001), Tentative Subdivision Map (TSM 13-001), Conditional Use Permit (CUP 13-010), Ridgeline Development Permit (ROZ 14-001), Prezone (PZ 14-001), and General Plan Amendment (GPA 15-002); and

WHEREAS, the City of San Marcos is the lead agency for the preparation and consideration of environmental documents for the Project, as defined by the California Environmental Quality Act located at Public Resources Code Sections 21000-21178.1 ("CEQA") and the California Guidelines for the Implementation of CEQA located at Cal. Code of Regulations, Title 14, Sections 15000-15387 ("State CEQA Guidelines"); and

WHEREAS, the Project is subject to compliance with CEQA, the State CEQA Guidelines and the City of San Marcos Environmental Review Ordinance, Municipal Code, Title 18, Sections 18.04.010-18.04.350 ("Local CEQA Guidelines"), since the Project requires approval of a discretionary action by the City of San Marcos, including: a (i) Specific Plan Amendment; (ii) Tentative Subdivision Map; (iii) Conditional Use Permit; (iv) Ridgeline Development Permit; (v) Prezone; and (vi) General Plan Amendment (the "Project"); and

WHEREAS, the City of San Marcos has prepared, or caused to be prepared, a Draft EIR to assess the Project in conformance with CEQA and the City Council of the City of San Marcos as lead agency under CEQA is responsible for certification of the Final Environmental Impact Report; and

WHEREAS, the Draft EIR was available for public and agency review and comment from June 23, 2015 to August 24, 2015; and

WHEREAS, the City of San Marcos has consulted with other public agencies and the general public and has provided an opportunity to comment on the Draft EIR as required by the provisions of CEQA and the State CEQA Guidelines; and

WHEREAS, the City of San Marcos has evaluated the comments received from public agencies and persons who reviewed the Draft EIR and has prepared responses to the comments received during the public comment period; and

WHEREAS, the City of San Marcos has prepared the Findings of Fact in accordance with

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Public Resources Code 21000-21178.1 and the CEQA Guidelines; and

WHEREAS, said comments and recommendations received on the Draft EIR, either verbatim or in summary, a list of persons, organizations and public agencies commenting on the Draft EIR, and responses of the City of San Marcos to significant environmental points raised in the review and consultation process have been attached to and made part of the Draft EIR to form the Final EIR (No. 15-001 State Clearinghouse No. 1999071007), for the Project as a whole, as required by Section 15132 of the State CEQA Guidelines; and

WHEREAS, the City of San Marcos desires and intends to use the Final EIR and the documents incorporated by reference therein, including the San Marcos Highlands Specific Plan Final Environmental Impact Report (EIR 15-001) that was certified pursuant to Section 15090 of the State CEQA Guidelines, as the environmental documentation required by CEQA and the State and Local CEQA Guidelines for each of the above-referenced discretionary actions to the extent authorized by law; and

WHEREAS, the Final EIR evaluates the possible environmental impacts of the proposed Specific Plan Amendment, Tentative Subdivision Map, Conditional Use Permit, Ridgeline Development Permit, Prezone, and General Plan Amendment; and

WHEREAS, the Planning Commission is responsible for reviewing the Final EIR and making a recommendation to the City Council of the City of San Marcos as to whether such Final EIR has been prepared in compliance with all applicable requirements, and

WHEREAS, a staff report was presented discussing the issues in the matter and the required public hearing held on September 6, 2016 was duly noticed and held in the manner prescribed by law;

NOW, THEREFORE, the Planning Commission resolves as follows:

- A. The foregoing recitals are true and correct.
- B. The Final EIR indicates that the Project would have direct and/or cumulative impacts in the following areas, which can be reduced to less than significant levels if all mitigation measures recommended in the Final EIR are implemented:
 - 1. Aesthetics
 - 2. Biological Resources
 - 3. Cultural Resources (unknown cultural resources during project grading)
 - 4. Geology/Soils (unstable soil)
 - 5. Hazards and Hazardous Materials (exposure to wildland fires)
 - 6. Hydrology/Water Quality (groundwater supplies or recharge)
 - 7. Noise (noise standards and temporary construction noise)
 - 8. Public Services (fire, police, and schools)
 - 9. Recreation (increased use of existing parks)

10. Transportation/Traffic (increase area's circulation network)
 11. Utilities/Service Systems (water storage, wastewater treatment, and capacity at ocean outfall)
- C. The Final EIR indicates the Project will not have significant, direct and/or unavoidable and adverse impacts on the environment after all feasible mitigation measures recommended in the Final EIR are implemented.
- D. The Final EIR reflects the independent judgment of the City of San Marcos, as required by Section 21082.1(c)(3) of CEQA; and
- E. The Final EIR has been prepared and completed in compliance with CEQA and all applicable requirements, as required by Section 15090 of the State CEQA Guidelines, including the Findings of Facts to be considered, and upon their consideration along with the staff report (copies of which are on file in the Planning Division), public testimony presented at the hearing, and all other oral and written evidence on this project, the Planning Commission recommends certification of the Final EIR by the San Marcos City Council.

PASSED AND ADOPTED by the Planning Commission of the City of San Marcos, State of California, at a regular meeting thereof, this 6th day of September 2016, by the following roll call vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

APPROVED:

Eric Flodine, Chairman
SAN MARCOS CITY PLANNING COMMISSION

ATTEST:

Lisa Kiss, Office Specialist III
SAN MARCOS CITY PLANNING COMMISSION

Attachment: Exhibit "A" (Findings of Fact and Final EIR)

EXHIBIT "A"

**San Marcos Highlands Specific Plan
Final EIR & Technical Appendices (Volume I & II)**

Available at:

City Hall, Development Services Counter, 1 Civic Center Drive,
San Marcos, CA 92069, during normal business hours

&

City website: www.san-marcos.net

**CEQA Findings Regarding Significant Effects for the
San Marcos Highlands Specific Plan
P13-0009, SP 13-001, TSM 13-001, CUP 13-010, ROZ 14-001, PZ 14-001, GPA 15-002**

The City of San Marcos has prepared an Environmental Impact Report (EIR) for the proposed San Marcos Highlands Specific Plan project (Project) in compliance with the California Environmental Quality Act (CEQA; Public Resources Code Section 21000 et seq.) and the State CEQA Guidelines (14 California Code of Regulations Section 15000 et seq. as amended).

FINAL EIR EVALUATION

The Final EIR evaluated potentially significant effects for the following environmental areas of potential concern: 1) Aesthetics/Viewsheds; 2) Air Quality; 3) Biological Resources; 4) Cultural Resources; 5) Geology/Soils; 6) Greenhouse Gas; 7) Hazards/Hazardous Materials; 8) Hydrology/Water Quality; 9) Land Use; 10) Noise; 11) Population/Housing; 12) Public Services; 13) Recreation; 14) Transportation/Traffic; and 15) Utilities and Service Systems. The issue areas of Agriculture/Forestry Resources and Mineral Resources were analyzed during the Initial Study process for the EIR and were determined to have no impact or less than significant impacts.

The Final EIR identified potentially significant environmental effects related to Aesthetics/Viewsheds; Biological Resources; Cultural Resources (unknown cultural resources during project grading); Geology/Soils (site located on unstable soil); Hazards/Hazardous Materials (exposure to wildland fires); Hydrology/Water Quality (groundwater supplies or recharge); Noise (noise standards and temporary noise); Public Services (fire, police and schools); Recreation (increased use of existing parks); Transportation/Traffic (increase area's circulation network); and Utilities and Service Systems (water storage, wastewater treatment and capacity at ocean outfall).

Public Resources Code Section 21081 and CEQA Guidelines section 15091 require that the City of San Marcos, as lead agency for this project, prepare written findings for any identified significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings under CEQA and the CEQA Guidelines are:

- (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR
- (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the Final EIR.

After consideration of an EIR, and in conjunction with Section 15091 findings, the lead agency may decide whether or how to approve or carry out the project. Pursuant to Section 15091(a)(1) of the Guidelines, the City finds that for each of the significant effects identified in the Final EIR, changes or alterations (mitigation measures) have been required in, or incorporated into, the Project which will avoid or substantially lessen each of the significant environmental effects identified in the Final EIR. The significant effects (impacts) and mitigation measures are stated fully in the Final EIR. The rationale for this finding for each impact is discussed below.

The official custodian of the documents and other materials that constitute the record of proceedings is:

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

Copies of all these documents, which constitute the record of proceedings upon which the City's decision is based, are, and at all relevant times have been, available upon request at the offices of the City, the custodian for such documents.

PROJECT DESCRIPTION

The San Marcos Highlands Specific Plan (Project) is a single-family residential development located at the northern terminus of Las Posas Road in the City of San Marcos in north-central San Diego County. The Project site is bounded by the existing Santa Fe Hills neighborhood to the south, rural residential in the County of San Diego to the north and west, and undeveloped hillsides to the east.

The Project boundary is 293.3 acres. This includes 265.8 acres within the Specific Plan, plus an additional 22.8 acres outside of the Specific Plan that would serve as a mitigation area for habitat impacts. Also included in the overall Project boundary is a 4.7-acre area dedicated as an off-site habitat linkage easement.

The Project site is currently within the City of San Marcos (141.14 acres) and the County of San Diego (152.16 acres). Approximately 124.69 acres in the County of San Diego are within the City's Sphere of Influence. A reorganization to annex these 124.69 acres into the City from the unincorporated County is proposed as part of the Project. The remaining 27.47 acres of the Project site will remain in the County of San Diego.

The proposed Project consists of 189 clustered single-family residential lots with a minimum lot size of 5,000 feet within a development area of 50.04 acres (including roads), which is separated into two Planning Areas. Planning Area One represents all the development area west of Las Posas Road and would have 109 residential lots on 20.27 acres. Planning Area Two covers the area east of Las Posas Road and would provide 80 residential lots on 24.41 acres. Las Posas Road covers 5.36 acres.

A total of 210.8 acres of the Project would be placed in a biological conservation easement. When the acreage of fuel modification areas, park, manufactured exterior slopes and water quality lots are added to the biological conservation easement areas, the Project provides a total of 243.23 acres of open space

The Project requires a General Plan Amendment (GPA 15-002), Specific Plan Amendment (SP 13-001), Tentative Subdivision Map (TSM 13-001), Conditional Use Permit (CUP 13-010), and a Ridgeline Development Permit (ROZ 14-001). A pre-zone from County Zoning (A-70) to Specific Plan Area (SPA) is also required for a 9.7-acre portion of the Project site currently in the County of San Diego (PZ 14-001).

PROJECT OBJECTIVES

The City identified project objectives to develop a reasonable range of alternatives to analyze within the Final EIR. The objectives for the proposed Project are:

1. Provide for complete conformity of all aspects of development with the City of San Marcos General Plan and all applicable City ordinances, regulations, and policies;
2. Preserve and, wherever possible, enhance the existing riparian woodland, and habitat linkage;
3. Cluster development to maximize open space preservation;
4. Ensure that all public facilities and services are available to serve the Project and meet or exceed applicable City standards and requirements prior to, or concurrent with, development;
5. Finance or contribute towards community and citywide infrastructure consistent with Proposition R;
6. Provide development standards that would regulate the nature and appearance of all construction within the San Marcos Highlands Specific Plan area to meet grading, architectural and aesthetic standards that supplement existing City-wide zoning and development regulations;
7. Implement a comprehensive landscape program that provides visual continuity throughout the Project area and reduces adverse effects of grading;
8. Develop a well-planned and orderly single-family residential community. Covenants, Conditions and Restrictions (CC&Rs) shall be prepared which would provide for attractive, well-maintained neighborhoods;
9. Implement a maintenance program which would ensure the proper care of all common landscape areas and open space areas including the riparian area.

These objectives have been considered in preparing the findings discussed below.

Section I Findings Regarding Certification of Final EIR

Pursuant to CEQA and the Guidelines, the City Council of the City of San Marcos as the lead agency under CEQA is responsible for certification of the EIR and therefore makes the following findings:

1. The City Council has reviewed and considered the information in the Final EIR, which has been completed in compliance with CEQA;
2. The Final EIR reflects the City's, as lead agency, independent judgment and analysis; and,
3. The City Council adopts the Mitigation Monitoring and Reporting Program (Attachment 1) to reduce or avoid the significant and mitigable impacts of the Project.

Section II Environmental Effects Found Not to be Significant

Through project scoping and the environmental analysis conducted for and included within the Final EIR, it was determined that the Project would not result in a potential significant effect on the environment with respect to air quality; greenhouse gas; land use; and, population or housing. A summary of the reasons for this determination can be found in Sections 3.2, 3.6, 3.9, and 3.11 of the EIR. No further findings are required for these subject areas.

Section III Findings for Significant by Mitigated Effects

The following findings have been made for the significant environmental effects identified in the Final EIR related to Aesthetics/Viewsheds, Biological Resources, Cultural Resources, Geology and Soils, Hydrology/Water Quality, Noise, Public Services, Recreation, Transportation/Traffic, and Utilities and Service Systems:

AESTHETICS/VIEWSHEDS

The proposed Project would result in potentially significant aesthetic impacts resulting from installation of a groundwater storage tank.

Mitigation measures: Pursuant to CEQA Guidelines Section 15091, the following mitigation measure has been included in a mitigation monitoring and reporting program (MMRP) that is to be adopted concurrently with these findings:

MM VIS-1 If a groundwater storage tank is installed, placement of the tank shall consider the existing visual setting to ensure the tank does not impede any scenic vistas or significantly modify the visual character of the Project site. Screening strategies shall be used to minimize the appearance of the storage tank. Such strategies include, but are not limited to: placing the tank on lower lying land, landscaping, berms, and/or vegetation and painting the tank a neutral color to blend with the tank's surroundings. The plans for the storage tank shall be submitted for approval approved by the Planning Division Manager and City Engineer prior to issuance of a grading permit.

Finding

Changes or alterations have been required in, or incorporated into, the Project as mitigation measure MM VIS-1, which is feasible, and will avoid or substantially reduce potentially significant aesthetic impacts to less than significant levels.

Facts in Support of Finding:

Potential visual impacts due to installation of a groundwater storage tank would be mitigated through implementation of MM VIS-1, which requires appropriate siting and screening measures to ensure the tank does not impede views of any scenic resources on or surrounding the Project site. The storage tank plans would also be subject to review and approval by the Planning Division Manager. With the incorporation of MM VIS-1, significant environmental effects to aesthetics would be reduced to less than significant.

BIOLOGICAL RESOURCES

The proposed Project would result in potentially significant impacts related to species identified as a candidate, sensitive or special status species; sensitive natural communities; federally protected wetlands as defined by Section 404 of the Clean Water Act; interference with the movement of native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors; and cumulative impacts related to habitat loss.

Mitigation measures: The Project includes the following mitigation measures, which pursuant to CEQA Guidelines Section 15091, have been included in a mitigation monitoring and reporting program (MMRP) that is to be adopted concurrently with these findings:

All biological resource impacts and mitigation measures are detailed in Attachment A at the end of this document. It should be noted that mitigation measures MM-BIO-3a through MM-BIO-3e will also mitigate impact BIO-7 (Indirect Impact to Sensitive Habitat – Project Construction) to below a level of significance. Mitigation measures MM-BIO-6a and MM-BIO-6b below will mitigate impact BIO-9 (Direct Impact to Jurisdictional Wetlands) to below a level of significance. Mitigation measures MM-BIO-4a through MM-BIO-4d and MM-BIO-8a through MM-BIO-8c will mitigate impact BIO-11 (Indirect Impact to Wildlife Corridor and Habitat Linkage) to below a level of significance. Mitigation measures MM-BIO-5a through MM-BIO-5d will mitigate impact BIO-12 (Cumulative Loss of Diegan Coastal Sage Scrub) to below a level of significance.

MM-BIO-1a Prior to Project grading, the Project applicant shall conduct USFWS presence/absence protocol coastal California gnatcatcher surveys. The surveys shall be conducted within the 12-month period prior to Project grading. Pursuant to the Biological Opinion issued by the USFWS, results of the surveys shall be submitted to USACE, the Wildlife Agencies and the City of San Marcos Planning Division Manager. If coastal California gnatcatchers are found to be nesting within the area to be disturbed, mitigation measures MM-BIO-1b and MM-BIO-1c shall also be implemented.

MM-BIO-1b If the preconstruction survey identified nesting gnatcatchers on the Project site, clearing and grubbing activity would cease within 300 feet in accordance with the Final HMMP and approved by the Planning Division.

