



NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION

The City of San Marcos intends to adopt a Mitigated Negative Declaration ND 16-002 for the project described below. An electronic copy of the Negative Declaration is available for public review on the City's web site at www.san-marcos.net. A printed copy is available for review at the City of San Marcos, Development Services Department, 1 Civic Center Drive, San Marcos, CA 92069-2949. Upon request, the document is also available digitally on a CD for a nominal fee.

PROJECT NO.: P15-0052: SP 15-004, MFSDP 15-004, GPA 15-003, R 15-002, ND 16-002

APPLICANT: National Community Renaissance

DESCRIPTION OF THE PROJECT: A request for review of a Specific Plan (SP) and Multi-Family Site Development Plan (MFSDP) to allow for 148 affordable apartment units providing low-income rental housing. In addition, the project proposes a General Plan Amendment (GPA) to change the land use designation from "Medium Density Residential 2 (MDR2)" to "Specific Plan Area", and a Rezone (R) from Multi-Family Residential (R-3-10) to Specific Plan Area (SPA). The development is proposed to be constructed in two (2) phases. Phase 1 will be located west of Marcos Street, and consists of two 3-story buildings with 85 apartment units and 148 parking spaces within a 2-story parking structure behind the buildings. Phase 2 will be located east of Marcos Street, and consists of two 3-story buildings with 63 apartment units and 109 parking spaces within a subterranean garage below the buildings and a surface parking lot at the rear of the property. The project will include three (3) tot-lots, outdoor seating and barbeque areas, community room, and management office. The existing 2 to 3-story apartment buildings (totaling 136 apartment units) will be demolished as part of the project. The project includes installation of new storm drain pipe by trenching within sections of Richmar Avenue, and the upsizing of an existing sewer collection pipeline by trenching within sections of the alley north of Mission Road, Pico Avenue, and San Marcos Boulevard or portions thereof as determined by the Vallecitos Water District (VWD).

LOCATION: 339-340 Marcos Street. Assessor's Parcel Numbers: 220-100-65-00, 220-100-69-00, 220-112-09-00, & 220-112-10-00.

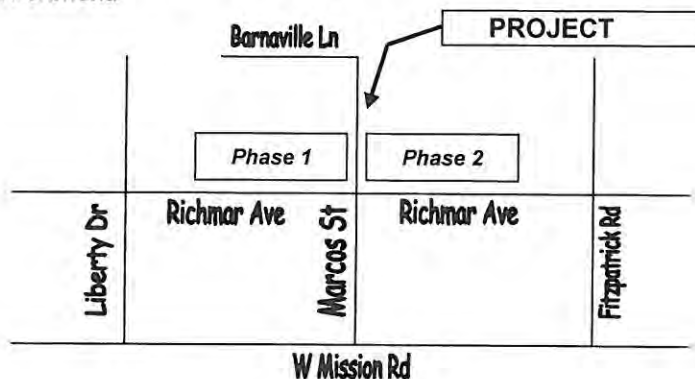
MND PUBLIC REVIEW PERIOD: From 11/9/16 to 11/30/16.

PUBLIC HEARING DATE: A Planning Commission public hearing is scheduled to consider the proposed project on Monday, December 19, 2016 at 6:30 PM, in Council Chambers of the City of San Marcos located at 1 Civic Center Drive, San Marcos, CA 92069.

The purpose of this notice is to give interested persons an opportunity to be informed of the environmental review process and to provide comments during the public review period prior to any action taken by the City. If you have questions about this Notice, you may contact Norm Pedersen, Associate Planner, by calling 760-744-1050, Extension 3236, or npedersen@san-marcos.net
COUNTY CLERK: Please post this notice until November 30, 2016 per Section 21092.3 of the Public Resources Code.

*Negative Declaration means a written statement/analysis describing the reasons why a proposed project's impacts will be less than significant on the environment.

VICINITY MAP:



AGENDA ITEM
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CITY OF SAN MARCOS Negative Declaration 16-002

DATE: November 9, 2016
APPLICANT: National Community Renaissance

1. **PROJECT CASE NUMBER:** P15-0052: SP 15-004, MFSDP 15-004, GPA 15-003, R 15-002
2. **LEAD AGENCY NAME AND ADDRESS:** City of San Marcos, 1 Civic Center Drive, San Marcos, CA 92069.
3. **CONTACT PERSON AND PHONE NUMBER:** Norm Pedersen, Associate Planner, 760-744-1050 x3236.
4. **PROJECT LOCATION:** 339-340 Marcos Street. Assessor's Parcel Numbers: 220-100-65-00, 220-100-69-00, 220-112-09-00, & 220-112-10-00.
5. **PROJECT SPONSOR'S NAME AND ADDRESS:** Lorna Contreras, National Community Renaissance, 9421 Haven Avenue, Rancho Cucamonga, CA 91730.
6. **GENERAL PLAN DESIGNATION:** Medium Density Residential 2 (MDR2).
7. **ZONING:** Multi-Family Residential (R-3-10).
8. **DESCRIPTION OF PROJECT:** A request for review of a Specific Plan (SP) and Multi-Family Site Development Plan (MFSDP) to allow for 148 affordable apartment units providing low-income rental housing. In addition, the project proposes a General Plan Amendment (GPA) to change the land use designation from "Medium Density Residential 2 (MDR2)" to "Specific Plan Area", and a Rezone (R) from Multi-Family Residential (R-3-10) to Specific Plan Area (SPA). The development is proposed to be constructed in two (2) phases. Phase 1 will be located west of Marcos Street, and consists of two 3-story buildings with 85 apartment units and 148 parking spaces within a 2-story parking structure behind the buildings. Phase 2 will be located east of Marcos Street, and consists of two 3-story buildings with 63 apartment units and 109 parking spaces within a subterranean garage below the buildings and a surface parking lot at the rear of the property. The project will include three (3) tot-lots, outdoor seating and barbeque areas, community room, and management office. The existing 2 to 3-story apartment buildings (totaling 136 apartment units) will be demolished as part of the project. The project includes installation of new 24-inch storm drain pipe within Richmar Avenue from Phase 1 to an existing 36-inch storm drain pipe in Liberty Drive, and from Phase 2 along Richmar Avenue to an existing catch basin at Pleasant Way. The installation of the storm drain pipe will require trenching within the existing asphalt-paved Richmar Avenue. In addition as part of the project, the developer will be required to install or pay a fee toward the following sewer upgrade improvements, or a portion thereof, as determined by the Vallecitos Water District (VWD):
 1. Upsize approximately 263 feet of existing 8-inch sewer collection pipeline to 10-inch pipeline and upsize approximately 600 feet of existing 8-inch sewer collection pipeline to 12-inch pipeline within the existing VWD easement along the alleyway north of Mission Road between Fitzpatrick Road and Pico Avenue.
 2. Upsize approximately 1,176 feet of existing 8-inch sewer collection pipeline to 12-inch pipeline within Pico Avenue from the VWD easement north of Mission Road to San Marcos Boulevard.
 3. Upsize approximately 1,422 feet of existing 8-inch sewer collection pipeline to 12-inch pipeline within San Marcos Boulevard from Pico Avenue approximately 1,422 feet west to the existing 12-inch pipeline.