MM-BIO-1c To reduce potential noise impacts to nesting gnatcatchers, a qualified acoustician would monitor the Project site and vicinity for listed birds during initial grading, and on a monthly basis thereafter to determine if any nests are within a distance potentially affected by noise from grading, clearing, or construction activities. If nesting birds are located adjacent to the Project site with the potential to be affected by construction activity noise above 60 dBA Leq, a noise barrier would be erected. This noise barrier would consist of a 10-foot-high continuous plywood fence supported by posts or an earthen berm located at the site boundary that abuts potential off-site habitat. If 60 dBA Leq is exceeded the acoustician would require the construction contractor to make operational and barrier changes to reduce noise levels to 60 dBA during the breeding season (February 15 through September 15). Noise monitoring would occur during operational changes and installation of barriers, as needed, to ensure their effectiveness.

MM-BIO-1d A Wildlife-Agency approved biological monitor shall be present during initial clearing, grading, and construction in sensitive habitat areas and/or in the vicinity of biological open space areas to ensure that conservation measures associated with resource agency permits and construction documents are performed. The biological monitor shall have the authority to halt construction to prevent or avoid take of any listed species and/or to ensure compliance with all avoidance, minimization, and mitigation measures. Any unauthorized impacts or actions in non-compliance with the permits and construction documents shall be immediately brought to the attention of the City, USACE, and the Wildlife Agencies.

MM-BIO-2

If construction is proposed during the breeding season (February 15 through September 15), a pre-construction survey shall be performed by a qualified biologist to determine if any birds are nesting within or immediately adjacent to the impact area. The survey must be conducted no more than three days prior to commencing Project activities. If surveys show that nesting birds are present, a no-work buffer would be placed around the nest. The buffer size would be determined by a qualified biologist and would vary based on site conditions and type of work to be conducted. The no-work buffer would be maintained until the end of the breeding season or until surveys by a qualified biologist confirm that fledglings are no longer dependent on nest. If no nesting birds are detected during pre-construction surveys, no restrictions would be necessary and construction may proceed as planned.

MM-BIO-3a/7a

The applicant/developer shall designate a USFWS-approved qualified biologist who would be responsible for overseeing compliance with protective measures (e.g., buffers, noise mitigation) for the listed species during construction, including site clearing and grubbing. The biologist would have the authority to halt all associated Project activities which may be in violation of the USFWS Biological Opinion issued for the Project. In such an event, the biologist is required to contact the City of San Marcos, USACE and USFWS within 24 hours.

MM-BIO-3b/7b

An employee education program for the construction crew shall be developed and implemented by a qualified biologist. Each employee (including temporary, contractors, and subcontractors) would receive a training/awareness program within two weeks of working on the proposed Project. They would be advised of the potential impact to the listed species and the potential penalties for taking such species. At a minimum, the program shall include the following topics: occurrence of the listed and sensitive species in the area, their general ecology, sensitivity of the species to human activities, legal protection afforded these species, penalties for violations of Federal and State laws, reporting requirements, and Project features designed to reduce the impacts to these species and promote continued successful occupation of the Project area environs.

MM-BIO-3c/7c

Construction work areas shall be delineated and marked clearly, by flagging or temporary orange construction fencing, in the field prior to habitat removal, and the marked boundaries maintained and clearly visible to personnel on foot and by heavy equipment operators. Fencing shall be placed on the impact side to reduce the potential for additional vegetation loss within open space. Fencing placement shall be done by a qualified biologist. All temporary fencing shall be removed only after the conclusion of all grading, clearing, and construction. Employees shall strictly limit their activities and vehicles to the proposed Project areas, staging areas, and routes of travel. The Project proponent and/or the biological monitor shall contact the City of San Marcos, USACE, and USFWS to verify that the limits of construction have been properly staked and are readily identifiable. Intrusion by unauthorized vehicles into the riverbed and outside of construction limits shall be prohibited, with control exercised by an on-site foreman. Access

routes to the construction area outside of work hours shall be blocked with physical barriers, such as concrete blocks or large equipment.

MM-BIO-3d/7d

The work area shall be kept clean to avoid attracting predators. All food and trash shall be disposed of in closed containers and removed from the Project site. No pets shall be allowed on the construction site.

MM-BIO-3e/7e

All equipment maintenance, staging, and dispensing of fuel, oil, or any other such activities shall occur in designated upland areas outside of the proposed preserve. The designated upland areas shall be located in such a manner as to prevent any runoff from entering waters of the United States, including wetlands.

MM-BIO-4a/11a

The applicant would require the Home Owner's Association to implement covenants, conditions, and restrictions (CC&Rs) to regulate property usage, including maintenance of on-site restored habitats, indoor cat policy, and protection of adjacent natural areas of the on-site preserve and the Agua Hedionda Creek. The applicant would incorporate landscape management practices into the CC&Rs that minimize the use of chemical fertilizers, pesticides, and herbicides. Maintenance of on-site restored habitats and protection of adjacent natural areas of the on-site preserve and Agua Hedionda Creek shall be overseen by a conservancy or similar entity with approval by the permitting regulatory agencies. The CC&Rs shall be reviewed by the City Attorney prior to recordation.

MM-BIO-4b/11b

Potential impacts from human and pet intrusion into the on-site open space shall be minimized through a program of education (using that developed by the American Society for the Prevention of Cruelty to Animals), cat control, and habitat fencing as required by the approved Habitat Mitigation and Monitoring Plan (HMMP), with no gates between the development and the open space, along the backyards of residential lots adjacent to the planned open space. These requirements would be identified in the CC&Rs. The CC&Rs shall be reviewed by the City Attorney prior to recordation.

MM-BIO-4c/11c

Use of invasive exotic plant species in landscaped areas adjacent to or near sensitive vegetation communities shall be restricted. The applicant/developer shall encourage the use of native species in landscaping plans and would avoid the use of species listed in Lists A & B of the California Invasive Plant Council's list of Exotic Pest Plants of Greatest Ecological Concern in California. This condition shall be included in the CC&Rs for the Project. The CC&Rs shall be reviewed by the City Attorney prior to recordation.

MM-BIO-4d/11d

All night lighting within the proposed development area, including streets and backyards, shall be directed away from the habitat areas, including Agua Hedionda Creek, the stepping stone linkage along the Project's northern boundary, and the preserved open space east of the development. This condition shall be included in the CC&Rs for the Project and the HOA shall regulate this condition and would not allow any future additional lighting to be installed by private homeowners. The CC&Rs shall be reviewed by the City Attorney prior to recordation.

- MM-BIO-5a/12a** The direct impact to 77.36 acres of CSS and 1.84 acres of baccharis dominated CSS shall be mitigated at a 2:1 ratio for a total of 158.4 acres. This shall be accomplished through the preservation of CSS within a biological conservation easement on the Project site.
- MM-BIO-5b/12b** Graded slopes outside the fuel modification zone adjacent to natural open space areas shall be revegetated with CSS species (specifically, this includes the slope along the western side of the Las Posas Road extension adjacent to Agua Hedionda Creek). In addition, the off-site 4.7-acre easement area would require removal of exotic species, seeding with native species, and/or spreading of CSS duff for preservation that would allow the Project to maintain a minimum 500-foot wide habitat linkage along the northern Project boundary with the exception of a 500 linear foot portion which may have a minimum width of 400 feet.
- MM-BIO-5c/12c** A monitoring/management plan(s) that is consistent with MHCP guidelines and that addresses both the habitat and the species shall be developed and implemented by the natural lands manager or biological consultant in coordination with the USACE, USFWS and CDFW. The plan shall include management objectives to determine the distribution and abundance of plants and animals found within the on-site and off-site acquisition parcels and build a baseline database from this information. Management will include monitoring specific taxonomic groups to determine whether the Project site is functioning naturally or if the biological diversity of the Project site is being degraded or diminished. All threats will be monitored and managed appropriately. This plan will be implemented prior to, or concurrent with, the initiation of construction.
- MM-BIO-5d/12** A five-year restoration and monitoring plan for the upland restoration area shall be developed and submitted to the USACE, CDFW and USFWS for approval prior to any ground disturbance in the CSS habitat. The plan would include salvaging on-site plant materials prior to initial clearing and the storage of those materials may be used in the revegetation effort. The restoration/monitoring plan shall include specific replacement planting techniques, timing, success criteria, and an As-Built report.
- MM-BIO-6a/9a** The direct impact to 0.06 acres of herbaceous wetland would occur during implementation of the HMMP. This direct impact shall be mitigated at a 3:1 ratio for a total of 0.18 acres. This shall be accomplished through restoration, enhancement and/or creation of wetland habitat and placement of wetland habitat in a biological conservation easement. The wetland mitigation shall be performed in accordance with the draft HMMP for the Project, as refined by USACE, and the Wildlife Agencies through the permitting process. The HMMP also identifies the required management and success criteria for the proposed mitigation.
- MM-BIO-6b/9b** A five-year restoration and monitoring plan for the wetland restoration areas shall be developed and submitted to the USACE and USFWS for approval prior to any ground disturbance of wetland habitat. The plan would include salvaging on-site plant materials (if appropriate) prior to initial clearing and the storage of those materials may be used in the revegetation effort. The

restoration/monitoring plan shall include specific replacement planting techniques, timing, success criteria, and an As-Built report.

MM-BIO-8a/11a

Trails that pass through areas of sensitive habitat shall include City-approved habitat signage to inform users of the sensitive resources and remind the trail user to stay on the established trails. Signage shall be placed in accordance with the Final HMMP and as approved by the Planning Division Manager. The Final HMMP shall include a provision to monitor trail usage.

MM-BIO-8b/11b

The western boundary of the riparian corridor shall be enhanced with plant material and fencing barriers to prohibit intrusion into the corridor from the roadway and walkways along Las Posas Road as allowed by the regulatory permits issued by the resource protection agencies and the approved Fire Protection Plan.

MM-BIO-8c/11c

Use of invasive exotic plant species in landscaped areas adjacent to or near sensitive vegetation communities shall be restricted. The applicant shall encourage the use of native species in landscaping plans and would avoid the use of species listed in Lists A & B of the California Invasive Plant Council's list of Exotic Pest Plants of Greatest Ecological Concern in California. This condition shall be included in the CC&Rs for the Project. The CC&Rs shall be reviewed by the City Attorney prior to recordation.

MM-BIO-10a

The project applicant/developer shall submit monthly construction monitoring reports during all grading activities for the Project to the RWQCB. Construction monitoring reports shall include, but not be limited to, the following:

- Name, qualification, and affiliations of the persons contributing to the report;
- Summary of construction activities that includes general locations, Project components, approximate acreages;
- Quantification of impacts to waters of the US authorized under RWQCB Order No. R9-2005-0272;
- Dates, times and names of qualified biologists onsite;
- Diagram showing location and type of the most recent erosion and sediment control BMPs implemented onsite in accordance with the SWPPP;
- Summary of any problems, resolutions, and notification that occurred during this monitoring period; and
- Photo-documentation of construction activities.

MM-BIO-10b

Pursuant to the conditions identified in the 401 Water Quality Certification from the RWQCB (Order No. R9-2005-0272) the project applicant shall develop and implement a sedimentation/siltation monitoring plan to measure sediment loads above and below the Project site during the construction phase. Sediment and siltation monitoring shall continue until such time that a Notice of Termination is processed. The construction phase

sedimentation/siltation monitoring program shall be developed and submitted to the RWQCB for acceptance prior to initiation of Project grading. Upon RWQCB acceptance of the monitoring plan, the project/developer applicant shall monitor sediment loading above and below the Project as follows:

- Samples taken upstream of the construction areas and immediately downstream of the last point of discharge from the Project.
- Samples shall be analyzed for settleable solids and total suspended solids.
- Sediment/siltation monitoring to occur after significant rainfall where storm water runoff discharges from the Project site into Agua Hedionda Creek. The project applicant/developer does not need to perform upstream/ downstream sample collection for more than three rain events per month.

MM-BIO-10c

Pursuant to the conditions identified in the 401 Water Quality Certification from the RWQCB (Order No. R9-2005-0272), following each sample event, the applicant/developer shall immediately assess each sample and if the results of the downstream site show an increase greater than 5 percent above background (upstream site) sediment levels, the applicant/developer shall conduct an immediate assessment of erosion and sediment control BMPs being implemented. The Project applicant shall also:

- Identify the source of the silt and sediment;
- Repair or replace BMPs that failed;
- Maintain any BMP that is not functioning properly due to lack of maintenance;
- Evaluate whether additional or alternative BMPs should be implemented to prevent further exceedences of background sediment levels; and
- Report to the RWQCB within five working days the actions taken to remedy the situation.

MM-BIO-10d

Pursuant to the conditions identified in the 401 Water Quality Certification from the RWQCB (Order No. R9-2005-0272) the project applicant/developer shall include all quality assurance and quality control data from the sediment/siltation monitoring program in reports to be submitted monthly during the rainy season (October 1 through April 30). In months receiving no precipitation resulting in discharge to receiving waters, no report will be required.

MM-BIO-10e

All equipment maintenance, staging, and dispensing of fuel, oil, or any other such activities, would occur in designated upland areas outside of the proposed preserve. The designated upland areas would be located in such a manner as to prevent any runoff from entering waters of the United States, including wetlands.

MM-BIO-13

Prior to Project grading, the project applicant/developer shall conduct USFWS protocol least Bell's vireo surveys. The surveys shall be conducted within the 12-month period prior to Project grading. Results of the surveys shall be submitted to USACE, the Wildlife Agencies, and the City of San Marcos Planning Division Manager. If least Bell's vireo are found to be nesting within the area to be disturbed, clearing and grubbing activity would not be allowed within 500 feet of active territories until such time as the nest is no longer active. Alternatively, noise mitigation (e.g., berm, temporary barrier) may be implemented to achieve noise levels of 60 dBA or less at the nest.

MM-BIO-14

Prior to Project grading, the Project applicant shall conduct USFWS protocol southwestern willow flycatcher surveys. The surveys shall be conducted within the 12-month period prior to Project grading. Results of the surveys shall be submitted to USACE, the Wildlife Agencies, and the City of San Marcos Planning Division Manager. If southwestern willow flycatchers are found to be nesting within the area to be disturbed, clearing and grubbing activity would not be allowed within 500 feet of active territories until such time as the nest is no longer active. Alternatively, noise mitigation (e.g., berm, temporary barrier) may be implemented to achieve noise levels of 60 dBA or less at the nest.

MM-BIO-15

To ensure preservation and management of the proposed preserved areas in perpetuity consistent with MHCP guidelines, the following would occur prior to initial vegetation clearing:

- Conservation easements shall be recorded over the 210.8 acres to be preserved, including the 4.7 acres off site adjacent to the northern property boundary following the purchase from the current owner.
- Designation of an experienced natural lands manager by the project applicant/developer approved by USACE, the USFWS, and the City of San Marcos Planning Division Manager.
- Funding of a non-wasting endowment at an amount to be determined through the preparation of a Property Analysis Record (PAR), or similar analysis.

Finding

Changes or alterations have been required in, or incorporated into, the Project as mitigation measures MM-BIO-1 through MM-BIO-15, which , are feasible, and would avoid or substantially lessen the significant environmental effects as identified in the Final EIR to species identified as a candidate, sensitive or special status species; sensitive natural communities; federally protected wetlands as defined by Section 404 of the Clean Water Act; movement of native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors; and cumulative impacts related to habitat.

Facts in Support of Finding:

The Project could result in an impact to California gnatcatcher. Implementation of MM-BIO-1a through MM-BIO-1c would reduce this impact to below a level of significance. Mitigation measures BIO-MM-1a through MM-BIO-1c require protocol preconstruction surveys prior to Project grading and

a biological monitor present during clearing, grading, and construction. Should nesting gnatcatchers be found during these surveys, buffering and avoidance measures would be implemented to avoid impacts to the gnatcatchers. Mitigation measure MM-BIO-1d requires that a Wildlife-Agency approved biological monitor be present during initial clearing, grading, and construction in sensitive habitat areas and/or in the vicinity of biological open space areas to ensure that conservation measures associated with resource agency permits and construction documents are performed. This will afford additional protection to the gnatcatcher.

The Project could impact species that are afforded protection under the Migratory Bird Treaty Act. Implementation of mitigation measure MM-BIO-2 would reduce this impact to below a level of significance. Mitigation measure MM-BIO-2 requires a preconstruction survey if construction is proposed during the nesting season. If nesting birds are found, avoidance measures would be implemented to minimize impacts.

The Project could indirectly impact sensitive species and sensitive habitat during Project construction. Implementation of mitigation measures MM-BIO-3a through MM-BIO-3e would reduce these impacts to below a level of significance. These measures require education and training for construction workers as well as the requirement for good housekeeping on the construction site, with specific requirement related to the construction equipment staging and fueling.

Once the future residences are occupied, there is a potential for indirect impacts to sensitive species through the introduction of people and pets into areas where there are known sensitive wildlife species (e.g., coastal California gnatcatcher). Implementation of mitigation measures MM-BIO-4a through MM-BIO-4d would reduce this impact to below a level of significance. These measures identify an indoor cat policy, landscape management requirements, limits on the type of landscaping to be permitted on the Project site, and the requirement of lighting to be directed away from habitat areas. These requirements would be enforced by the HOA via the CC&Rs for the Project.

The Project results in direct impact to sensitive upland habitat including 77.36 acres of CSS and 1.84 acres of baccharis dominated coastal sage scrub (CSS). Implementation of mitigation measures MM-BIO-5a through MM-BIO-5d would reduce this impact to below a level of significance. All impacts to CSS would be offset through in-kind mitigation. Although the Project is only required to mitigate for 158.34 acres for impacts to CSS and baccharis dominated coastal sage scrub, the Project would preserve 185.83 acres of Diegan coastal sage scrub on the Project site within a biological conservation easement. This represents a 2.4:1 mitigation ratio and exceeds the 2:1 mitigation ratio for CSS impacts as identified in the MHCP. The long-term preservation and management of this habitat would also provide protected habitat for the coastal California gnatcatcher.

The proposed development of the roadway, infrastructure and residential improvements do not result in any impacts to wetlands; however, the Project would implement a comprehensive HMMP for habitat restoration, creation and enhancement that would result in an impact to 0.06 acres of herbaceous wetlands, which is also considered jurisdictional by USACE and CDFW, along with indirect impacts to jurisdictional wetlands resulting from surface water runoff, sedimentation, and the use of petroleum products. Implementation of mitigation measures MM-BIO-3a through MM-BIO-3e, described above, along with MM-BIO-6a and MM-BIO-6b, require restoration, enhancement, and/or wetland creation and placement into a biological conservation easement to reduce impacts to these resources. The five-year restoration and monitoring plan will require approval by USACE and USFWS. Implementation of erosion control measures and best management practices compliant with conditions included in the 401 Water Quality Certification requirements of the RWQCB permit for the Project are required per MM-BIO-10a through MM-BIO-10d. MM-BIO-3e

and MM-BIO-10e, which ensure equipment maintenance, staging, and fueling would be undertaken in designated areas, are also applicable to mitigating this impact. Implementation of these measures would reduce this impact to below a level of significance through restoration, enhancement and/or creation of 7.0 acres of wetland habitat and placement of 4.2 acres of the wetland habitat in a biological conservation easement even though MM-BIO-6a only requires mitigation of 0.18 acres. The HMMP also identifies the required management and success criteria for the proposed mitigation. Further the Project would be required to implement erosion control measures in accordance with the Section 401 permit from the RWQCB.

Construction activities could result in potentially significant indirect impacts to sensitive CSS and wetland communities through erosion and intrusion of workers and/or equipment. MM-BIO-3a through MM-BIO-3e require mitigation oversight by a qualified biologist, worker education, clear delineation of construction areas, keeping the Project site clean, and ensuring equipment maintenance, staging, and fueling are undertaken in designated areas.

Potential indirect impacts to sensitive habitats could occur during Project construction through worker access. MM-BIO-8a through MM-BIO-8c require the placement of signage to identify sensitive resources, enhancement of the boundary along the riparian area with increased vegetation to prevent intrusion, and restricting the use of invasive exotic plant species.

Potential edge effects from intrusion by domestic animals and unauthorized people as well as spill over lighting could indirectly impact habitat linkages and wildlife corridors. Implementation of MM-BIO-4a through MM-BIO-4d and MM-BIO-8a through MM-BIO-8c are also applicable to this impact. These measures will minimize the potential for edge effects to impact habitat linkages and wildlife corridors.

The cumulative impact analysis for the Project determined that the Project would contribute towards a cumulative impact related to region wide loss of CSS habitat. Implementation of mitigation measures MM-BIO-5a through MM-BIO-5d would reduce this impact to below a level of significance. The Project would preserve 185.83 acres of CSS on the Project site within a biological conservation easement. This represents a 2.4:1 mitigation ratio and exceeds the 2:1 mitigation ratio for CSS impacts as identified in the MHCP. The long-term preservation and management of this habitat would also provide protected habitat for the gnatcatcher.

Finally, mitigation measures MM-BIO-13 through MM-BIO-15 are required pursuant to the permits secured for the Project. MM-BIO-13 and MM-BIO-14 require the completion of protocol surveys for least Bell's vireo and southwestern willow flycatcher to ensure no impacts would occur within 500 feet of active nests and that noise levels at active nests would remain at or below 60 dBA. MM-BIO-15 requires a biological conservation easement to be in place prior to initial vegetation clearing, along with designating a natural lands manager for the area and creation and funding of an endowment to ensure funding for required monitoring.

With the incorporation of the above mitigation measures, significant environmental effects to biological resources would be less than significant.

CULTURAL RESOURCES

The proposed Project would result in potentially significant impacts related to archaeological resources, historical resources, paleontological resources or sites or unique geologic features, and human remains.

Mitigation measures: Pursuant to CEQA Guidelines Section 15091, the following mitigation measures have been included in a mitigation monitoring and reporting program (MMRP) that is to be adopted concurrently with these findings:

MM-CR-1a 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 are protected.

MM-CR-1b Prior to beginning Project construction, the project applicant/developer shall retain a San Diego County qualified archaeological monitor to monitor all ground-disturbing activities in an effort to identify any unknown archaeological resources. Any newly discovered cultural resource deposits shall be subject to cultural resources evaluation, which shall include archaeological documentation, analysis and report generation and take into account tribal customs and traditions.

MM-CR-1c At least 30 days prior to beginning Project construction, the project applicant/developer shall enter into a Cultural Resource Treatment and Monitoring Agreement (also known as a pre-excavation agreement) with a Luiseño Tribe. A Luiseño Tribe shall provide input into the scope and content of the agreement. At minimum, the agreement shall address the treatment of known cultural resources, the designation, responsibilities, and participation of professional Native American Tribal monitors during grading, excavation and ground disturbing activities; Project grading and development scheduling; terms of compensation for the monitors; and treatment and final disposition of any cultural resources, sacred sites, and human remains discovered on site.

MM-CR-1d Prior to beginning Project construction, the project archaeologist shall file a pre-grading report with the City to document the proposed methodology for grading activity observation, which would be determined in consultation with the contracted Luiseño Tribe referenced in MM-CR-1c. 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 agreement required in MM-CR-1c, the archaeological monitor's authority to stop and redirect grading would 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 Luiseño Native American monitor shall be present at any pre-construction meeting that addresses earth and/or ground disturbing activities.

MM-CR-1e The landowner shall relinquish ownership of all cultural resources collected during the grading monitoring program and, if appropriate, from any previous archaeological studies or excavations on the Project site to the appropriate Tribe for proper treatment and disposition per the Cultural Resources Treatment and Monitoring Agreement referenced in MM-CR-1c. Such treatment may include, but does not require, curation at a facility that meets

the criteria contained in 36 C.F.R. Part 79, or if requested by the appropriate Tribe, re-burial on-site, i.e., a non-curation alternative. All cultural materials that are deemed by the Tribe to be associated with burial and/or funerary goods would be repatriated to the Most Likely Descendant as determined by the Native American Heritage Commission per California Public Resources Code Section 5097.98.

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

MM-CR-1g If inadvertent discoveries of subsurface archaeological/cultural resources, not including human remains or associated burial goods which are addressed in MM-CR-4, are discovered during grading, the applicant/developer the Project archaeologist, and the Luiseño Tribe under agreement with the landowner described in CR-3 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 project applicant/developer, the Project archaeologist and the Tribe cannot agree on the significance of mitigation for such resources, these issues would be presented to the Planning Division Manager for decision. The Planning Division Manager shall make a determination based upon the provisions of the California Environmental Quality Act with respect to archaeological resources and shall take into account the religious beliefs, customs, and practices of the Tribe. Notwithstanding any other rights available under law, the decision of the Planning Division Manager shall be appealable to the Planning Commission and/or City Council.

If tribal cultural resources are inadvertently discovered during the Project's earth and/or ground disturbing activities, a controlled grade may be required. A controlled grade procedure would require that earth and/or ground disturbing equipment operate at a deliberate pace, in a specialized manner and work in controlled increments as determined by the Native American monitor and project archaeologist. Equipment would need to meet specific requirements regarding weight, attachments and type of wheels.

MM-CR-1h Fill material brought onto the Project site shall be clean of cultural resource material. The fill material shall be analyzed and confirmed by an archaeologist and/or Luiseño Native American monitor.

MM-CR-2 An archaeological cultural resources monitor shall be present during all initial earth moving and grading activities or otherwise disturbance of existing conditions to monitor for historical resources, including the previously identified well and wall features. If historical resources are encountered, work shall cease in the vicinity of the discovery until the archaeologist has had an opportunity to document and evaluate the discovery. If it is determined to be a significant cultural resource, data recovery or other mitigation measures may be required. The archaeologist shall prepare an Archaeological Data Recovery Program (ADRP) for review and approval by the City Planning Division Manager. Impacts to significant resources must be mitigated before ground-disturbing activities in the area of discovery shall be allowed to

resume. If the resource is determined not to be significant, work may resume in the area of the discovery.

MM-CR-3

A qualified paleontologist shall be retained by the applicant/developer to implement an appropriate paleontological mitigation program which includes the following measures:

- The paleontologist shall monitor construction excavations which impact previously undisturbed sediments of the Santiago Peak Volcanics, as well as deposits of colluviums and alluvium. The paleontologist would initially monitor the excavation on a part time basis, which may be reduced depending on the sediments excavation and if any fossils are being encountered. If the paleontologist encounters any significant fossils, they would be salvaged.
- The paleontologist would be allowed to divert or direct grading activity in the area of an exposed fossil to prevent the fossil from being destroyed.
- Because of the small nature of some fossils present in these rock units, it may be necessary for matrix samples to be collected for processing through fine mesh screens.
- If found, fossils shall be prepared to the point of identification, stabilized, mapped on a USGS topographic map, and cataloged before they are donated to their final repository.
- All significant fossils collected would be donated to a public, non-profit institution with a research interest in the materials, such as the San Diego Natural History Museum. The institution selected must be capable of curating specimens, field notes, geologic maps, and stratigraphic sections, as well as allows for retrieval of specific specimens by researchers in the future.

On the completion of all laboratory and field work, a final paleontological mitigation report shall be prepared and filed with the client, the fossil repository and the lead agency.

MM-CR-4

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 the location of the find shall be kept secure. If the San Diego County Coroner determines the remains to be Native American, the Native American Heritage Commission (NAHC) must be contacted within 24 hours. The NAHC must then immediately notify the "most likely descendant(s)" of the discovery. The most likely descendants(s) shall then make recommendations within 48 hours, and engage in consultation concerning treatment of remains as provided in Public Resources Code 5097.98.

Finding

Changes or alterations have been required in, or incorporated into, the Project as mitigation measures MM-CR-1 through MM-CR-4, which are feasible, and will avoid or substantially lessen the significant environmental effects as identified in the Final EIR to archaeological resources, historical resources, paleontological resources or sites or unique geologic features, and human remains.

Facts in Support of Finding:

Implementation of the Project would not impact any known archaeological, historical, or paleontological resources or human remains interred outside a formal cemetery. However, the potential exists for impacts to unknown cultural resources during Project grading. These potentially significant impacts to archaeological, historical, or paleontological resources and human remain would be mitigated to below a level of significance through implementation of MM-CR-1a through CR-1h, MM-CR-2, MM-CR-3 and MM-CR-4.

Specifically, implementation of mitigation measures MM-CR-1 and MM-CR-2 provide for the presence of archaeological and Native American monitors that would be able to identify any previously unidentified cultural resources, including historical resources, to prevent inadvertent disturbance of any intact historical features or cultural deposits that may be present. Should any resources be identified, implementation of MM-CR-1 would ensure proper handling and treatment of such resources by providing for a proper evaluation to determine whether additional archaeological work is necessary. To further ensure impacts to Native American archaeological resources are protected, implementation of MM-CR-1 provides additional protections for significant resources, and describes the process for proper treatment and handling to ensure impacts are minimized. MM-CR-3 requires retention of a qualified paleontologist should excavation activity occur on-site that would implement an appropriate paleontological mitigation program. Finally, potential impacts to human remains will be mitigated through MM-CR-4, which specifies that remains should not be further disturbed until the San Diego County Coroner has determined origins of the remains and final treatment has been agreed to with input of Native American tribes as necessary. With the incorporation of MM CR-1 (a-h) to MM CR-4, significant environmental effects to cultural resources (archaeological resources, historical resources, paleontological resources or sites or unique geologic features, and human remains) would be reduced to less than significant.

GEOLOGY/SOILS

The proposed Project would result in potentially significant impacts related to the site's location on unstable soil and potential to result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse.

Mitigation measures: Pursuant to CEQA Guidelines Section 15091, the following mitigation measure has been included in a mitigation monitoring and reporting program (MMRP) that is to be adopted concurrently with these findings:

MM GEO-1

For the portions of the Project site that are underlain by potentially compressible soils, the soil shall be removed and replaced with properly compacted fill during the construction process as defined by the UBC/California Building Code (CBC). Consistent with the Recommended Grading Specifications presented in Appendix D of the Update Geotechnical Investigation, the fill material brought to the Project site shall be compacted to at least 90 percent of laboratory maximum dry density as determined by the current version of ASTM Test Procedure D 1557 at or slightly above optimum moisture content.

Finding

Changes or alterations have been required in, or incorporated into, the Project as mitigation measure MM GEO-1, which, is feasible, and will avoid or substantially lessen the significant environmental effects as identified in the Final EIR, resulting from the site's location on unstable soil and potential to result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse.

Facts in Support of Finding:

A significant impact related to compressible soils was identified in the Final EIR. The Project site is underlain by compressible soils. Mitigation measure MM-GEO-1 requires removal and replacement with properly compacted fill during the construction process as defined by the UBC/CBC. With the incorporation of MM GEO-1, significant environmental effects to geology and soils would be reduced to below a level of significance.

HAZARDS/HAZARDOUS MATERIALS

The proposed Project would result in potentially significant impacts related to exposure of people or structures to wildland fires.

Mitigation measures: Pursuant to CEQA Guidelines Section 15091, the following mitigation measure has been included in a mitigation monitoring and reporting program (MMRP) that is to be adopted concurrently with these findings:

MM HAZ-1 The Project shall use fire-restrictive building materials as outlined in Chapter 7A, Section 704A, Ignition-Resistant Construction, of the CBC for the future residences. This requirement shall be noted on the building plans and would be subject to review and approval by the City.

MM HAZ-2a A comprehensive approach to fire fuel management shall be required and shall be consistent with the recommendations in the Fire Protection Plan prepared for the Project. Fuel management shall take place in three zones. Figure 2-14a depicts these fuel management areas and Figure 2-14b depicts the fuel treatment located within the proposed riparian restoration/corridor area adjacent to Las Posas Road.

- Zone 1 comprises the first 50 feet around a structure. This zone is irrigated and shall be planted with vegetation that meets the County of San Diego's Acceptable Plants for Defensible Space in Fire Prone Areas. Zone 1 criteria would also be applied to the manufactured slopes and shall be re-vegetated with well-spaced and maintained fire resistant plants and trees.
- Zone 2 is a non-irrigated zone and generally covers 50 to 100 feet beyond Zone 1. Within Zone 2, permanent vegetation is removed and cleared areas are hydroseeded with a mix of native annual and perennial grasses. Zone 2 is subject to select thinning and pruning to maintain the zone requirements.
- Zone 3 is located in open space lots M and N and addresses the riparian corridor. The significance of this zone is the proposed

restoration of the riparian habitat environment. The restoration would remove existing non-native vegetation and the planting of local native riparian wetland species. The removal of the most flammable non-native and invasive species would reduce the fire behavior parameters, particularly flame length. A 150-foot fuel management zone from the edge of structures to the edge of a native fuel buffer adjacent to the riparian habitat zone would be maintained except for where narrower zones are permitted per the FPP. Additionally, non-combustible signage would be posted every 200 feet for fuel modification/fire clearing limits both horizontal and vertical.