9. SURROUNDING LAND USES AND SETTING: The 4.06-acre site has been previously developed with twelve (12) multi-family buildings (totaling 136 units) for affordable housing. The site consists of one (1) parcel between Liberty Drive and Marcos Street and three (3) parcels between Marcos Street and Fitzpatrick Road. The existing apartment complex is currently accessed by driveways off of Marcos Street and Liberty Drive. The site is zoned Multi-Family Residential (R-3-10), and designated with a land use of "Medium Density Residential 2 (MDR2)" per the General Plan. The project site is surrounded by existing multi-family residential to the west, existing non-conforming single-family residential to the north and east, and existing mixed-use development to the south across Richmar Avenue.

10. OTHER PUBLIC AGENCIES WHOSE APPROVAL IS REQUIRED (e.g. PERMITS, FINANCING APPROVAL OR PARTICIPATION AGREEMENT): Vallecitos Water District (VWD) for water and sewer utilities.

11. MITIGATION MEASURES:

- The project shall implement a fugitive dust emissions control plan during construction. This plan shall include the watering of the site for dust control; isolating excavated soil until removed from the site; and periodic cleaning of streets to remove accumulated materials.
- The project shall comply with Regional Air Quality Standards.
- Prior to issuance of grading permit, the applicant shall enter into a pre-excavation agreement with a Luiseno tribe to provide for the following:
 - An archeological monitor and a Luiseño Native American monitor shall be present during all earth moving and grading activities to assure that any potential cultural resources, including tribal, found during project grading be protected.
 - Prior to beginning project construction, the Project Applicant shall retain a San Diego County qualified archaeological monitor to monitor all ground-disturbing activities in an effort to identify any unknown archaeological resources. Any newly discovered cultural resource deposits shall be subject to cultural resources evaluation, which shall include archaeological documentation, analysis and report generation.
 - At least thirty (30) days prior to beginning project construction, the Project Applicant shall enter into a Cultural Resource Treatment and Monitoring Agreement (also known as a pre-excavation agreement) with a Luiseño Tribe. The Agreement shall address the treatment of known cultural resources, the designation, responsibilities, and participation of professional Native American Tribal monitors during grading, excavation and ground disturbing activities; project grading and development scheduling; terms of compensation for the monitors; and treatment and final disposition of any cultural resources, sacred sites, and human remains discovered on site.
 - Prior to beginning project construction, the Project Archaeologist shall file a pre-grading report with the City to document the proposed methodology for grading activity observation, which will be determined in consultation with the contracted Luiseño Tribe. Said methodology shall include the requirement for a qualified archaeological monitor to be present and to have the authority to stop and redirect grading activities. In accordance with the required Agreement, the archaeological monitor's authority to stop and redirect grading will be exercised in consultation the Luiseño Native American monitor in order to evaluate the significance of any archaeological resources discovered on the property. Tribal and archaeological monitors shall be allowed to monitor all grading, excavation, and groundbreaking activities, and shall also have the authority to stop and redirect grading activities.
 - The pre-construction meeting with the developer, contractor, and City staff shall include the Project Archaeologist and Tribal Monitor in discussion of the proposed earth disturbing activities for the project site, including excavation schedules and safety protocol, as well as consultation with the Project Archaeologist regarding proposed archaeological techniques and strategies for the project.
 - In the event the project requires the import of fill onto the site, said material shall be clean of cultural

resources and documented as such.

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

designed to adequately transmit the dynamic lateral forces in accordance with the requirements of the latest adopted California Building Code.

- The applicant shall obtain a demolition permit from the Building Division prior to demolition of the existing structures on site. A certified asbestos consultant shall inspect the buildings for asbestos-containing materials and shall provide recommendations for proper removal of said materials prior to demolition. Structures shall also be inspected for lead-based painted materials, and provide recommendations for proper disposal. In addition, any significant visible microbial growth (greater than a 1 square foot area) within the buildings, shall be remediated by a qualified mold remediation company prior to demolition.
- An automatic fire extinguishing system is required in accordance with the latest adopted California Building Code and San Marcos Fire Code Ordinance (SMMC Chapter 17.64). Fire suppression systems shall conform to the National Fire Protection Association standards.
- The applicant shall disclose to future owners/tenants of the proposed project that the property is located within the Airport Influence Area of McClellan-Palomar Airport, and may be subject to some of the annoyances or inconveniences, if any, associated with proximity to airport operations (i.e.: noise, vibration, or odors).
- Erosion control and/or sediment control details shall be submitted with/on the grading plans to the City's Engineering Division for review and approval. The details shall conform to the City's standards, codes and ordinances. The details shall include landscaping and temporary irrigation systems on exposed slopes to be approved by the City's Engineering and Planning Divisions. Plant material and irrigation design shall comply with the City's landscape Water Efficiency Ordinance, Section 20.82 of the San Marcos Municipal Code.
- A hydrology report (calculations) shall be prepared for the proposed project. Storm drains and drainage structures shall be sized according to the approved hydrology report. All surface runoff originating within the project and all surface waters that may flow onto the project from adjacent properties shall be accommodated by the drainage system. The report shall also determine the build-out runoff into existing off-site natural drainage swales and storm drain systems, and shall address any need for off-site improvement requirements. Blocking, concentrating, lowering or diverting of natural drainage from or onto adjacent property shall not be allowed without written approval of the affected property owner. This report shall be subject to approval of the City Engineer.
- The applicant/developer shall obtain coverage under the State Water Resources Control Board's General Permit to Discharge Storm Water Associated with Construction Activity. Coverage includes the preparation, certification and implementation of a Storm Water Pollution Prevention Plan (SWPPP). Implementation of the SWPPP is required during all phases of construction. Proof of coverage will be submitted to the City.
- The applicant/developer shall submit to the City for review and approval, a Storm Water Quality Management Plan (SWQMP) prepared by civil engineer that identifies receiving waters, water quality objectives, pollutants of concern, treatment control best management practices (BMPs), and hydro-modification management requirements. The SWQMP shall demonstrate that, when implemented, the project meets or exceeds water quality objectives consistent with the City's adopted National Pollutant Discharge Elimination System (NPDES) permit.
- The applicant/developer shall submit a plan and agreement, for review and approval by the City, for the long-term maintenance of all post construction BMP's.
- The proposed project requires approval of a Rezone from Multi-Family Residential (R-3-10) to Specific Plan Area (SPA), and a General Plan Amendment changing the land use designation from "Medium Density Residential 2 (MDR2)" to "Specific Plan Area".
- The proposed project requires approval of a boundary adjustment for consolidation of APNs: 220-100-65-00, 220-100-69-00, & 220-112-10-00 into one (1) parcel prior to issuance of grading permit.
- Construction hours shall be limited in accordance with the Grading Ordinance and Municipal Code.
- The applicant/developer/property owner shall submit executed versions of separate petitions to annex