- For newly constructed roads, the vegetation shall be modified/reduced by 50 percent for 20 feet on either side of the road.

MM HAZ-2b

All homes shall have a minimum 150-foot fuel modification zone with the exception of Lots 8 through 17 on the western portion of the Project and lots 187 and 188 on the eastern side where a pinch points occurs to keep fuel modification within the boundaries approved under the regulatory permits. Fuel modification for these lots shall range from approximately 136 feet to 149 feet. Given that flame lengths are expected to be less than 50 feet with fuel modification, the reduced fuel modification zones for these ten lots would be adequate.

MM HAZ-2c

Homeowners shall be responsible for all required fuel treatment measures on their lot. Fuel treatment zones adjacent to individual lots would be recorded as permanent easements and the Home Owner's Association (HOA) would be responsible for enforcement of all required fuel modification treatments on these permanent easements. The HOA is responsible to ensure completion of all required fuel modification treatment prior to the annual fire season.

Finding

Changes or alterations have been required in, or incorporated into, the Project as mitigation measures MM HAZ-1 through MM HAZ-2c, which are feasible, and will avoid or substantially lessen the significant effects as identified in the Final EIR resulting from exposure of people or structures to wildland fires.

Facts in Support of Finding:

Potential wildland fire hazards would be reduced through implementation of mitigation measures MM-HAZ-1 through MM-HAZ-2c. Due to the Project's location and the results of the fire modeling, MM-HAZ-1 calls for the use of fire-restrictive building materials for the future residences. MM-HAZ-2a through MM-HAZ-2c identify specific fuel modification and maintenance requirements. According to the fire modeling in the FPP, flame lengths are reduced to 6.8 feet and 11.7 feet with treatment as proposed in MM-HAZ-2a through MM-HAZ-2c. Within the riparian zone wetland habitat area, modeled flame lengths would be 45.4 feet after treatment. In summary, implementation of mitigation measures MM-HAZ-1 through MM-HAZ-2c would reduce wildland fire hazards by creating adequate low fuel buffers between structures and natural open space areas. Thus, with the incorporation of these mitigation measures, significant environmental effects related to exposing 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, would be reduced to below a level of significance.

HYDROLOGY/WATER QUALITY

The proposed Project would result in potentially significant impacts related to depletion of groundwater supplies or interference with groundwater recharge.

Mitigation measures: Pursuant to CEQA Guidelines Section 15091, the following mitigation measures have been included in a mitigation monitoring and reporting program (MMRP) that is to be adopted concurrently with these findings:

MM HYWQ-1 If a well is developed on the Project site for irrigation purposes, the well shall be placed no closer than 550 feet to any existing wells.

Finding

Changes or alterations have been required in, or incorporated into, the Project as mitigation measure MM HYWQ-1, which is feasible, and will avoid or substantially lessen the significant environmental effects as identified in the Final EIR to depletion of groundwater supplies or interference with groundwater recharge.

Facts in Support of Finding:

The Project may use groundwater for irrigation. Depending where the well is located, there could be a potential for impact if there are adjacent wells. Implementation of mitigation measure MM-HYWQ-1, which requires a minimum of 550 feet buffer between a future well on the Project site and any offsite wells, would provide a significant buffer from any on-site well and wells on adjacent properties. With the incorporation of MM-HYWQ-1, significant environmental effects to hydrology/ water quality would be reduced to less than significant.

NOISE

The proposed Project would result in potentially significant impacts related to exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance.

Mitigation measures: Pursuant to CEQA Guidelines Section 15091, the following mitigation measures have been included in a mitigation monitoring and reporting program (MMRP) that is to be adopted concurrently with these findings:

MM-N-1 If two rock crushers are to operate simultaneously, noise measurements of the rock crushing facilities shall be conducted within the first week of operations to ensure compliance with the City's thresholds. If noise levels are found to be above the established thresholds of 60 dBA at any existing single-family residential use, then mitigation would be required to reduce the sound level of 60 dBA at the residential uses. Mitigation could include berms or temporary walls, modified crusher orientation, or relocation of the rock crushers.

MM-N-2

To minimize on-site exterior noise levels, 7-foot barriers shall be constructed along the lots adjacent to Las Posas Road. A 4-foot barrier shall be constructed at the lot in the southeast corner of the Project site. The barriers may be constructed of a combination of landscape berms and sound walls. The locations of barriers are presented in Figure 3.10-4 of the Final EIR. The design of the barrier, including materials and color for any sound walls shall be subject to review and approval by the Planning Division Manager.

MM-N-3

To ensure compliance with the interior noise threshold of 45 dBA CNEL, a final noise assessment shall be performed prior to the issuance of the first building permit for all second floor areas of the lots located adjacent to Las Posas Road. This final report shall identify the interior noise requirements based on architectural and building plans to meet the City's established interior noise limit. The identified interior noise requirements shall also be in place prior to occupancy of the residences adjacent to Las Posas Road.

Finding

Changes or alterations have been required in, or incorporated into, the Project as mitigation measures MM-N-1 through MM-N-3, which are feasible, and will avoid or substantially lessen the significant effects as identified in the Final EIR resulting from exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance.

Facts in Support of Finding:

Implementation of the Project would increase ambient noise levels in the Project vicinity both temporarily and permanently. Potential noise impacts could occur during Project construction. Implementation of mitigation measure MM-N-1 would reduce noise levels to below a level of significance by ensuring rock crushing operations comply with City standards.

Operational noise impacts at the Project site could exceed stated noise thresholds. Incorporation of mitigation measure MM-N-2 would ensure exterior noise levels at the Project site are compliant with the City's thresholds by constructing noise barriers to reduce on-site noise. Additionally, as required in mitigation measure MM-N-3, a final noise study is required to ensure interior noise levels would meet the City's threshold and significant environmental effects to aesthetics would be reduced to less than significant.

PUBLIC SERVICES

The proposed Project would result in potentially significant impacts related to fire and police protection services and facilities and schools.

Mitigation measures: Pursuant to CEQA Guidelines Section 15091, the following mitigation measures have been included in a mitigation monitoring and reporting program (MMRP) that is to be adopted concurrently with these findings:

MM PS-1

The proposed Project is contained within a preexisting San Marcos Fire Protection District Community Facilities District No. 2001-01 (CFD 2001-01)¹. The Project shall contribute toward the future resources needed by the Fire Department through participation in CFD 2001-01 and payment of mitigation

¹ <http://www.ci.san-marcos.ca.us/Modules/ShowDocument.aspx?documentid=2554>

fees. Such payments would go towards providing the additional staff and equipment that would be needed by the Fire Department in the future to provide fire protection services to the Project. Specifically this CFD 2001-01 covers authorized facilities including: fire stations, fire training facilities, fire dispatch center, fire community system and fire equipment. It also covers the following authorized services: fire protection, ambulance and paramedic services.

MM PS-2

The Project shall contribute toward the future police protection resources through the payment of fees to Community Facilities District 98-01 (CFD 98-01)². These fees would provide for additional staff and equipment to assist in the provision of law enforcement services. As it relates to police protection, CFD 98-01 covers police communication systems and police equipment and police services.

MM PS-3

To offset the additional facilities and resources that would be needed to meet the demand of students generated by the residential units of the proposed Project under either the one- or two-district scenario, the project applicant/developer would be required to pay school mitigation fees pursuant to California Education Code Section 17620 et seq. and Government Code Sections 65995(h) and 65996(b). These fees would assist in funding implementation of SMUSD's and VUSD's long-range plans. The current school fees for residential are \$3.88/s.f. for SMUSD and \$3.20/s.f. for VUSD. Fees do change over time. The project applicant/developer would be responsible for paying the fees that are in effect at the time of building permit issuance, and, consistent with General Plan Policy LU-11.2, shall provide a letter from the school district(s) to the City prior to the issuance of building permits confirming these fees have been paid.

Finding

Changes or alterations have been required in, or incorporated into, the Project as mitigation measures MM PS-1 through MM PS-3, which are feasible, and will avoid or substantially lessen significant effects as identified in the Final EIR to fire and police protection services and facilities and schools.

Facts in Support of Finding:

The City of San Marcos uses Community Facilities Districts (CFD), which are commonly referred to as Mello-Roos Districts, to finance local public facilities and services and include areas anticipated for future development. Property owners in a San Marcos CFD are taxed annually for their share of the debt service on any bonds that the CFD has issued and/or to pay for the cost of City services. Proceeds from the taxes are used to ensure that the community is properly maintained and public improvements are constructed.

The Project's incremental effects on fire protection services would be offset by the City requirement for payment of fees to the preexisting CFD No. 2001-01 as required by mitigation measure MM-PS-1. Such payments would go towards providing the additional staff and equipment that would be needed by the Fire Department in the future to provide fire protection services to the Project. Specifically, this CFD 2001-01 covers authorized facilities including: fire stations, fire training facilities, fire

² <http://www.ci.san-marcos.ca.us/Modules/ShowDocument.aspx?documentid=2560>

dispatch center, fire community system and fire equipment. It also covers the following authorized services: fire protection, ambulance and paramedic services.

The Project's incremental effects on police protection services would be offset by the City requirement for the payment of fees to CFD No. 98-01 as required by mitigation measure MM PS-2. As it relates to police protection, CFD 98-01 covers police communication systems and police equipment and police services.

To mitigate the Project-level impacts related to school as well as the Project's contribution toward a cumulative impact to SMUSD schools, the project applicant/developer shall be required to pay Level 2 school fees (currently \$3.20 per s.f. for single-family residential within VUSD and \$3.88 per s.f. for single-family residential within SMUSD) at the time the building permit is obtained, as identified in mitigation measure MM-PS-3. SB 50 states that the fees imposed by school districts shall constitute the exclusive method of considering and mitigating impacts on school facilities caused by a development Project. Such payment shall provide "full and complete mitigation of the impacts of any legislative or adjudicative act...on the provision of adequate school facilities" (Government Code Section 65995(h)). With the incorporation of MM PS-1 through MM PS-3, significant environmental effects to public services would be reduced to less than significant.

RECREATION

The proposed Project would result in potentially significant impacts related to increased use of existing neighborhoods and regional parks or other recreational facilities.

Mitigation measures: Pursuant to CEQA Guidelines Section 15091, the following mitigation measure has been included in a mitigation monitoring and reporting program (MMRP) that is to be adopted concurrently with these findings:

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

Finding

Changes or alterations have been required in, or incorporated into, the Project as mitigation measure MM-REC-1, which is feasible, and will avoid or substantially lessen any significant effects as identified in the Final EIR.

Facts in Support of Finding:

The Project would result in an increase in the City of San Marcos population by 586 residents. The Project would also develop park space; however, the additional residents would require 2.9 acres of new park space to fulfill the City General Plan requirement of five acres of park space per every 1,000 residents. The Project would provide 1.16 acres of public park. To make up for the deficiency in public park space, the Project would also pay the City's PFF as required by City Ordinance 88-799 (Chapter 20.12, Growth Management, of the San Marcos Municipal Code), which includes a category for parks and recreation. The PFF money would go towards the acquisition and development of local and community park facilities throughout the City in addition to what is provided on-site.

The Project would also annex into the City of San Marcos Community Facilities District No. 98-02 (Lighting, Landscape, Open Space and Preserve Maintenance), which will require future residents to pay to offset the cost for the ongoing maintenance to future Park C (a public park) and the public trails. With the incorporation of MM REC-1, significant environmental effects to recreation would be reduced to less than significant.

TRANSPORTATION/TRAFFIC

The proposed Project would result in potentially significant impacts related to conflicts with applicable plans, ordinances, or policies by contributing significant traffic to the area's circulation network.

Mitigation measures: Pursuant to CEQA Guidelines Section 15091, the following mitigation measures have been included in a mitigation monitoring and reporting program (MMRP) that is to be adopted concurrently with these findings:

- | | |
|-----------------|--|
| MM-TR-1a | Prior to Project occupancy, the project applicant/developer shall install a fiber optic interconnect for signal timing between the intersections of Las Posas Road/Borden Road and Las Posas Road/Avenida Azul. The project applicant/developer shall also be responsible for developing the signal coordination timing plans for the two intersections. The project applicant/developer shall pay for all existing signal retiming along Las Posas Road from Borden Road to Avenida Azul. |
| MM-TR-1b | Contribute a fair share toward the cost of installing a traffic signal at the intersection of Las Posas Road/Camino Del Sol. |
| MM-TR-2 | Contribute a fair share toward construction of a dedicated right-turn lane at the westbound (off-ramp) approach of the intersection. |
| MM-TR-3 | Contribute a fair share toward the construction of a dedicated right-turn lane at the southbound (off-ramp) approach of the intersection. Convert existing shared through/right-turn lane to a shared left-turn/through lane. Modify signal to provide a right-turn overlap phase at the southbound approach of the intersection. |
| MM-TR-4 | The project applicant/developer shall pay the City's Public Facility Fee (PFF), a portion of which is designated for circulation street and SR-78 interchange improvements. Payment of the PFF shall be made prior to Project occupancy. |

Finding

Changes or alterations have been required in, or incorporated into, the Project as mitigation measures MM-TR-1a through MM-TR-4, which are feasible, and will avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

Facts in Support of Finding:

The addition of Project-related trips to the City's circulation network is projected to result in a degradation of LOS at three study area intersections under three scenarios:

- During the Existing condition, traffic from the proposed Project would increase delay during the PM peak hour at the deficient Las Posas Road/Camino Del Sol intersection by 11.6 seconds.
- During the Existing Plus Cumulative condition, traffic from the proposed Project would increase delay during the PM peak hour at the deficient Las Posas Road/Camino Del Sol and Las Posas Road/ SR-78 Westbound Ramps intersections by 31.7 and 4.1 seconds, respectively, and during the AM and PM peak hours at the deficient Grand Avenue/SR-78 Eastbound Ramps – Via Vera Cruz intersection by 3.5 and 4.7 seconds, respectively.
- During the Horizon Year 2035 condition, traffic from the proposed Project would increase delay during the AM and PM peak hours at the deficient Las Posas Road/Camino Del Sol intersection by 26.1 and 100.5 seconds, respectively. Traffic from the proposed Project would also increase delay during the AM and PM peak hours at the deficient Las Posas Road/SR-78 Westbound Ramps intersection by 4.6 and 4.8 seconds, respectively. Traffic from the proposed Project would also increase delay during the AM and PM peak hours at the deficient Grand Avenue/SR-78 Eastbound Ramps – Via Vera Cruz intersection by 3.8 and 6.6 seconds, respectively.

Under the two school district scenario, the addition of 62 trips along Las Posas Road would increase the delay at the already impacted intersection of Las Posas Road/Camino Del Sol under Existing Plus Project, Existing Plus Cumulative, and Horizon Year 2035 conditions.

Impacts resulting to Las Posas Road/Camino Del Sol, Las Posas Road/SR-78 westbound ramps, and Grand Avenue/SR-78 eastbound ramps would be mitigated through interconnecting the signal timing between intersections upstream and downstream of Las Posas Road/Camino Del Sol (Existing Plus Project Conditions and Existing Plus Cumulative Plus Project Conditions) (mitigation measure MM-TR-1a) and fair share payment towards roadway improvements, including installation of a traffic signal, provision of additional lanes, and modified signal phasing (mitigation measures MM-TR-1b, MM-TR-2, and MM-TR-3). Implementation of the identified roadway improvements would improve conditions at the impacted intersections to acceptable LOS, as shown in Table 3.14-21 of the Final EIR (page 3.14-41), and reduce impacts to transportation and traffic to below a level of significance under Existing, Existing Plus Cumulative, and Horizon Year 2035 conditions. The Project applicant will also pay the City's PFF, a portion of which is designated for circulation street and SR-78 interchange improvements, per MM-TR-4. With the incorporation of MM-TR-1a through MM-TR-4, significant environmental effects to traffic and transportation would be reduced to less than significant.

UTILITIES AND SERVICE SYSTEMS

The proposed Project would result in potentially significant impacts related to water storage and total parallel land outfall conveyance needs and the requirement to construct new water facilities or expand existing facilities, and cumulative impacts to water storage, parallel land outfall capacity, wastewater solids treatment, wastewater liquids treatment, and capacity at the ocean outfall.