into and establish, with respect to the property, the special taxes levied by the following Community Facilities Districts (CFDs): (a) CFD 98-01, Improvement Area No. 1, Police, (b) CFD 2001-01, Fire and Paramedic, and (c) CFD 98-02, Lighting and Landscape prior to issuance of grading permit.

- The proposed new development is subject to the payment of School Fees as required by law. The applicant is required to submit a Certificate of Compliance from the school district to obtain building permits from the City.
- The applicant/developer for the proposed development, redevelopment or discretionary use is required to pay Public Facilities Fees as established by the latest adopted Public Facilities Fee Resolution. The fee is based on the proposed land use and shall be paid prior to the issuance of building permit.
- The applicant/developer/property owner shall submit an executed version of petition to annex into and establish, with respect to the property, the special taxes levied by the following Community Facilities District (CFD): (a) CFD 2011-01, Congestion Management, prior to issuance of grading permit.
- Obtain "will-serve" letters from all affected public service and utilities agencies prior to issuance of grading permit.
- The project is subject to the approval of the Vallecitos Water District (VWD) for water and sewer services and all applicable fees and charges shall be paid to the satisfaction of the District prior to issuance of grading or building permit.
- The project shall incorporate site-design and naturalized treatment control Best Management Practices (BMPs) as required by the City Engineer; and shall implement a program, in a form to the satisfaction of the City Engineer, for long-term maintenance of all structural post-construction Best Management Practices (BMPs).

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

DETERMINATION:

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

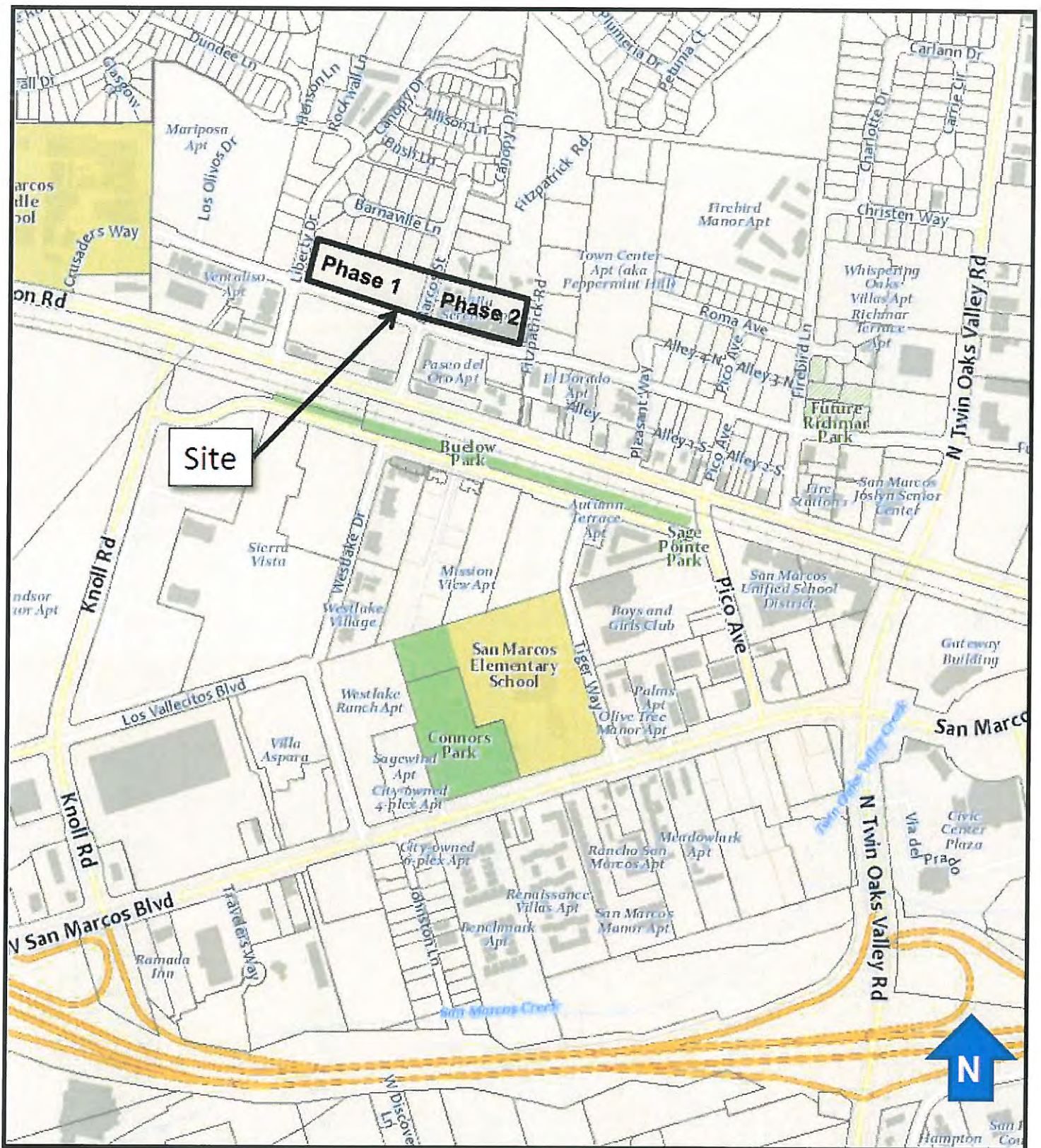
- ☐ I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.