Mitigation measures: Pursuant to CEQA Guidelines Section 15091, the following mitigation measure has been included in a mitigation monitoring and reporting program (MMRP) that is to be adopted concurrently with these findings:

MM-UTIL-1 Prior to building occupancy, the project applicant/developer shall pay Water Capital Facility Fees per VWD Ordinance 175. These fees would go towards water infrastructure improvements identified in VWD's 2008 CIP. Proof of fee payment shall be provided to the City of San Marcos Planning Division.

MM-UTIL-2

Prior to building occupancy, the project applicant/developer shall pay Wastewater Capital Facility Fees per VWD Ordinance 176. The purpose of the fee is to provide adequate wastewater conveyance and treatment to serve new development within VWD's service area and to provide adequate funding for future financing and construction of facilities described in VWD's 2008 CIP. Proof of fee payment shall be provided to the City of San Marcos Planning Division.

Finding

Changes or alterations have been required in, or incorporated into, the Project as mitigation measures MM-UTIL-1 and MM-UTIL-2, which are feasible, and will avoid or substantially lessen significant effects as identified in the Final EIR related to water storage and total parallel land outfall conveyance needs and the requirement to construct new water facilities or expand existing facilities, and cumulative impacts to water storage, parallel land outfall capacity, wastewater solids treatment, wastewater liquids treatment, and capacity at the ocean outfall.

Facts in Support of Finding:

The 2008 Vallecitos Water District (VWD) Master Plan does not include the anticipated demands of the proposed Project. The San Marcos Highlands Water and Sewer Study (2016) identifies VWD infrastructure deficits when the San Marcos Highlands Project demands are included, as described below.

Water storage impacts would be significant at the Project- and cumulative-level. Implementation of mitigation measure MM-UTIL-1 would reduce the impact to below a level of significance. MM-UTIL-1 requires the payment of Water Capital Facility Fees per VWD Ordinance 175 prior to the issuance of building permits. These fees would go towards water infrastructure improvements identified in VWD's 2008 CIP including Project R-10. Project R-10 is located in Pressure Zone 1028, which is one of the two pressure zones providing water storage for the proposed Project. Implementation of mitigation measure MM-UTIL-1 would reduce the Project- and cumulative-level impacts related to water storage to below a level of significance.

The proposed Project results in Project- and cumulative-level impacts to the VWD land outfall. Implementation of mitigation measure MM-UTIL-2 would reduce the impacts to below a level of significance. MM-UTIL-2 requires the payment of Wastewater Capital Facility Fees per VWD Ordinance 176. The purpose of the fee is to provide adequate wastewater conveyance and treatment to serve new development within VWD's service area and to provide adequate funding for future financing and construction of facilities described in VWD's 2008 CIP. Projects LOA-1 through LOA-6 in the CIP are specific to the parallel land outfall. Mitigation measure MM-UTIL-2 would also reduce the cumulative impacts identified related to wastewater treatment (solids and liquids) and ocean outfall capacity.

The San Marcos Highlands Project will pay fees to VWD via implementation of mitigation measures MM-UTIL-1 and MM-UTIL-2 that will be used to mitigate the infrastructure deficits resulting from the Project's demands. The 2014 VWD Master Plan, which is slated to be approved in late 2016, will include the San Marcos Highlands Project demands and the updated CIP will address the identified infrastructure deficits with future capital improvements. Further, VWD indicated in their Water and Sewer Study (2016) that payment of Water and Wastewater Capital Facility Fees satisfies the Project's increase in capacity related to water storage, at the land outfall, and wastewater treatment and disposal (page 27 of the Water and Sewer Study). With the incorporation of MM-UTIL-1 and MM-

UTIL-2, significant environmental effects to utilities and service systems would be reduced to less than significant.

Section IV Findings Regarding Project Alternatives

The CEQA Guidelines direct lead agencies that the “range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects” (Section 15126[c]). The Final EIR evaluated a reasonable range of alternatives to the proposed Project. These alternatives are:

- No Project/No Development Alternative
- No Project/Existing Specific Plan Alternative
- County Zoning Alternative
- Reduced Project Alternative
- Increased Habitat Linkage Alternative

When a lead agency has determined that, even after the adoption of all feasible mitigation measures, a project as proposed will still cause one or more significant environmental effects that cannot be substantially lessened or avoided, the agency, prior to approving the project as mitigated, must first determine whether, with respect to such impacts, there remain any project alternatives that are both environmentally superior and feasible within the meaning of CEQA. An alternative may be “infeasible” if it fails to achieve the most basic project objectives identified within the EIR.

Table 1 provides a qualitative comparison of each alternative's conformance to the Project objectives.

Further, “feasibility” under CEQA encompasses the desirability of the project based on a reasonable balancing of relevant economic, environmental, social, or other considerations which make infeasible the Project alternatives identified in Section 4.0 of the Final EIR.

No Project/No Development Alternative

CEQA requires a No Project Alternative to be addressed in an EIR. Under the No Project/No Development Alternative, the San Marcos Highlands Specific Plan would not be implemented and the Project site would remain undeveloped. The Project site is vacant and supports upland habitat types including Diegan coastal sage scrub. There is also limited riparian habitat associated with the headwaters of Agua Hedionda Creek. Informal private trails are located on the site. On the western portion of the site is an easement for the San Diego Aqueduct. The topography of the Project site can be characterized by hilly terrain traversed by a northeast- southwest trending drainage corridor. Elevations range from approximately 600 to 1,300 feet above mean sea level. Under this alternative, the full extension of Las Posas Road to Buena Creek could still occur, consistent with the Mobility Elements of the City of San Marcos and County of San Diego General Plans.

Feasibility of Alternative

This alternative would not meet objectives for the Project as defined above (see Table 1) and in the Final EIR. Since the No Project/No Development Alternative would not develop any homes on the Project site, impacts would be less than with the proposed Project or completely eliminated. There are some benefits of the Project that would not be realized under this alternative, including the

implementation of a FPP to reduce and/or manage fire fuel loads, the construction of an alternative emergency exit for residents to the north, restoration and enhancement of 4.7 acres of wetlands, and the long-term preservation of 210.80 acres of habitat in perpetuity in a biological conservation easement.

The No Project/No Development Alternative was rejected in favor of the proposed Project, because the No Project/No Development Alternative does not meet any of the Project objectives.

No Project/Existing Specific Plan Alternative

Under the No Project/Existing Specific Plan Alternative, the Project site would be developed per the currently adopted Specific Plan. The currently adopted Specific Plan allows for a 202.9-acre Project with 138 acres of preserved open space and 230 residential units. This is an approximately 22 percent increase in the number of units compared to what is proposed by the Project. This alternative would generate 2,408 trips per day compared to 1,998 trips per day identified for the Project.

The currently adopted Specific Plan estimated approximately 800,000 cubic yards of earthwork would be required and that grading would occur on approximately 60 acres of the Project site. The proposed Project would handle approximately 655,000 cubic yards of earthwork and grading is proposed on approximately 55 acres of the site. This represents a 22 percent increase in the amount of grading quantities and an 8 percent larger grading footprint under the Existing Specific Plan Alternative as compared to the proposed Project. Under this alternative, the full extension of Las Posas Road to Buena Creek could still occur, consistent with the Mobility Elements of the City of San Marcos and County of San Diego General Plans.

Feasibility of Alternative

This alternative would fully meet objectives 1 and 3 through 9 and partially meet objective 2 (see Table 1). Compared to the proposed Project, the No Project/Existing Specific Plan Alternative would result in greater impacts related to operational emissions, including traffic generation, noise, air and GHG emissions. This alternative would also result in an increase in demand for public services and utilities. This is due to the development of 230 homes (22 percent more than the Project) and the associated impacts that would go with an increased development intensity. Compared to the proposed Project, this alternative would afford the long-term protection of sensitive habitats through a conservation easement over less acreage (138 acres vs. 210.8 acres), and would result in a greater level of impact to biological resources overall. Therefore, the No Project/Existing Specific Plan Alternative was rejected in favor of the proposed Project.

County Zoning Alternative

The County Zoning Alternative was identified as a way to reduce development intensity in the portion of the Project site that is in the unincorporated portion of San Diego County.

This alternative would split the development intensity on the Project site. For the area of the Project located in San Diego County, development would be consistent with the current Semi-Rural 10 (SR-10) zoning, which is one home per 10 acres. There are nine legal lots on the Project site that fall within the unincorporated County. Due to the parcel configuration for some of the County parcels (e.g., long and narrow) it may be difficult to find a home site location. For the portion within the City, there is an adopted Specific Plan allowing for a development of 230 homes on 202.9 acres (average density of one home per 0.88 acre). Applying the same density to the 141.14 acres in the City area, up to 124 homes could be developed in the City. The actual yield could be less once required

preserve areas are considered as well as the requirements for the City's ROZ. For this analysis it is assumed that all 124 units would be developed in the City. When added to the maximum of nine units in the County, this represents 133 units, a reduction of approximately 29 percent compared to the Project. This alternative would generate 1,438 daily trips per day compared to the 1,998 trips anticipated for the Project (29 percent reduction).

Under this alternative it is assumed that the project applicant/developer would reapply for new permits from the regulatory agencies and develop a new HMMP that reflects proposed impacts under this alternative. Mitigation ratios consistent with the MHCP (e.g., 2:1 for impacts to coastal sage scrub and 3:1 for wetlands/riparian impacts) would be applicable to this alternative. Under this alternative, the full extension of Las Posas Road to Buena Creek could still occur, consistent with the Mobility Elements of the City of San Marcos and County of San Diego General Plans.

Feasibility of Alternative

This alternative would fully meet objective 4, partially meet objectives 2 and 5, and not meet objectives 1, 3, and 6 through 9 (see Table 1). The County Zoning Alternative would decrease the number of residential lots from 189 to 133, a 29 percent reduction. This results in a corresponding decrease in operational-related impacts, including trip generation, vehicular emissions and noise, and the need for public services and utilities. This alternative could be more impactful from an aesthetics and biological resources perspective due to the allowance of patchwork and/or fragmented habitat clearing that would be allowed on the lots in the unincorporated County. Additionally, this alternative would mitigate coastal sage scrub impacts at a 2:1 ratio compared to the 2.4:1 ratio that will be used by the Project. This alternative would not implement the HMMP that is proposed for the Project, thus the 4.7 acres of riparian habitat creation and restoration along Agua Hedionda Creek would not be realized. This results in less restoration and preservation compared to the proposed Project. Therefore, the County Zoning Alternative was rejected in favor of the proposed Project.

Reduced Project Alternative

The Reduced Project Alternative was identified as a way to reduce the overall development footprint of the Project and to reduce the number of proposed residential units.

Under the Reduced Project Alternative, proposed development on the knoll on the eastern portion of the Project site would be reduced. Approximately 26 lots would be removed under this alternative, including all the lots on the Street "F" cul-de-sac as well as some lots along Street "A". Under this alternative, Street "A" would terminate in a cul-de-sac.

This alternative would allow for the development of 163 lots, a 13 percent reduction compared to the proposed Project. Figure 4.3-2 provides a schematic of this alternative as it relates to the terminus of Street "A". Figure 4.3-2 shows how Street "A" would terminate in a cul-de-sac, the 150-foot fire clearing buffer, and the limits of grading. Development on the west side of Las Posas Road will still occur in the configuration proposed by the Project. This alternative would generate 1,738 daily trips compared to the 1,998 daily trips anticipated for the Project (13 percent reduction). Under this alternative, it is assumed that the project applicant/developer would reapply for new permits from the regulatory agencies and develop a new HMMP that reflects proposed impacts under this alternative. Mitigation ratios consistent with the MHCP (e.g., 2:1 for impacts to coastal sage scrub and 3:1 for wetlands/riparian impacts) would be applicable to this alternative. Under this alternative, the full extension of Las Posas Road to Buena Creek could still occur, consistent with the City of San Marcos and County of San Diego General Plans, Mobility Elements.

Feasibility of Alternative

This alternative would fully meet objectives 1 and 3 through 9, and partially meet objective 2 (see Table 1). This alternative would decrease the number of residential lots from 189 to 163, a 13 percent reduction. This results in a corresponding decrease in operational-related impacts, including trip generation, vehicular emissions and noise, and the need for public services and utilities. This alternative would require more grading than the Project and would result in a higher cut slope, which could result in more aesthetic impacts and construction-related noise, air quality and greenhouse gas impacts. Additionally, this alternative would mitigate coastal sage scrub impacts at a 2:1 ratio compared to the 2.4:1 ratio that will be used by the Project. This alternative would not implement the HMMP that is proposed for the Project thus the 4.7 acres of riparian habitat creation and restoration along Agua Hedionda Creek would not be realized. This results in less restoration and preservation compared to the proposed Project. Therefore, the Reduced Project Alternative was rejected in favor of the proposed Project.

Increased Habitat Linkage Alternative

Under the Increased Habitat Linkage Alternative, the last row of lots along the northern portion of the Project would be removed to allow for a wider habitat linkage along the northern Project boundary. Under this alternative, the northern habitat linkage on the Project site would increase to a minimum of 500 feet. Specifically, this alternative would remove lots 22-30 along Street "A," lots 92-109 along Street "D," and Park "A". A total of 162 residences would be constructed under this alternative. This represents a 14 percent reduction compared to the proposed Project. This alternative would generate 1,728 daily trips compared to the 1,998 daily trips anticipated for the Project (14 percent reduction in operational-related trips).

Grading under this alternative is expected to require export of approximately 64,000 cubic yards of export. This is because the area proposed to be removed from development to expand the northern habitat linkage is identified as a fill area under the Project's grading plan. Assuming approximately 18 cubic yards of material per export truck, this alternative would generate approximately 3,555 construction-related truck trips for earthwork activity.

Under this alternative, it is assumed that the project applicant/developer would reapply for new permits from the regulatory agencies and develop a new HMMP that reflects proposed impacts under this alternative. Mitigation ratios consistent with the MHCP (e.g., 2:1 for impacts to coastal sage scrub and 3:1 for wetlands/riparian impacts) would be applicable to this alternative. Under this alternative, the full extension of Las Posas Road to Buena Creek could still occur, consistent with the City of San Marcos and County of San Diego General Plans, Mobility Elements.

Feasibility of Alternative

This alternative would fully meet objectives 1 and 3 through 9, and partially meet objective 2 (see Table 1). This alternative would decrease the number of residential lots from 189 to 162, a 14 percent reduction. This results in a corresponding decrease in operational-related impacts, including trip generation, vehicular emissions and noise, and the need for public services and utilities. This results in a corresponding decrease in construction related emissions and noise. Similar earthwork quantities as those identified for the proposed Project are also expected for this alternative, however the grading would not balance onsite and export of approximately 64,000 cubic yards of materials would be required. Construction related air emissions, GHG emissions and noise generation would be greater under this alternative. This alternative would increase the width of the habitat linkage along the northern Project boundary to provide more area for wildlife to move between the Project site and offsite habitat areas. The biological resources analysis for the proposed

Project noted that the Project site is highly fragmented as is the surrounding habitat and that there are limited opportunities for dispersal of large mammals. However, this alternative would not implement the HMMP identified for the Project and would mitigate impacts to biological resources at a 2:1 ratio for uplands and a 3:1 ratio of wetlands. This alternative would also eliminate Park "A". Compared to the Project, this alternative decreases impacts in some environmental areas and increases impacts in others. Therefore, the Increased Habitat Linkage Alternative was rejected in favor of the proposed Project.