Signature

November 9, 2016
Date

Norm Pedersen
Printed Name

VICINITY MAP



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[illegible]

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INITIAL STUDY ENVIRONMENTAL CHECKLIST

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

No significant impacts to the obstruction of any scenic vista, or view open to the public are anticipated as a result of the proposed 3-story affordable apartment project. The site has been previously developed with a multi-family apartment complex, and is surrounded by existing development. The subject site is not located within a State scenic highway route or other scenic vista area. The project requires approval of a Specific Plan which will assure the proposal complies with the City's development standards, including incorporation of architectural enhancements, textured/colored walls, screened roof equipment, and landscaping to beautify the building site. Parking lot lighting will be shielded downward so as not to spill light onto adjacent properties. Therefore, the proposed project will not have any significant impacts to scenic views, scenic resources, or visual quality.

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

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | ☐ | ☐ | ☐ | ☒ |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract | ☐ | ☐ | ☐ | ☒ |
| c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? | ☐ | ☐ | ☐ | ☒ |
| d) Result in the loss of forest land or conversion of forest land to non-forest use? | ☐ | ☐ | ☐ | ☒ |
| e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? | ☐ | ☐ | ☐ | ☒ |

The site has been previously developed with a multi-family apartment complex, and is surrounded by existing development. The site is not used for agricultural purposes nor is it designated as prime or unique farmland for statewide or local importance per the General Plan Conservation and Open Space Element. The project will not impact prime or unique farmland. The development does not conflict with a Williamson Act contract. The site is not zoned nor used for forest or timberland purposes. Therefore, the proposed project will not impact agricultural and forest resources.

Potentially Significant Impact	Less than Significant w/ Mitigation Incorporated	Less Than Significant Impact	No Impact
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III. AIR QUALITY -- *Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:*

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|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Conflict with or obstruct implementation of the applicable air quality plan? | ☐ | ☐ | ☐ | ☒ |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | ☐ | ☐ | ☒ | ☐ |

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? | ☐ | ☐ | ☐ | ☒ |
| d) Expose sensitive receptors to substantial pollutant concentrations? | ☐ | ☐ | ☒ | ☐ |
| e) Create objectionable odors affecting a substantial number of people? | ☐ | ☐ | ☐ | ☒ |

No greater impacts to air quality are anticipated as a result of the proposed affordable apartment project. The project will not significantly contribute to the deterioration of ambient air quality. Based upon the trip generation rate established by San Diego Association of Governments (SANDAG), the expected trip generation for the project is estimated to generate approximately an additional 72 average daily trips from existing ADT generation. Project construction will include the import of 1,691 cubic yards of soil involving approximately 68 truck trips. The routine implementation of Federal and State laws and regulations concerning emissions created by automobiles serves to mitigate potential impacts to air quality and to prevent a cumulatively considerable impact. San Marcos Middle School is located in close proximity to the west of the subject site and San Marcos Elementary School further to the southeast, and both schools would be considered as sensitive receptors. However, any development activity on the project site will be subject to all Federal and State air quality standards. During construction of the site, the project will implement a fugitive dust emissions control plan. Therefore, the development of the project will have a less than significant impact to the air quality in the area due to vehicle trip generation of the proposed project and construction activities.

Mitigation Measures:

- The project shall implement a fugitive dust emissions control plan during construction. This plan shall include the watering of the site for dust control; isolating excavated soil until removed from the site; and periodic cleaning of streets to remove accumulated materials.
- The project shall comply with Regional Air Quality Standards.

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

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|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | ☐ | ☐ | ☐ | ☒ |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? | ☐ | ☐ | ☐ | ☒ |

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | ☐ | ☐ | ☐ | ☒ |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | ☐ | ☐ | ☐ | ☒ |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | ☐ | ☐ | ☐ | ☒ |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? | ☐ | ☐ | ☐ | ☒ |

The site has been previously developed with a multi-family apartment complex, and is surrounded by existing development. No sensitive habitat or wildlife corridor exists on site. The proposed project would not conflict with any conservation plan or local policy for biological resource protection. Therefore, the proposed project will not result in the alteration or diversity of plant or animal species, number of endangered species, or introduce new species of plants or habitat.

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

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

No significant impacts to cultural resources are anticipated as a result of the proposed senior apartment complex. There are no known previously recorded cultural or historic resources on site, nor is the site identified

with such resources per the General Plan Conservation and Open Space Element. The site has been previously developed with a multi-family apartment complex, and is surrounded by existing development. The project proposes to replace the existing 136-unit apartment complex with a new 148-unit affordable apartment project. A cultural resources study (Attachment A) was prepared by RECON Environmental, Inc. (dated 11/7/16) which analyzed potential prehistoric and historic resources on the subject property. The report indicates there are forty-six (46) prehistoric and three (3) historic sites within a one-mile vicinity, but no sites have been previously recorded on the property. A field survey was conducted by the consultant and a Native American monitor from Saving Sacred Sites. Since the property is developed, the survey concentrated on landscaped and unplanted areas. Two (2) flakes were observed on the cut slope at the north end of parcel for the Phase 1 development. The flakes do not qualify as significant historical resources under CEQA criteria in that they lack sufficient information to be able to positively answer any of the criteria to qualify them for listing on the California Register of Historical Resources (CRHR). They also lack sufficient information to associate them with a specific prehistoric or ethnohistoric cultural group. Also, they are located within a disturbed area and are most likely not located in their original dispositional location. In addition, the report investigated the potential for any historic resources on the property, and indicates that the site is primarily developed with apartment buildings constructed in 1972. Two (2) of the buildings (APN: 220-112-10-00), east of Marcos Street, were constructed in 1965 according to a property tax profile. Under CEQA, structures more than 50 years old are eligible for the California Register of Historical Resources (CRHR). The 2-story buildings are four-plexes which are attached by a breezeway on the ground floor. Based on available information, the two (2) buildings are not eligible for inclusion on the CRHR and are not considered significant historical resources under CEQA. The lack of character-defining features and lack of unique materials are all factors that do not support architectural significance under CEQA. In addition, no information was found to associate the two (2) buildings with historically significant persons nor notable events. Even though no significant prehistoric or historic cultural resources were found during the field survey of the property, the site is underlain by undocument fill which has the potential to contain subsurface resources. Therefore, all ground-disturbing work for the project will be required to be monitored by an archaeologist and Native American observer. Therefore, any potential impacts to cultural resources will be mitigated to a level below insignificance.

Mitigation Measures:

- Prior to issuance of grading permit, the applicant shall enter into a pre-excavation agreement with a Luiseno tribe to provide for the following:
 - An archeological monitor and a Luiseño Native American monitor shall be present during all earth moving and grading activities to assure that any potential cultural resources, including tribal, found during project grading be protected.
 - Prior to beginning project construction, the Project Applicant shall retain a San Diego County qualified archaeological monitor to monitor all ground-disturbing activities in an effort to identify any unknown archaeological resources. Any newly discovered cultural resource deposits shall be subject to cultural resources evaluation, which shall include archaeological documentation, analysis and report generation.
 - At least thirty (30) days prior to beginning project construction, the Project Applicant shall enter into a Cultural Resource Treatment and Monitoring Agreement (also known as a pre-excavation agreement) with a Luiseño Tribe. The Agreement shall address the treatment of known cultural resources, the designation, responsibilities, and participation of professional Native American Tribal monitors during grading, excavation and ground disturbing activities; project grading and development scheduling; terms of compensation for the monitors; and treatment and final disposition of any cultural resources, sacred sites, and human remains discovered on site.
 - Prior to beginning project construction, the Project Archaeologist shall file a pre-grading report with the City to document the proposed methodology for grading activity observation, which will be determined in consultation with the contracted Luiseño Tribe. Said methodology shall include the requirement for a qualified archaeological monitor to be present and to have the authority to stop and redirect grading activities. In accordance with the required Agreement, the archaeological monitor's authority to stop and

redirect grading will be exercised in consultation the Luiseño Native American monitor in order to evaluate the significance of any archaeological resources discovered on the property. Tribal and archaeological monitors shall be allowed to monitor all grading, excavation, and groundbreaking activities, and shall also have the authority to stop and redirect grading activities.

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

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

- | | | | | |
|--|--------------------------|-------------------------------------|--------------------------|-------------------------------------|
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | | | | |
| i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. | ☐ | ☐ | ☐ | ☒ |
| ii) Strong seismic ground shaking? | ☐ | ☒ | ☐ | ☐ |
| iii) Seismic-related ground failure, including liquefaction? | ☐ | ☐ | ☐ | ☒ |
| iv) Landslides? | ☐ | ☐ | ☐ | ☒ |
| b) Result in substantial soil erosion or the loss of topsoil? | ☐ | ☐ | ☐ | ☒ |
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on-or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | ☐ | ☐ | ☐ | ☒ |
| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? | ☐ | ☐ | ☐ | ☒ |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? | ☐ | ☐ | ☐ | ☒ |

The 4.06-acre site has been previously developed with a multi-family apartment complex, and is surrounded by existing development. The site gently slopes up to the north from Richmar Avenue. According to the geotechnical investigation (dated: 7/7/15) prepared by Albus-Keefe & Associates, Inc. (Attachment B), the site is suitable for development of the proposed affordable apartment project provided that the recommendations stated therein are implemented (i.e.: existing native soils and fill shall be excavated to firm native material and re-compacted, etc.). The estimated earthwork will involve 10,420 cubic yards of cut and 12,111 cubic yards of fill with approximately 1,691 cubic yards of import. For Phase 1, the project will create level building pads for the two (2) multi-family buildings with low retaining walls incorporated into the building design along Richmar Avenue. The 2-story parking structure will be built into the slope at the rear of the property with the lower level partially subterranean. For the Phase 2 portion of the site, grading will include excavation for a subterranean garage with the two (2) multi-family buildings built on a podium above. In addition, a level pad area will be created at the rear of the property for a surface parking lot. The soils investigation indicates there are no existing landslides, faults, or other natural disturbance on site, and the soil conditions do not allow for liquefaction. The Rose Canyon Fault is located more than eleven (11) miles to the southwest. The buildings

will be built to current seismic construction standards per the California Building Code. Therefore, there are no significant impacts to earth conditions or geologic substructures, substantial changes in topography, increase in soil erosion, or the exposure of people or property from the project, and no geologic hazards are anticipated from the implementation of the proposed project.

Mitigation Measures:

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

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

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

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

The City's Climate Action Plan (CAP) identifies ways to reduce greenhouse gas emissions to meet State requirements, and establishes an emissions threshold to determine whether a detailed GHG study would be required for a proposed project. An emissions quantity of 2.76 metric tons per service population is used as a screening threshold to determine a level of significance for a project such as the proposed affordable apartment project. The emission level is based on the amount of vehicle trips, typical energy and water use for the project, as well as other factors. Based upon the trip generation rate established by San Diego Association of Governments

(SANDAG), the expected trip generation for the project is estimated to generate approximately 72 additional Average Daily Trips (ADT). Construction of the buildings will require compliance with State (2013 Title 24) energy efficiency requirements. Landscaping will be required to comply the City's Landscape Water Efficiency Ordinance (SMMC Chapter 20.330). The project proposes to replace the existing 136-unit apartment complex with a new 148-unit affordable apartment project. Based on a greenhouse gas analysis (date 10/26/16) prepared by RECON Environmental, Inc. (Attachment C), it is estimated that the existing 136-unit apartment complex generates 1.90 metric tons of greenhouse emissions per service population and the subject project is estimated to generate 1.98 metric tons. The estimated new emissions is a net increase of 0.08 metric tons per service population which is below the established threshold of 2.76 metric tons. Therefore, any contribution of greenhouse gas emissions by the proposed project will not have a significant impact on the environment, nor will it conflict with implementation of the plans and programs proposed in the conservation element of the City's General Plan Update, nor will it conflict with the City's Climate Action Plan (CAP).

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

- | | | | | |
|---|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials? | ☐ | ☒ | ☐ | ☐ |
| b) Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | ☐ | ☒ | ☐ | ☐ |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | ☐ | ☒ | ☐ | ☐ |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? | ☐ | ☐ | ☐ | ☒ |
| e) For a project located within an airport land use plan, or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? | ☐ | ☐ | ☒ | ☐ |
| f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? | ☐ | ☐ | ☐ | ☒ |
| g) Impair implementation of or physically interfere with | | | | |

an adopted emergency response plan or emergency evacuation plan?