Table 1. Summary of Project Objectives and Alternatives

Objective	No Project/No Development Alternative (Section 4.3.3 of Final EIR)	No Project/Existing Specific Plan Alternative (Section 4.3.4 of Final EIR)	Meets objectives?			Increased Habitat Linkage Alternative (Section 4.3.7 of Final EIR)
			County Zoning Alternative (Section 4.3.5 of Final EIR)	Reduced Project Alternative (Section 4.3.6 of Final EIR)		
1. Provide for complete conformity of all aspects of development with the City of San Marcos General Plan and all applicable City ordinances, regulations, and policies.	No / N/A	Yes	No	Yes	Yes	
2. Preserve and, wherever possible, enhance the existing riparian woodland, and habitat linkage.	No	Partially	Partially	Partially	Partially	
3. Cluster development to maximize open space preservation.	No / N/A	Yes	No	Yes	Yes	
4. Ensure that all public facilities and services are available to serve the Project and meet or exceed applicable City standards and requirements prior to, or concurrent with, development.	No / N/A	Yes	Yes	Yes	Yes	
5. Finance or contribute towards community and citywide infrastructure consistent with Proposition R.	No / N/A	Yes	Partially	Yes	Yes	
6. Provide development standards that would regulate the nature and appearance of all construction within the San Marcos Highlands Specific Plan area to meet grading, architectural and aesthetic standards that supplement existing City-wide zoning and development regulations.	No / N/A	Yes	No	Yes	Yes	
7. Implement a comprehensive landscape program that provides visual continuity throughout the Project area and reduces adverse effects of grading.	No / N/A	Yes	No	Yes	Yes	
8. Develop a well-planned and orderly single-family residential community. Covenants, Conditions and Restrictions (CC&Rs) shall be prepared which would provide for attractive, well-maintained neighborhoods.	No / N/A	Yes	No	Yes	Yes	
9. Implement a maintenance program which would ensure the proper care of all common landscape areas and open space areas including the riparian area.	No / N/A	Yes	No	Yes	Yes	

Note: N/A – Not applicable

ATTACHMENT A

MITIGATION MONITORING AND REPORTING PROGRAM

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Attachment A. Mitigation Monitoring and Reporting Program

Impact	Mitigation Measure	Action	Timing	Responsibility
AESTHETICS				
VIS-1 Depending on the final location, the construction of a groundwater storage tank may result in a significant visual impact.	MM VIS-1 If a groundwater storage tank is installed, placement of the tank shall consider the existing visual setting to ensure the tank does not impede any scenic vistas or significantly modify the visual character of the Project site. Screening strategies shall be used to minimize the appearance of the storage tank. Such strategies include, but are not limited to: placing the tank on lower lying land, landscaping, berms, and/or vegetation and painting the tank a neutral color to blend with the tank's surroundings. The plans for the storage tank shall be submitted for approval by the Planning Division Manager and City Engineer.	Incorporate strategies to minimize the appearance of the storage tank. Plans submitted for approval by the Planning Division Manager.	Prior to the issuance of a grading permit.	Applicant, Planning Division Manager, City Engineer
BIOLOGICAL RESOURCES				
BIO-1 The Project has the potential to directly impact California gnatcatcher due to loss of 77.36 acres of CSS habitat.	MM-BIO-1a Prior to Project grading, the project applicant shall conduct USFWS presence/absence protocol coastal California gnatcatcher surveys. The surveys shall be conducted within the 12-month period prior to Project grading. Pursuant to the Biological Opinion issued by the USFWS, results of the surveys shall be submitted to USACE, the Wildlife Agencies and the City of San Marcos Planning Division Manager. If coastal California gnatcatchers are found to be nesting within the area to be disturbed mitigation measures MM-BIO-1b and MM-BIO-1c shall also be implemented.	Conduct USFWS survey for coastal California gnatcatcher. Submit results to USACE, Wildlife Agencies and City Planning Division Manager.	Within the 12-month period prior to Project grading.	Applicant, Project Biologist
	MM-BIO-1b If the preconstruction survey identified nesting gnatcatchers on the Project site, clearing and grubbing activity would cease within 300 feet of the nest until such time as the nest is no longer active.	Cease clearing and grubbing activity within 300 feet of active nests.	During construction until the nest is no longer active.	Applicant, Project Biologist, Contractor
	MM-BIO-1c To reduce potential noise impacts to nesting gnatcatchers, a qualified acoustician would monitor the Project site and vicinity for listed birds during initial grading, and on a monthly basis thereafter to determine if any nests are within a distance potentially affected by noise from grading, clearing, or construction activities. If nesting birds are located adjacent to the Project site with the potential to be affected by construction activity noise above 60 dBA Leq, a noise barrier would be erected. This noise barrier would	Noise monitoring and implementation of noise mitigation via barriers if noise levels are excessive.	During initial grading and on a monthly basis thereafter during breeding season (February 15 through September 15).	Applicant, Project Biologist, Qualified Acoustician

Impact	Mitigation Measure	Action	Timing	Responsibility
	consist of a 10-foot-high continuous plywood fence supported by posts or an earthen berm located at the site boundary that abuts potential off-site habitat. If 60 dBA Leq is exceeded the acoustician would require the construction contractor to make operational and barrier changes to reduce noise levels to 60 dBA during the breeding season (February 15 through September 15). Noise monitoring would occur during operational changes and installation of barriers, as needed, to ensure their effectiveness. MM-BIO-1d A Wildlife-Agency approved biological monitor shall be present during initial clearing, grading, and construction in sensitive habitat areas and/or in the vicinity of biological open space areas to ensure that conservation measures associated with resource agency permits and construction documents are performed. The biological monitor shall have the authority to halt construction to prevent or avoid take of any listed species and/or to ensure compliance with all avoidance, minimization, and mitigation measures. Any unauthorized impacts or actions in non-compliance with the permits and construction documents shall be immediately brought to the attention of the City, USACE, and the Wildlife Agencies.	A Wildlife-Agency approved biological monitor shall be present to ensure performance of biological mitigation measures.	During initial clearing, grading, and construction in sensitive habitat areas and/or in the vicinity of biological open space areas.	Applicant, Project Biologist
BIO-2 Potential to impact avian species protected under the Migratory Bird Treaty Act if tree removal, vegetation removal, or other construction activities occur during the nesting season.	MM-BIO-2 If construction is proposed during the breeding season (February 15 through September 15), a pre-construction survey shall be performed by a qualified biologist to determine if any birds are nesting within or immediately adjacent to the impact area. The survey must be conducted no more than three days prior to commencing Project activities. If surveys show that nesting birds are present, a no-work buffer would be placed around the nest. The buffer size would be determined by a qualified biologist and would vary based on site conditions and type of work to be conducted. The no-work buffer would be maintained until the end of the breeding season or until surveys by a qualified biologist confirm that fledglings are no longer dependent on nest. If no nesting birds are detected during pre-construction surveys, no restrictions would be necessary and construction may proceed as planned.	If construction is proposed during the breeding season, conduct a pre-construction survey. Install no-work buffer if nesting birds are present.	For construction activities proposed for the period of February 15 through September 15, conduct survey no more than three days prior to construction activities. No-work buffer to be maintained until the end of the breeding season.	Applicant, Project Biologist

Impact	Mitigation Measure	Action	Timing	Responsibility
BIO-3 Potential for indirect impacts to sensitive wildlife species during Project construction.	MM-BIO-3a The applicant/developer shall designate a USFWS-approved qualified biologist who would be responsible for overseeing compliance with protective measures (e.g., buffers, noise mitigation) for the listed species during construction, including site clearing and grubbing. The biologist would have the authority to halt all associated Project activities, which may be in violation of the USFWS Biological Opinion issued for the Project. In such an event, the biologist is required to contact the City of San Marcos, USACE and USFWS within 24 hours.	Monitoring of grading activities to ensure compliance with biological mitigation measures. If violations are identified, USACE and USFWS will be notified.	During Project construction.	Applicant/Developer, Project Biologist
	MM-BIO-3b An employee education program for the construction crew shall be developed and implemented by a qualified biologist. Each employee (including temporary, contractors, and subcontractors) would receive a training/awareness program within two weeks of working on the proposed Project. They would be advised of the potential impact to the listed species and the potential penalties for taking such species. At a minimum, the program shall include the following topics: occurrence of the listed and sensitive species in the area, their general ecology, sensitivity of the species to human activities, legal protection afforded these species, penalties for violations of Federal and State laws, reporting requirements, and Project features designed to reduce the impacts to these species and promote continued successful occupation of the Project area environs.	Implement education program for construction employees.	Within two weeks of employee starting on construction site.	Contractor
	MM-BIO-3c Construction work areas shall be delineated and marked clearly, by flagging or temporary orange construction fencing, in the field prior to habitat removal, and the marked boundaries maintained and clearly visible to personnel on foot and by heavy equipment operators. Fencing shall be placed on the impact side to reduce the potential for additional vegetation loss within open space. Fencing placement shall be done by a qualified biologist. All temporary fencing shall be removed only after the conclusion of all grading, clearing, and construction. Employees shall strictly limit their activities and vehicles to the proposed Project areas, staging areas, and routes of travel. The Project proponent and/or the biological monitor	Flagging of sensitive habitat areas.	Prior to Project construction	Project Biologist, Contractor

Impact	Mitigation Measure	Action	Timing	Responsibility
	shall contact the City of San Marcos, USACE, and USFWS to verify that the limits of construction have been properly staked and are readily identifiable. Intrusion by unauthorized vehicles into the riverbed and outside of construction limits shall be prohibited, with control exercised by an on-site foreman. Access routes to the construction area outside of work hours shall be blocked with physical barriers, such as concrete blocks or large equipment.			
	MM-BIO-3d The work area shall be kept clean to avoid attracting predators. All food and trash shall be disposed of in closed containers and removed from the Project site. No pets shall be allowed on the construction site.	Maintenance of construction work area.	During Project construction.	Contractor
	MM-BIO-3e All equipment maintenance, staging, and dispensing of fuel, oil, or any other such activities shall occur in designated upland areas outside of the proposed preserve. The designated upland areas shall be located in such a manner as to prevent any runoff from entering waters of the United States, including wetlands.	Proper staging and construction fuel management.	During Project construction	Contractor
BIO-4 Potential for indirect impacts to sensitive wildlife species during Project operation.	MM-BIO-4a The applicant would require the Home Owner's Association to implement covenants, conditions, and restrictions (CC&Rs) to regulate property usage, including maintenance of on-site restored habitats, indoor cat policy, and protection of adjacent natural areas of the on-site preserve and Agua Hedionda Creek. The applicant would incorporate landscape management practices into the CC&Rs that minimize the use of chemical fertilizers, pesticides, and herbicides. Maintenance of on-site restored habitats and protection of adjacent natural areas of the on-site preserve and Agua Hedionda Creek shall be overseen by a conservancy or similar entity with approval by the permitting regulatory agencies. The CC&Rs shall be reviewed by the City Attorney prior to recordation.	Maintenance of habitat and enforcement of other protective measures through CC&Rs.	CC&Rs shall be established prior to Project occupancy and reviewed by the City Attorney. Maintenance shall be ongoing.	Applicant, HOA
	MM-BIO-4b Potential impacts from human and pet intrusion into the on-site open space shall be minimized through a program of education (using that developed by the American Society for the Prevention of Cruelty to Animals), cat control, and habitat fencing as required by the approved Habitat Mitigation and Monitoring Plan (HMMP) and the inclusion of permanent cat-proof fences, with no gates	Construction of cat proof fencing and owner education. Enforcement shall be through CC&Rs.	Fencing to be implemented prior to Project occupancy. Education will be ongoing.	Applicant or Developer, HOA

Impact	Mitigation Measure	Action	Timing	Responsibility
	between the development and the open space, along the backyards of residential lots adjacent to the planned open space. These requirements would be identified in the CC&Rs. The CC&Rs shall be reviewed by the City Attorney prior to recordation.			
	MM-BIO-4c Use of invasive exotic plant species in landscaped areas adjacent to or near sensitive vegetation communities shall be restricted. The applicant/developer shall encourage the use of native species in landscaping plans and would avoid the use of species listed in Lists A & B of the California Invasive Plant Council's list of Exotic Pest Plants of Greatest Ecological Concern in California. This condition shall be included in the CC&Rs for the Project. The CC&Rs shall be reviewed by the City Attorney prior to recordation.	The planting palette shall avoid the use of species listed in Lists A & B of the California Invasive Plant Council's list of Exotic Pest Plants of Greatest Ecological Concern in California.	During initial Project landscaping and Project operation.	Applicant or Developer, HOA
	MM-BIO-4d All night lighting within the proposed development area, including streets and backyards, shall be directed away from the habitat areas, including Agua Hedionda Creek, the stepping stone linkage along the Project's northern boundary, and the preserved open space east of the development. This condition shall be included in the CC&Rs for the Project and the HOA shall regulate this condition and would not allow any future additional lighting to be installed by private homeowners. The CC&Rs shall be reviewed by the City Attorney prior to recordation.	Specification of lighting requirements on Project plans.	Ongoing, starting with Project occupancy.	Applicant, HOA
BIO-5 The Project impacts 77.36 acres of CSS and 1.84 acres of baccharis dominated CSS.	MM-BIO-5a The direct impact to 77.36 acres of CSS and 1.84 acres of baccharis dominated CSS shall be mitigated at a 2:1 ratio for a total of 158.34 acres. This shall be accomplished through the preservation of CSS within a biological conservation easement on the Project site.	Habitat preservation.	Prior to any impact to CSS and baccharis dominated CSS habitat.	Applicant
	MM-BIO-5b Graded slopes outside the fuel modification zone adjacent to natural open space areas shall be revegetated with CSS species (specifically, this includes the slope along the western side of the Las Posas Road extension adjacent to Agua Hedionda Creek). In addition, the off-site easement area would require removal of exotic species, seeding with native species, and/or spreading of CSS duff for preservation that would allow the Project to	Habitat restoration.	Prior to any impact to CSS and baccharis dominated CSS habitat.	Applicant

Impact	Mitigation Measure	Action	Timing	Responsibility
	maintain a minimum 500-foot wide habitat linkage along the northern Project boundary with the exception of a 500 linear foot portion which may have a minimum width of 400 feet.			
	MM-BIO-5c A monitoring/management plan(s) that is consistent with MHCP guidelines and that addresses both the habitat and the species shall be developed and implemented by the natural lands manager or biological consultant in coordination with the USACE, USFWS and CDFW. The plan shall include management objectives to determine the distribution and abundance of plants and animals found within the on-site and off-site acquisition parcels and build a baseline database from this information. Management will include monitoring specific taxonomic groups to determine whether the Project site is functioning naturally or if the biological diversity of the Project site is being degraded or diminished. All threats will be monitored and managed appropriately. This plan will be implemented prior to, or concurrent with, the initiation of construction.	Develop and implement monitoring/management plan.	Prior to, or concurrent with, the initiation of construction.	Applicant, Project Biologist
	MM-BIO-5d A five-year restoration and monitoring plan for the upland restoration area shall be developed and submitted to the USACE, CDFW, and USFWS for approval prior to any ground disturbance in the CSS habitat. The plan would include salvaging on-site plant materials prior to initial clearing and the storage of those materials may be used in the revegetation effort. The restoration/monitoring plan shall include specific replacement planting techniques, timing, success criteria, and an As-Built report.	Develop restoration and monitoring plan for upland restoration area. Submit to USACE, CDFW and USFWS for approval.	Prior to any ground disturbance in the CSS habitat.	Applicant, Project Biologist
BIO-6 The Project impacts 0.06 acres of herbaceous wetland due to implementation of the HMMP for the Project.	MM-BIO-6a The direct impact to 0.06 acres of herbaceous wetland would occur during implementation of the HMMP. This direct impact shall be mitigated at a 3:1 ratio for a total of 0.18 acres. This shall be accomplished through restoration, enhancement and/or creation of wetland habitat and placement of wetland habitat in a biological conservation easement. The wetland mitigation shall be performed in accordance with the draft HMMP for the Project, as refined by USACE, and the Wildlife Agencies through the permitting process. The HMMP also identifies the required management and success criteria for the proposed mitigation.	Habitat restoration, enhancement, and/or creation.	Prior to any impact to herbaceous wetland habitat.	Applicant

Impact	Mitigation Measure	Action	Timing	Responsibility
	MM-BIO-6b A five-year restoration and monitoring plan for the wetland restoration areas shall be developed and submitted to the USACE and USFWS for approval prior to any ground disturbance of wetland habitat. The plan would include salvaging on-site plant materials (if appropriate) prior to initial clearing and the storage of those materials may be used in the revegetation effort. The restoration/monitoring plan shall include specific replacement planting techniques, timing, success criteria, and an As-Built report.	Develop restoration and monitoring plan for wetland restoration area. Submit to USACE and USFWS for approval.	Prior to any ground disturbance of wetland habitat.	Applicant, Project Biologist
BIO-7 Potential for indirect impacts to sensitive habitats during Project construction.	See MM-BIO-3a through MM-BIO-3e.	See MM-BIO-3a through MM-BIO-3e.	See MM-BIO-3a through MM-BIO-3e.	See MM-BIO-3a through MM-BIO-3e.
BIO-8 Potential for indirect impacts to sensitive habitats during Project operation.	MM-BIO-8a Trails that pass through areas of sensitive habitat shall include City-approved habitat signage to inform users of the sensitive resources and remind the trail user to stay on the established trails. Signage shall be placed in accordance with the Final HMMP and as approved by the Planning Division Manager. The Final HMMP shall include a provision to monitor trail usage.	Placement of informational signage.	Prior to Project occupancy.	Applicant
	MM-BIO-8b The western boundary of the riparian corridor shall be enhanced with plant material and fencing barriers to prohibit intrusion into the corridor from the roadway and walkways along Las Posas Road as allowed by the regulatory permits issued by the resources protection agencies and the approved Fire Protection Plan.	Enhancement of western boundary of riparian corridor.	Prior to Project occupancy.	Applicant
	MM-BIO-8c Use of invasive exotic plant species in landscaped areas adjacent to or near sensitive vegetation communities shall be restricted. The applicant shall encourage the use of native species in landscaping plans and would avoid the use of species listed in Lists A & B of the California Invasive Plant Council's list of Exotic Pest Plants of Greatest Ecological Concern in California. This condition shall be included in the CC&Rs for the Project. The CC&Rs shall be reviewed by the City Attorney prior to recordation.	The planting palette shall avoid the use of species listed in Lists A & B of the California Invasive Plant Council's list of Exotic Pest Plants of Greatest Ecological Concern in California.	During initial Project landscaping and Project operation.	Applicant, HOA