☐ ☐ ☐ ☒

- h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

☐ ☐ ☐ ☒

No significant impacts to emergency response plans or exposure to hazardous substances, or risk of explosion are anticipated as a result of the proposed affordable apartment project. A Phase 1 Environmental Site Assessment was conducted for the existing apartment complex which was prepared by EEI Geotechnical and Environmental Solutions (dated 6/30/15) in Attachment D. As a result, a comprehensive survey for asbestos-containing and lead-based materials will be required and provide recommendations for proper removal of said materials prior to demolition of the existing buildings. In addition, the site assessment observed evidence of water damage and suspect microbial growth in two (2) of the existing apartment units. Where significant visible microbial growth (greater than a 1 square foot area), a qualified mold remediation company shall be used to perform appropriate remediation prior to demolition. The subject property is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Adequate emergency response capability is available. San Marcos Fire Station No. 1 is located within a ½ mile vicinity; the buildings will be required to have fire sprinklers and the developer will be required to install a fire hydrant(s) and standpipes to the satisfaction of the City Fire Marshal. In addition, the site layout provides adequate circulation for emergency vehicles with a fire truck turn-around in the surface parking lot for Phase 2, and emergency vehicle access is proposed from Richmar Avenue and Marcos Street. The Phase 2 development will also provide access through the surface parking lot to an existing single-family residence (APN: 220-111-21-00) directly north of the property. The subject property will be required to be annexed into the City's Community Facilities District, CFD 2001-01: Fire/Paramedic. The project is not located within two miles of any airports; however, it is located within the Airport Influence Area of the McClellan-Palomar Airport Land Use Compatibility Plan within Review Area 2. Due to the nature and location of the proposed project, it is a compatible land use within Review Area 2 which limits the heights of structures, particularly in areas of high terrain. The project would not subject people to safety hazards associated with public or private airports. The project site is not within the vicinity of a private airstrip; therefore, no safety hazard associated with such a facility would occur. The site is not located within a wildlands area. No impacts to these issues are anticipated as a result of the project.

Mitigation Measures:

- The applicant shall obtain a demolition permit from the Building Division prior to demolition of the existing structures on site. A certified asbestos consultant shall inspect the buildings for asbestos-containing materials and shall provide recommendations for proper removal of said materials prior to demolition. Structures shall also be inspected for lead-based painted materials, and provide recommendations for proper disposal. In addition, any significant visible microbial growth (greater than a 1 square foot area) within the buildings, shall be remediated by a qualified mold remediation company prior to demolition.
- An automatic fire extinguishing system is required in accordance with the latest adopted California Building Code and San Marcos Fire Code Ordinance (SMMC Chapter 17.64). Fire suppression systems shall conform to the National Fire Protection Association standards.
- The applicant shall disclose to future residential tenants of the proposed project that the property is located within the Airport Influence Area of McClellan-Palomar Airport, and may be subject to some of the annoyances or inconveniences, if any, associated with proximity to airport operations (i.e.: noise, vibration, or odors).

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

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

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

No bodies of water are present on the site, therefore, the project is not expected to result in the alteration of: currents or water movements, temperature or turbidity of water, direction or rate of flow of ground waters, the quantity of water, or the amount of potable water. The site is not located within the 100-year floodplain or in proximity to a body of water of which the proposed project would be subject to flooding. The site has been previously developed with a multi-family apartment complex, and is surrounded by existing development. The proposed grading and development of the site will result in a change to the rate and amount of surface water runoff from the site. The project will incorporate Low Impact Design (LID) Best Management Practices (BMPs) and Hydro-modification Management Plan (HMP), and BMPs will be implemented during construction of the project. The project proposes to drain runoff from impervious surfaces (i.e.: buildings, parking lots, etc.) through landscape areas (bio-infiltration), including modular wetlands and underground vaults, prior to exiting the site to the City storm drain system. The project includes installation of new 24-inch storm drain pipe within Richmar Avenue from Phase 1 to an existing 36-inch storm drain pipe in Liberty Drive, and from Phase 2 along Richmar Avenue to an existing catch basin at Pleasant Way. The installation of the storm drain pipe will require trenching within the existing asphalt-paved Richmar Avenue. Development of the project will require implementation of a Storm Water Pollution Prevention Plan (SWPPP). Landscaping shall comply with the City's water efficiency ordinance. Therefore, potential project impacts can be reduced to a level less than significant with implementation of mitigation measures.

Mitigation Measures:

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

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

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

The proposed 148-unit affordable apartment project will be located on 4.06 acres on the north side of Richmar Avenue between Liberty Drive and Fitzpatrick Road. The project site is surrounded by existing multi-family residential to the west, existing non-conforming single-family residential to the north and east, and existing mixed-use development to the south across Richmar Avenue. The site is zoned Multi-Family Residential (R-3-

10), and designated with a General Plan land use of “Medium Density Residential 2 (MDR2)” which allows for a density of 15 to 20 dwelling units per acre (du/ac). The existing 136-unit apartment complex is used for affordable housing, and is considered to be an existing legal non-conforming use in that its density of 33.5 du/ac is inconsistent with the current zone and General Plan designation. The project proposes to replace the existing development with 148 affordable apartments which equates to 36.5 du/ac. Therefore, the proposed increase in density would be considered a significant land use impact. As a result, the project proposes a Rezone (R) of the property from Multi-Family Residential (R-3-10) to Specific Plan Area (SPA), and a General Plan Amendment (GPA) to change the land use designation from “Medium Density Residential 2 (MDR2)” to “Specific Plan Area”. Approval of a Rezone and General Plan Amendment will deem the proposed project in compliance with the Zoning Ordinance and General Plan; therefore, reducing the land use impact to less than significant.

Per Chapter 20.250 of the Zoning Ordinance, a designation of Specific Plan Area (SPA) may be permitted, through approval of a Specific Plan, for property under five (5) acres in size which is adjacent to an existing Specific Plan property. In this case, the subject property is adjacent to the Paseo Del Oro Mixed-Use Specific Plan Area which is located to the south across Richmar Avenue. The proposed Specific Plan identifies development standards such as setbacks, height limits, landscaping, recreational amenities, architectural details, parking, and density. The development is proposed to be constructed in two (2) phases. Phase 1 will be located west of Marcos Street, and consists of two 3-story buildings with 85 apartment units and 148 parking spaces within a 2-story parking structure behind the buildings. Phase 2 will be located east of Marcos Street, and consists of two 3-story buildings with 63 apartment units and 109 parking spaces within a subterranean garage below the buildings and a surface parking lot at the rear of the property. Apartments will range in size from one (1) to three (3) bedrooms. The project will include three (3) tot-lots, outdoor seating and barbeque areas, community room, and management office. The existing 2 to 3-story apartment buildings (totaling 136 apartment units) will be demolished as part of the project. The proposed 148-unit apartment project will provide an opportunity to re-develop affordable housing; and therefore, implement the affordable housing policies of the General Plan Housing Element.

The Phase 2 portion of the property currently consists of three (3) parcels (APNs: 220-100-65-00, 220-100-69-00, & 220-112-10-00). In order to consolidate the property into a single parcel, approval of a boundary adjustment will be required prior to issuance of grading permit.

The frontages along Richmar Avenue, Marcos Street, and Liberty Drive and throughout the complex will be landscaped with a mixture of trees, shrubs, and ground cover to beautify the neighborhood. Street trees with tree grates are proposed for the sidewalk along Richmar Avenue, and will be maintained through CFD landscaping. Landscaping will be required to comply with the Landscape Water Efficiency Ordinance (SMMC Chapter 20.330).