Impact	Mitigation Measure	Action	Timing	Responsibility
BIO-9 The Project impacts 0.06 acres of jurisdictional wetlands due to implementation of the HMMP.	See MM-BIO-6a and MM-BIO-6b.	See MM-BIO-6a and MM-BIO-6b.	See MM-BIO-6a and MM-BIO-6b.	See MM-BIO-6a and MM-BIO-6b.
BIO-10 Potential for indirect impacts to jurisdictional wetlands during Project construction.	MM-BIO-10a The Project applicant/developer shall submit monthly construction monitoring reports during all grading activities for the Project to the RWQCB. Construction monitoring reports shall include, but not be limited to, the following: • Name, qualification, and affiliations of the persons contributing to the report; • Summary of construction activities that includes general locations, Project components, approximate acreages; • Quantification of impacts to waters of the US authorized under RWQCB Order No. R9-2005-0272; • Dates, times and names of qualified biologists onsite; • Diagram showing location and type of the most recent erosion and sediment control BMPs implemented onsite in accordance with the SWPPP; • Summary of any problems, resolutions, and notification that occurred during this monitoring period; and • Photo-documentation of construction activities. MM-BIO-10b Pursuant to the conditions identified in the 401 Water Quality Certification from the RWQCB (Order No. R9-2005-0272) the Project applicant/developer shall develop and implement a sedimentation/siltation monitoring plan to measure sediment loads above and below the Project site during the construction phase. Sediment and siltation monitoring shall continue until such time that a Notice of Termination is processed. The construction phase sedimentation/siltation monitoring program shall be developed and submitted to the RWQCB for acceptance prior	Submit construction monitoring reports to RWQCB.	Monthly during Project grading.	Applicant or Developer
		Develop and implement sedimentation/siltation monitoring plan. Submit to RWQCB.	Develop and submit to RWQCB plan prior to Project grading. Implement plan during Project construction.	Applicant or Developer

Impact	Mitigation Measure	Action	Timing	Responsibility
	to initiation of Project grading. Upon RWQCB acceptance of the monitoring plan, the Project applicant shall monitor sediment loading above and below the Project as follows: • Samples taken upstream of the construction areas and immediately downstream of the last point of discharge from the Project. • Samples shall be analyzed for settleable solids and total suspended solids. • Sediment/siltation monitoring to occur after significant rainfall where storm water runoff discharges from the Project site into Agua Hedionda Creek. The Project applicant/developer does not need to perform upstream/downstream sample collection for more than three rain events per month.			
	MM-BIO-10c Pursuant to the conditions identified in the 401 Water Quality Certification from the RWQCB (Order No. R9-2005-0272), following each sample event, the applicant/developer shall immediately assess each sample and if the results of the downstream site show an increase greater than 5 percent above background (upstream site) sediment levels, the applicant/developer shall conduct an immediate assessment of erosion and sediment control BMPs being implemented. The project applicant/developer shall also: • Identify the source of the silt and sediment; • Repair or replace BMPs that failed; • Maintain any BMP that is not functioning properly due to lack of maintenance; • Evaluate whether additional or alternative BMPs should be implemented to prevent further exceedences of background sediment levels; and • Report to the RWQCB within five working days the actions taken to remedy the situation.	Perform water quality sampling. Conduct an assessment of erosion and sediment control BMPs and report to RWQCB, if needed.	Sample following each sample event and assess BMPs immediately upon seeing an increase greater than 5 percent above background sediment levels. Report to RWQCB within five working days.	Applicant or Developer
	MM-BIO-10d Pursuant to the conditions identified in the 401 Water Quality Certification from the RWQCB (Order No.	Submit sediment/siltation	Monthly during the rainy season	Applicant or Developer

Impact	Mitigation Measure	Action	Timing	Responsibility
	R9-2005-0272) the Project applicant/developer shall include all quality assurance and quality control data from the sediment/siltation monitoring program in reports to be submitted monthly during the rainy season (October 1 through April 30). In months receiving no precipitation resulting in discharge to receiving waters, no report will be required.	monitoring program data to RWQCB.	(October 1 through April 30).	
	MM-BIO-10e All equipment maintenance, staging, and dispensing of fuel, oil, or any other such activities, would occur in designated upland areas outside of the proposed preserve. The designated upland areas would be located in such a manner as to prevent any runoff from entering waters of the United States, including wetlands.	Locate equipment maintenance, staging, and fuel dispensing in a designated upland area.	During Project construction.	Applicant, Contractor
BIO-11 Edge effects including intrusion by domestic animals and unauthorized people and spill over lighting could indirectly impact habitat linkages and wildlife corridors.	See MM-BIO-4a through MM-BIO-4d and MM-BIO-8a through MM-BIO-8c.	See MM-BIO-4a through MM-BIO-4d and MM-BIO-8a through MM-BIO-8c.	See MM-BIO-4a through MM-BIO-4d and MM-BIO-8a through MM-BIO-8c.	See MM-BIO-4a through MM-BIO-4d and MM-BIO-8a through MM-BIO-8c.
BIO-12 The Project would contribute to a significant cumulative impact related to habitat loss of CSS.	See MM-BIO-5a through MM-BIO-5d.	See MM-BIO-5a through MM-BIO-5d.	See MM-BIO-5a through MM-BIO-5d.	See MM-BIO-5a through MM-BIO-5d.
While no least Bell's vireos or southwestern willow flycatchers were identified on the Project site, and there is a low potential for occurrence due to lack of suitable on-site habitat, the following measures are identified in the regulatory permits for the Project and would be	MM-BIO-13 Prior to Project grading, the Project applicant/developer shall conduct USFWS protocol least Bell's vireo surveys. The surveys shall be conducted within the 12-month period prior to Project grading. Results of the surveys shall be submitted to USACE, the Wildlife Agencies, and the City of San Marcos Planning Division Manager. If least Bell's vireo are found to be nesting within the area to be disturbed, clearing and grubbing activity would not be allowed within 500 feet of active territories until such time as the nest is no longer active. Alternatively, noise mitigation (e.g., berm, temporary barrier) may be implemented to achieve noise levels of 60 dBA or less at the nest.	Conduct protocol surveys and submit results to USACE, Wildlife Agencies, and City. No clearing and grubbing activity shall occur within 500 feet of active territories.	Within the 12-month period prior to Project grading. If nesting birds are found, no disturbance shall occur until the nest is no longer active.	Applicant or Developer, Project Biologist, Contractor

Impact	Mitigation Measure	Action	Timing	Responsibility
implemented by the Project applicant.	MM-BIO-14 Prior to Project grading, the Project applicant shall conduct USFWS protocol southwestern willow flycatcher surveys. The surveys shall be conducted within the 12-month period prior to Project grading. Results of the surveys shall be submitted to USACE, the Wildlife Agencies, and the City of San Marcos Planning Division Manager. If southwestern willow flycatchers are found to be nesting within the area to be disturbed, clearing and grubbing activity would not be allowed within 500 feet of active territories until such time as the nest is no longer active. Alternatively, noise mitigation (e.g., berm, temporary barrier) may be implemented to achieve noise levels of 60 dBA or less at the nest. MM-BIO-15 To ensure preservation and management of the proposed preserved areas in perpetuity consistent with MHCP guidelines, the following would occur prior to initial vegetation clearing: • Conservation easements shall be recorded over the 210.8 acres to be preserved, including the 4.7 acres off site adjacent to the northern property boundary following the purchase from the current owner. • Designation of an experienced natural lands manager by the Project applicant/developer approved by USACE, the USFWS, and the City of San Marcos Planning Division Manager. • Funding of a non-wasting endowment at an amount to be determined through the preparation of a Property Analysis Record (PAR), or similar analysis.	Conduct protocol surveys and submit results to USACE, Wildlife Agencies and City. No clearing and grubbing activity shall occur within 500 feet of active territories. Recordation of conservation easement.	Within the 12-month period prior to Project grading. If nesting birds are found, no disturbance shall occur until the nest is no longer active. Prior to Project construction.	Applicant, Project Biologist, Contractor Applicant or Developer
CULTURAL RESOURCES				
CR-1 Unknown sources of archaeological resources may occur on the Project site, and the Project has the potential to disturb unidentified archaeological resources during Project grading.	MM-CR-1a 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 are protected. MM-CR-1b Prior to beginning Project construction, the project Applicant/developer shall retain a San Diego County qualified archaeological monitor to monitor all ground-	Monitoring of ground disturbing activities. Monitoring of ground disturbing activities.	During all ground disturbing activity. During all ground disturbing activity.	Archaeologist, Tribal Monitor Archaeologist

Impact	Mitigation Measure	Action	Timing	Responsibility
	disturbing activities in an effort to identify any unknown archaeological resources. Any newly discovered cultural resource deposits shall be subject to cultural resources evaluation, which shall include archaeological documentation, analysis and report generation and take into account tribal customs and traditions. MM-CR-1c At least 30 days prior to beginning Project construction, the project applicant/developer shall enter into a Cultural Resource Treatment and Monitoring Agreement (also known as a pre-excavation agreement) with a Luiseño Tribe. A Luiseño Tribe shall provide input into the scope and content of the Agreement. At minimum, the Agreement shall address the treatment of known cultural resources, the designation, responsibilities, and participation of professional Native American Tribal monitors during grading, excavation and ground disturbing activities; Project grading and development scheduling; terms of compensation for the monitors; and treatment and final disposition of any cultural resources, sacred sites, and human remains discovered on site. MM-CR-1d Prior to beginning Project construction, the Project Archaeologist shall file a pre-grading report with the City to document the proposed methodology for grading activity observation, which would be determined in consultation with the contracted Luiseño Tribe referenced in MM-CR-1c. 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 agreement required in MM-CR-1c, the archaeological monitor's authority to stop and redirect grading would 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 Luiseño Native American monitor shall be present at any pre-construction meeting that addresses earth and/or ground disturbing activities.	Enter into Cultural Resource Treatment and Monitoring Agreement. File a pre-grading report with City.	At least 30 days before Project construction. Before Project construction.	Applicant or Developer, Luiseño Tribe Archaeologist, Luiseño representative

Impact	Mitigation Measure	Action	Timing	Responsibility
	MM-CR-1e The landowner shall relinquish ownership of all cultural resources collected during the grading monitoring program and, if appropriate, from any previous archaeological studies or excavations on the Project site to the appropriate Tribe for proper treatment and disposition per the Cultural Resources Treatment and Monitoring Agreement referenced in MM-CR-1c. Such treatment may include, but does not require, curation at a facility that meets the criteria contained in 36 C.F.R. Part 79, or if requested by the appropriate Tribe, re-burial on-site, i.e., a non-curation alternative. All cultural materials that are deemed by the Tribe to be associated with burial and/or funerary goods would be repatriated to the Most Likely Descendant as determined by the Native American Heritage Commission per California Public Resources Code Section 5097.98. MM-CR-1f All sacred sites, should they be encountered within the Project area, shall be avoided and preserved as the preferred mitigation, if feasible. MM-CR-1g If inadvertent discoveries of subsurface archaeological/cultural resources, not including human remains or associated burial goods which are addressed in MM-CR-4, are discovered during grading, the applicant/developer, the Project archaeologist, and the Luiseño Tribe under agreement with the landowner described in CR-3 shall assess the significance of such resources and shall meet and confer regarding the mitigation for such resources. Pursuant to California Public Resources Code Section 21083.2(b) avoidance is the preferred method of preservation for archaeological resources. If the applicant/developer, the Project archaeologist and the Tribe cannot agree on the significance of mitigation for such resources, these issues would be presented to the Planning Division Manager for decision. The Planning Division Manager shall make a determination based upon the provisions of the California Environmental Quality Act with respect to archaeological resources and shall take into account the religious beliefs, customs, and practices of the Tribe. Notwithstanding any other rights available under law, the decision of the Planning Division	Relinquish all cultural resources.	Before, during, and after Project construction.	Applicant
		Avoidance of sacred sites.	Before, during, and after Project construction.	Applicant, Contractor
		Evaluation of cultural resources if they are identified during Project construction.	During Project grading.	Applicant or Developer, Archaeologist, Tribal Monitor

Impact	Mitigation Measure	Action	Timing	Responsibility
	Manager shall be appealable to the Planning Commission and/or City Council. If tribal cultural resources are inadvertently discovered during the Project's earth and/or ground disturbing activities, a controlled grade may be required. A controlled grade procedure would require that earth and/or ground disturbing equipment operate at a deliberate pace, in a specialized manner and work in controlled increments as determined by the Native American monitor and Project Archaeologist. Equipment would need to meet specific requirements regarding weight, attachments and type of wheels.			
	MM-CR-1h Fill material brought onto the Project site shall be clean of cultural resource material. The fill material shall be analyzed and confirmed by an archaeologist and/or Luiseño Native American monitor.	Ensure fill material is clean of cultural resource material.	During Project construction.	Archaeologist, Tribal Monitor
CR-2 The Project has the potential to disturb unidentified historical resources during Project grading.	MM-CR-2 An archeological monitor shall be present during all initial earth moving and grading activities or otherwise disturbance of existing conditions to monitor for historical resources, including the previously identified well and wall features. If historical resources are encountered, work shall cease in the vicinity of the discovery until the archaeologist has had an opportunity to document and evaluate the discovery. If it is determined to be a significant cultural resource, data recovery or other mitigation measures may be required. The archaeologist shall prepare an Archaeological Data Recovery Program (ADRP) for review and approval by the City Planning Division Manager. Impacts to significant resources must be mitigated before ground-disturbing activities in the area of discovery shall be allowed to resume. If the resource is determined not to be significant, work may resume in the area of the discovery.	Monitoring of ground disturbing activities.	During all ground disturbing activity.	Archeological Monitor
CR-3 The Project has the potential to disturb unidentified paleontological resources during Project grading.	MM-CR-3 A qualified paleontologist shall be retained by the applicant to implement an appropriate paleontological mitigation program which includes the following measures: The paleontologist shall monitor construction excavations which impact previously undisturbed sediments of the Santiago Peak Volcanics, as well	Monitoring of construction activities and filing of mitigation report.	During and after all ground disturbing activity.	Paleontologist

Impact	Mitigation Measure	Action	Timing	Responsibility
	as deposits of colluviums and alluvium. The paleontologist would initially monitor the excavation on a part time basis, which may be reduced depending on the sediments excavation and if any fossils are being encountered. If the paleontologist encounters any significant fossils, they would be salvaged. • The paleontologist would be allowed to divert or direct grading activity in the area of an exposed fossil to prevent the fossil from being destroyed. • Because of the small nature of some fossils present in these rock units, it may be necessary for matrix samples to be collected for processing through fine mesh screens. • If found, fossils shall be prepared to the point of identification, stabilized, mapped on a USGS topographic map, and cataloged before they are donated to their final repository. • All significant fossils collected would be donated to a public, non-profit institution with a research interest in the materials, such as the San Diego Natural History Museum. The institution selected must be capable of curating specimens, field notes, geologic maps, and stratigraphic sections, as well as allows for retrieval of specific specimens by researchers in the future. On the completion of all laboratory and field work, a final paleontological mitigation report shall be prepared and filed with the client, the fossil repository and the lead agency.			
CR-4 There is a potential for Project construction activities to disturb previously unidentified human remains on the Project site.	MM-CR-4 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	Do not disturb human remains.	During Project construction.	Applicant, Archaeologist,