Mitigation Measures:

- The proposed project requires approval of a Rezone from Multi-Family Residential (R-3-10) to Specific Plan Area (SPA), and a General Plan Amendment changing the land use designation from “Medium Density Residential 2 (MDR2)” to “Specific Plan Area”.
- The proposed project requires approval of a boundary adjustment for consolidation of APNs: 220-100-65-00, 220-100-69-00, & 220-112-10-00 into one (1) parcel prior to issuance of grading permit.

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

- a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?
- b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

☐	☐	☐	☒
☐	☐	☐	☒

The site has been previously developed with a multi-family apartment complex, and is surrounded by existing development. There are no known mineral resources on site. Therefore, the proposed project will not impact mineral resources.

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

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

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

No significant impacts regarding increases in existing noise levels or the exposure of people to severe noise levels are anticipated as a result of the proposed project. The project proposes to replace the existing 136-unit apartment complex with a new 148-unit affordable apartment project. It is expected that there will be an

incremental impact upon the ambient noise level of the area by the activities associated with the proposed affordable apartment project. However, the noise generated by the proposed project is expected to generate no more noise than is usually associated with typical neighboring single-family subdivisions and multi-family developments, and no greater than anticipated noise levels for residential uses per the General Plan.

Per the General Plan Noise Element, 65 CNEL is acceptable an exterior noise level for a multi-family residential development. According to a noise study (Attachment E) prepared by RECON Environmental, Inc. (dated 10/27/16), the main source of traffic noise at the project site is vehicle traffic on Mission Road, Richmar Avenue, Marcos Street, and Liberty Drive. The study analyzed 37 modeled receivers on the project site, and concluded exterior noise levels are not projected to exceed 65 CNEL at the first, second, or third story of any of the proposed buildings or the tot-lot and turf play areas. In addition, the Noise Element specifies interior noise levels not to exceed 45 dBA for multi-family residential uses. Typical building construction as required by the California Building Code will reduce interior noise levels by 25 dB to comply with this standard. Therefore, exterior and interior noise impacts will be less than significant.

Project related noise sources, such as vehicles arriving and leaving, and landscape maintenance machinery, would be consistent with surrounding residential developments. Typically, HVAC units for air conditioning of the apartment units is a potential noise source generated on site. The project proposes split-system residential heating, ventilation, and air conditioning (HVAC) units with an interior air handler mounted within the ceiling areas of each dwelling unit and a condenser unit mounted on the roof; however, the brand and model of unit is unknown at this time. For the analysis, a typical residential HVAC unit was assumed by using a Trane split system with a power level of 72 dB(A). The analysis concluded that HVAC noise levels at the property line will not exceed the noise ordinance standard of 65 dB(A) during daytime hours or 55 dB(A) during nighttime hours. Therefore, potential noise impacts generated from the project itself will be less than significant.

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

Mitigation Measures:

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

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

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

☐ ☐ ☐ ☒

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

☐ ☐ ☐ ☒

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

☐ ☐ ☐ ☒

Due to the nature of the proposed project, no significant impacts are anticipated or will result due to the proposed affordable apartment project. The site is currently developed with a 136-unit apartment complex for affordable housing. The existing complex is considered to be an existing legal non-conforming use in that its density of 33.5 du/ac is inconsistent with the current General Plan designation of "Medium Density Residential 2 (MDR2)" which allows for 15 to 20 du/ac. The project proposes to redevelop the site with a new 148-unit affordable apartment project under a Specific Plan which will allow up to 36.5 du/ac. Since the proposal will replace an existing apartment complex and the increase in density is not considered significant, the proposed project will not induce substantial growth within the Richmar Neighborhood, because the proposed housing density is similar to that of the existing conditions. The existing multi-family buildings on site will be demolished and replaced with the proposed project resulting in the displacement of those existing residents. However, the project is proposed to be developed in two phases where Phase 1 will demolish the existing 60-unit apartment complex west of Marcos Street and construct 85 new apartment units in its place. Existing residents of Phase 1 will either relocate to the existing 76 units of Phase 2, or relocate to other affordable housing projects operated by the applicant within the area, or relocate to other rental opportunities within the Richmar Neighborhood or other areas of the City. When Phase 2 is developed, the existing 76 units east of Marcos Street will be demolished and replaced with 63 new apartment units. Those residents will either relocate to the new Phase 1 apartment units or relocate to other affordable housing projects operated by the applicant within the area, or relocate to other rental opportunities within the Richmar Neighborhood or other areas of the City. Therefore, no significant impacts to housing or population will occur as a result of the proposed project.

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

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

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

The project proposes a 148-unit affordable apartment complex to be constructed. The apartment buildings will

be required to be constructed with fire sprinklers in compliance with the California Building Code; fire hydrants will be installed as required per the City Fire Marshal; and the site layout provides adequate circulation for emergency vehicles. San Marcos Fire Station No. 1 is located within a ½ mile vicinity. Current fire staff levels and equipment are adequate to serve the project. However, the project will contribute toward an incremental and cumulative increase in City-wide demand for emergency services. Additional resources will be needed in the future to adequately respond to this cumulative increase in demand for emergency services. Therefore, the property will be required to be annexed into the Police and Fire/Paramedic Community Facilities Districts. The property will also be required to annex into the Lighting and Landscaping District for maintenance of City-wide parks, public landscaping, street lights, traffic signals, and other public infrastructure. In addition, the proposal will be subject to school impact fees and public facilities fees. With implementation of the following mitigation measures, potential impacts to fire protection, police, schools, parks, maintenance of public facilities, or other governmental facilities will be mitigated to a level below significance for the proposed project.

Mitigation Measures:

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

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

- a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?
- b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

☐	☐	☐	☒
☐	☐	☐	☒

No significant impacts to recreation are anticipated as a result of the proposed project. Since this is an infill redevelopment project, it will not affect the quality or quantity of recreational opportunities. It is expected that the occupants of the apartment project will be able to utilize recreational facilities within the Richmar Neighborhood, particularly Connors Park, Buelow Park, and Richmar Park (currently under construction). Additionally, the proposed project will have on-site recreational amenities (3 tot-lots, seating and barbeque areas, and community room) which can be utilized by the residents. Development of the proposed project will require payment of Public Facilities Fees which include park impact fees.