Impact	Mitigation Measure	Action	Timing	Responsibility
	remains shall be examined in the field and the location of the find shall be kept secure. If the San Diego County Coroner determines the remains to be Native American, the Native American Heritage Commission (NAHC) must be contacted within 24 hours. The NAHC must then immediately notify the "most likely descendant(s)" of the discovery. The most likely descendants(s) shall then make recommendations within 48 hours, and engage in consultation concerning treatment of remains as provided in Public Resources Code 5097.98.			
GEOLOGY/SOILS				
GEO-1 Compressible soils unsuitable for supporting fill and/or development underlie the Project site.	MM GEO-1 For the portions of the Project site that are underlain by potentially compressible soils, the soil shall be removed and replaced with properly compacted fill during the construction process as defined by the UBC/California Building Code (CBC). Consistent with the Recommended Grading Specifications presented in Appendix D of the Update Geotechnical Investigation, the fill material brought to the Project site shall be compacted to at least 90 percent of laboratory maximum dry density as determined by the current version of ASTM Test Procedure D 1557 at or slightly above optimum moisture content.	Remove and replace compressible soils per regulations.	During Project construction.	Applicant, Geotechnical Engineer
HAZARDS/HAZARDOUS MATERIALS				
HAZ-1 The Project site is located within a Very High fire hazard severity zone.	MM HAZ-1 The Project shall use fire-restrictive building materials as outlined in Chapter 7A, Section 704A, Ignition-Resistant Construction, of the CBC for the future residences. This requirement shall be noted on the building plans and would be subject to review and approval by the City.	Use of fire-restrictive building materials.	This requirement shall be noted on building plans and implemented during construction.	Applicant, Contractor
HAZ-2 Fire modeling identified flame lengths ranging from 34 to 79.5 feet, depending on the modeled scenario.	MM HAZ-2a A comprehensive approach to fire fuel management shall be required and shall be consistent with the recommendations in the Fire Protection Plan prepared for the Project. Fuel management shall take place in three zones. Figure 2-14a depicts these fuel management areas and Figure 2-14b depicts the fuel treatment located within the proposed riparian restoration/corridor area adjacent to Las Posas Road. • Zone 1 comprises the first 50 feet around a	Develop fire fuel management plan.	During Project construction.	Applicant

Impact	Mitigation Measure	Action	Timing	Responsibility
	structure. This zone is irrigated and shall be planted with vegetation that meets the County of San Diego's Acceptable Plants for Defensible Space in Fire Prone Areas. Zone 1 criteria would also be applied to the manufactured slopes and shall be re-vegetated with well-spaced and maintained fire resistant plants and trees. • Zone 2 is a non-irrigated zone and generally covers 50 to 100 feet beyond Zone 1. Within Zone 2, permanent vegetation is removed and cleared areas are hydroseeded with a mix of native annual and perennial grasses. Zone 2 is subject to select thinning and pruning to maintain the zone requirements. • Zone 3 is located in open space lots M and N and addresses the riparian corridor. The significance of this zone is the proposed restoration of the riparian habitat environment. The restoration would remove existing non-native vegetation and the planting of local native riparian wetland species. The removal of the most flammable non-native and invasive species would reduce the fire behavior parameters, particularly flame length. A 150-foot fuel management zone from the edge of structures to the edge of a native fuel buffer adjacent to the riparian habitat zone would be maintained except for where narrower zones are permitted per the FPP. Additionally, non-combustible signage would be posted every 200 feet for fuel modification/fire clearing limits both horizontal and vertical. • For newly constructed roads, the vegetation shall be modified/reduced by 50 percent for 20 feet on either side of the road.			

Impact	Mitigation Measure	Action	Timing	Responsibility
	MM HAZ-2b All homes shall have a minimum 150-foot fuel modification zone with the exception of Lots 8 through 17 on the western portion of the Project and lots 187 and 188 on the eastern side where a pinch points occurs to keep fuel modification within the boundaries approved under the regulatory permits. Fuel modification for these lots shall range from approximately 136 feet to 149 feet. Given that flame lengths are expected to be less than 50 feet with fuel modification, the reduced fuel modification zones for these ten lots would be adequate. MM HAZ-2c Homeowners shall be responsible for all required fuel treatment measures on their lot. Fuel treatment zones adjacent to individual lots would be recorded as permanent easements and the Home Owner's Association (HOA) would be responsible for enforcement of all required fuel modification treatments on these permanent easements. The HOA is responsible to ensure completion of all required fuel modification treatment prior to the annual fire season.	Incorporation of fuel modification zones. Maintenance of fuel management zones.	During Project construction. Prior to annual fire season.	Applicant Homeowners, HOA
HYDROLOGY/WATER QUALITY				
HYWQ-1 If a future well is placed closer than 550 feet from adjacent groundwater-using properties, a potentially significant impact would occur.	MM HYWQ-1 If a well is developed on the Project site for irrigation purposes, the well shall be placed no closer than 550 feet to any existing wells.	Placement of well at least 550 feet from existing wells.	During Project construction.	Applicant
NOISE				
N-1 If two rock crushers are to operate simultaneously, crusher noise may impact nearby residential uses.	MM-N-1 If two rock crushers are to operate simultaneously, noise measurements of the rock crushing facilities shall be conducted within the first week of operations to ensure compliance with the City's thresholds. If noise levels are found to be above the established thresholds of 60 dBA at any existing single-family residential use, then mitigation would be required to reduce the sound level of 60 dBA at the residential uses. Mitigation could include berms or temporary walls, modified crusher orientation, or relocation of the rock crushers.	Take noise measurements if two crushers will be operated simultaneously. If noise levels exceed thresholds, implement noise reduction measures to meet noise standards.	During rock crushing phase.	Applicant

Impact	Mitigation Measure	Action	Timing	Responsibility
N-2 Noise levels at six receptors are modeled to exceed the City's General Plan Noise Element 60 dBA exterior threshold.	MM-N-2 To minimize on-site exterior noise levels, 7-foot barriers shall be constructed along the lots adjacent to Las Posas Road. A 4-foot barrier shall be constructed at the lot in the southeast corner of the Project site. The barriers may be constructed of a combination of landscape berms and sound walls. The locations of barriers are presented in Figure 3.10-4. The design of the barrier, including materials and color for any sound walls shall be subject to review and approval by the Planning Division Manager.	Construction of noise attenuation barriers.	Prior to occupancy of homes along the west side of Las Posas Road within the Project area.	Applicant
N-3 Since noise levels at six receptors are modeled to exceed the City's General Plan Noise Element 60 dBA exterior threshold, an interior noise assessment is required to ensure the interior noise threshold of 45 dBA CNEL is met.	MM-N-3 To ensure compliance with the interior noise threshold of 45 dBA CNEL, a final noise assessment shall be performed prior to the issuance of the first building permit for all second floor areas of the lots located adjacent to Las Posas Road. This final report shall identify the interior noise requirements based on architectural and building plans to meet the City's established interior noise limit. The identified interior noise requirements shall also be in place prior to occupancy of the residences adjacent to Las Posas Road.	Conduct final noise assessment and mitigate noise conditions to acceptable levels if an exceedance is identified.	Prior to issuance of first building permit for all second floor areas.	Applicant
PUBLIC SERVICES				
PS-1 The Project would contribute to an increase in emergency and non-emergency demands on the San Marcos Fire Department that require additional resources.	MM PS-1 The proposed Project is contained within a preexisting San Marcos Fire Protection District Community Facilities District No. 2001-01 (CFD 2001-01) ³ . The Project shall contribute toward the future resources needed by the Fire Department through participation in CFD 2001-01 and payment of mitigation fees. Such payments would go towards providing the additional staff and equipment that would be needed by the Fire Department in the future to provide fire protection services to the Project. Specifically this CFD 2001-01 covers authorized facilities including: fire stations, fire training facilities, fire dispatch center, fire community system and fire equipment. It also covers the following authorized services: fire protection, ambulance and paramedic services.	Payment of mitigation fees to the fire protection CFD.	Prior to Project occupancy.	Applicant

³ <http://www.ci.san-marcos.ca.us/Modules/ShowDocument.aspx?documentid=2554>

Impact	Mitigation Measure	Action	Timing	Responsibility
PS-2 The Project would contribute to an increase in demand on police protection services.	MM PS-2 The Project shall contribute toward the future police protection resources through the payment of fees to Community Facilities District 98-01 (CFD 98-01) ⁴ . These fees would provide for additional staff and equipment to assist in the provision of law enforcement services. As it relates to police protection, CFD 98-01 covers police communication systems and police equipment and police services.	Payment of mitigation fees to the law enforcement CFD.	Prior to Project occupancy.	Applicant
PS-3 Students generated by the Project would contribute to a district-wide shortage in capacity in the SMUSD.	MM PS-3 To offset the additional facilities and resources that would be needed to meet the demand of students generated by the residential units of the proposed Project under either the one- or two-district scenario, the Project applicant/developer would be required to pay school mitigation fees pursuant to California Education Code Section 17620 et seq. and Government Code Sections 65995(h) and 65996(b). These fees would assist in funding implementation of SMUSD's and VUSD's long-range plans. The current school fees for residential are \$3.88/s.f. for SMUSD and \$3.20/s.f. for VUSD. Fees do change over time. The applicant/developer would be responsible for paying the fees that are in effect at the time of building permit issuance, and, consistent with General Plan Policy LU-11.2, shall provide a letter from the school district(s) to the City prior to the issuance of building permits confirming these fees have been paid.	Payment of school fees to the school district(s) serving the Project.	Prior to Project occupancy.	Applicant or Developer
RECREATION				
REC-1 The Project does not provide sufficient park acreage to accommodate new residents.	MM-REC-1 The project applicant/developer shall pay the City's Public Facility Fee (PFF), a portion of which is designated for parks. The PFF money would go towards the acquisition and development of local and community park facilities throughout the City. Payment of the PFF shall be made prior to Project occupancy.	Payment of PFF.	Prior to Project occupancy.	Applicant or Developer

⁴ <http://www.ci.san-marcos.ca.us/Modules/ShowDocument.aspx?documentid=2560>

Impact	Mitigation Measure	Action	Timing	Responsibility
TRANSPORTATION/TRAFFIC				
TR-1 Project-related traffic results in a significant increase in delay at the intersection of Las Posas Road/Camino Del Sol in the Existing Plus Project condition.	MM-TR-1a Prior to Project occupancy, the project applicant/developer shall install a fiber optic interconnect for signal timing between the intersections of Las Posas Road/Borden Road and Las Posas Road/Avenida Azul. The project applicant/developer shall also be responsible for developing the signal coordination timing plans for the two intersections. The project applicant/developer shall pay for all existing signal retiming along Las Posas Road from Borden Road to Avenida Azul.	Installation of signal interconnect and development of signal coordination timing plans.	Prior to Project occupancy.	Applicant or Developer
	MM-TR-1b Contribute a fair share toward the cost of installing a traffic signal at the intersection of Las Posas Road/Camino Del Sol.	Payment of a fair share contribution for future improvements at this intersection.	Prior to issuance of building permits.	Applicant
TR-2 The addition of Project traffic results in a significant increase in delay at the intersection of Las Posas Road/Camino Del Sol in the PM peak hour in the Existing Plus Cumulative condition.	See MM-TR-1a and MM-TR-1b.			
TR-3 The addition of Project traffic results in a significant increase in delay at the intersection of Las Posas Road/SR-78 Westbound Ramps in the PM peak hour in the Existing Plus Cumulative condition.	MM TR-2 Contribute a fair share toward construction of a dedicated right-turn lane at the westbound (off-ramp) approach of the intersection.	Payment of a fair share contribution for future improvements at this intersection.	Prior to issuance of building permits.	Applicant

Impact	Mitigation Measure	Action	Timing	Responsibility
TR-4 The addition of Project traffic results in a significant increase in delay at the intersection of Grand Avenue/SR-78 Eastbound Ramps – Via Vera Cruz in the AM and PM peak hours in the Existing Plus Cumulative condition.	MM-TR-3 Contribute a fair share toward the construction of a dedicated right-turn lane at the southbound (off-ramp) approach of the intersection. Convert existing shared through/right-turn lane to a shared left-turn/through lane. Modify signal to provide a right-turn overlap phase at the southbound approach of the intersection. MM-TR-4 The project applicant/developer shall pay the City's Public Facility Fee (PFF), a portion of which is designated for circulation street and SR-78 interchange improvements. Payment of the PFF shall be made prior to Project occupancy.	Payment of a fair share contribution for future improvements at this intersection.	Prior to issuance of building permits.	Applicant
TR-5 The addition of Project traffic results in a significant increase in delay at the intersection of Las Posas Road/Camino Del Sol in the AM and PM peak hours in the Horizon Year 2035 condition.	See MM-TR-1a and MM-TR-1b.	See MM-TR-1a and MM-TR-1b.	See MM-TR-1a and MM-TR-1b.	See MM-TR-1a and MM-TR-1b.
TR-6 The addition of Project traffic results in a significant increase in delay at the intersection of Las Posas Road/SR-78 Westbound Ramps in the AM and PM peak hours in the Horizon Year 2035 condition.	See MM-TR-2.	See MM-TR-2.	See MM-TR-2.	See MM-TR-2.
TR-7 The addition of Project traffic results in a significant increase in delay at the intersection of Grand Avenue/SR-78 Eastbound Ramps – Via Vera Cruz in the AM and PM peak hours in the Horizon Year 2035 condition.	See MM-TR-3 and MM-TR-4.	See MM-TR-3 and MM-TR-4.	See MM-TR-3 and MM-TR-4.	See MM-TR-3 and MM-TR-4.

Impact	Mitigation Measure	Action	Timing	Responsibility
UTILITIES AND SERVICE SYSTEMS				
UTIL-1 Total water storage requirements for the proposed Project were not considered in the VWD 2008 Master Plan. The Project increases the water storage demand by 347,540 gallons under the One Water District Scenario and 11,005 gallons for the Two Water Districts Scenario.	MM-UTIL-1 Prior to building occupancy, the project applicant/developer shall pay Water Capital Facility Fees per VWD Ordinance 175. These fees would go towards water infrastructure improvements identified in VWD's 2008 CIP Proof of fee payment shall be provided to the City of San Marcos Planning Division.	Payment of Water Capital Facility Fees.	Prior to building occupancy.	Applicant or Developer
UTIL-2 Total parallel land outfall conveyance needs for the proposed Project were not considered in the VWD 2008 Master Plan. The proposed Project will increase wastewater flows by 39,281 gpd over what was anticipated in the 2008 Master Plan.	MM-UTIL-2 Prior to building occupancy, the project applicant/developer shall pay Wastewater Capital Facility Fees per Vallecitos Water District Ordinance 176. The purpose of the fee is to provide adequate wastewater conveyance and treatment to serve new development within VWD's service area and to provide adequate funding for future financing and construction of facilities described in VWD's 2008 CIP. Proof of fee payment shall be provided to the City of San Marcos Planning Division.	Payment of Wastewater Capital Facility Fees.	Prior to building occupancy.	Applicant or Developer
UTIL-3 The proposed Project contributes to a cumulative impact to water storage within the VWD water service area through an increase in storage demand of 347,540 gallons under the One Water District Scenario and 11,005 gallons for the Two Water Districts Scenario	See MM-UTIL-1.	See MM-UTIL-1.	See MM-UTIL-1.	See MM-UTIL-1.
UTIL-4 The proposed	See MM-UTIL-2.	See MM-UTIL-2.	See MM-UTIL-2.	See MM-UTIL-2.

Impact	Mitigation Measure	Action	Timing	Responsibility
Project contributes to a cumulative impact to wastewater conveyance at the land outfall.				
UTIL-5 The Project contributes to a cumulative impact to wastewater solids treatment through an increase in treatment demand of 39,281 gpd.	See MM-UTIL-2.	See MM-UTIL-2.	See MM-UTIL-2.	See MM-UTIL-2.
UTIL-6 The Project contributes to a cumulative impact to wastewater liquids treatment through an increase in treatment demand of 39,281 gpd.	See MM-UTIL-2.	See MM-UTIL-2.	See MM-UTIL-2.	See MM-UTIL-2.
UTIL-7 The Project contributes to a cumulative impact to ocean outfall capacity through an increase in treatment demand of 39,281 gpd.	See MM-UTIL-2.	See MM-UTIL-2.	See MM-UTIL-2.	See MM-UTIL-2.