Potentially	Less than Significant w/	Less Than
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XVI. TRANSPORTATION/TRAFFIC -- *Would the project:*

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

The project proposes to replace an existing 136-unit apartment complex with 148 new affordable apartments. Based upon the trip generation rate established by San Diego Association of Governments (SANDAG), the existing 136-unit apartment complex generates 816 Average Daily Trips (6 trips per apartment unit). Using the same trip generation rate, the proposed 148-unit project will generate 888 Average Daily Trips. As a result, the proposed project is estimated to generate an additional 72 ADT. The project will contribute toward City-wide traffic resulting in potential cumulative impacts. In order to mitigate for potential cumulative impacts, the proposed project shall financially participate in the Congestion Management Community Facilities District (CFD 2011-01) which will assist in City-wide efforts to reduce traffic congestion and impacts to State Route 78. The project site is located midway between two (2) light rail stations (Civic Center and Palomar College to the east and west, respectively) which provide convenient light rail transit opportunities for residents of the development.

The proposed affordable apartment project will be accessed by four (4) driveway entries. For Phase 1, the driveways off of Richmar Avenue and Marcos Street will provide access to the lower and upper levels, respectively, of the parking structure behind the buildings. For Phase 2, the subterranean garage will be

accessed by a driveway off of Richmar Avenue, and the surface parking lot at the rear of the property will be accessed off of Marcos Street. This driveway also provides access through the parking lot to an existing single-family residence directly to the north of the property. Using a parking ratio consistent with the Parking Ordinance, the Specific Plan proposes 1.7 spaces per affordable apartment unit resulting in a total of 252 parking spaces which are required for the proposed project. The project proposes 255 parking spaces plus two (2) spaces for U.S. Postal deliveries.

No significant impacts or the generation of substantial additional vehicular movement, effects on existing parking facilities, or demand for new parking, substantial impacts upon existing transportation systems, alterations of present patterns of circulation or movement of people and/or goods, alterations to waterborne, rail or air traffic, or increase in traffic hazards are anticipated as a result of the proposed project.

Mitigation Measures:

- The applicant/developer/property owner shall submit an executed version of petition to annex into and establish, with respect to the property, the special taxes levied by the following Community Facilities District (CFD): (a) CFD 2011-01, Congestion Management, prior to issuance of grading permit.

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

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

- g) Comply with federal, state, and local statutes and regulations related to solid waste?

☐ ☐ ☐ ☒

The subject site is located within the boundaries of the Vallecitos Water District (VWD). A water and sewer study (Attachment F) was prepared by the Vallecitos Water District (VWD) (dated 2/3/16), and determined that adequate water storage, wastewater treatment/disposal, and land outfall capacities exist at this time. As part of the project, the developer will be required to install or pay a fee toward the following sewer upgrade improvements, or a portion thereof, as determined by VWD:

1. Upsize approximately 263 feet of existing 8-inch sewer collection pipeline to 10-inch pipeline and upsize approximately 600 feet of existing 8-inch sewer collection pipeline to 12-inch pipeline within the existing VWD easement along the alleyway north of Mission Road between Fitzpatrick Road and Pico Avenue.
2. Upsize approximately 1,176 feet of existing 8-inch sewer collection pipeline to 12-inch pipeline within Pico Avenue from the VWD easement north of Mission Road to San Marcos Boulevard.
3. Upsize approximately 1,422 feet of existing 8-inch sewer collection pipeline to 12-inch pipeline within San Marcos Boulevard from Pico Avenue approximately 1,422 feet west to the existing 12-inch pipeline.

The applicant will be required to comply with all requirements of the Vallecitos Water District (VWD) for the provision of water and sewer services to the subject site.

Per the City's implementation of the BMP Design Manual storm water discharge procedures and the latest adopted NPDES Permit, the proposed project will incorporate site-design and naturalized treatment control Best Management Practices (BMPs) for all drainage before entering the City's storm drain system per the approval of the City Engineer/Public Works Director. The project includes installation of new 24-inch storm drain pipe within Richmar Avenue from Phase 1 to an existing 36-inch storm drain pipe in Liberty Drive, and from Phase 2 along Richmar Avenue to an existing catch basin at Pleasant Way. The installation of the storm drain pipe will require trenching within the existing asphalt-paved Richmar Avenue. Trash collection service for the project will be provided by EDCO which will include collection of recyclable materials. With implementation of the following mitigation measures, potential impacts to utilities and service systems will be mitigated to a level below significance for the proposed project.

Mitigation Measures:

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

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

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

☐ ☐ ☐ ☒

The proposed affordable apartment project lacks the potential to degrade the quality of the environment, since the proposed project will replace an existing apartment complex, and the location is not known to contain any significant biological resources, and therefore will not result in the alteration or diversity of plant or animal species, number of endangered species, or introduce new species of plants or habitat.

- b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

☐ ☒ ☐ ☐

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

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

☐ ☐ ☒ ☐

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

**MITIGATION MONITORING PROGRAM
FOR NEGATIVE DECLARATION 16-002**

MITIGATION MEASURES	MONITORING ACTIVITY/TIMING	RESPONSIBILITY
The proposed project requires approval of a Rezone from Multi-Family Residential (R-3-10) to Specific Plan Area (SPA), and a General Plan Amendment changing the land use designation from "Medium Density Residential 2 (MDR2)" to "Specific Plan Area".	Currently processing	Developer
Prior to issuance of grading permit, the applicant shall enter into a pre-excavation agreement with a Luiseno tribe to provide for the following: • An archeological monitor and a Luiseño Native American monitor shall be present during all earth moving and grading activities to assure that any potential cultural resources, including tribal, found during project grading be protected. • Prior to beginning project construction, the Project Applicant shall retain a San Diego County qualified archaeological monitor to monitor all ground-disturbing activities in an effort to identify any unknown archaeological resources. Any newly discovered cultural resource deposits shall be subject to cultural resources evaluation, which shall include archaeological documentation, analysis and report generation. • At least thirty (30) days prior to beginning project construction, the Project Applicant shall enter into a Cultural Resource Treatment and Monitoring Agreement (also known as a pre-excavation agreement) with a Luiseño Tribe. The Agreement shall address the treatment of known cultural resources, the designation, responsibilities, and participation of professional Native American Tribal monitors during grading, excavation and ground disturbing activities; project grading and development scheduling; terms of compensation for the monitors; and treatment and final disposition of any cultural resources, sacred sites, and human remains discovered on site. • Prior to beginning project construction, the Project Archaeologist shall file a pre-grading report with the City to document the proposed methodology for grading activity observation, which will be determined in consultation with the contracted Luiseño Tribe. Said methodology shall include the requirement for a qualified archaeological monitor to be present and to have the authority to stop and redirect grading activities. In accordance with the required Agreement, the archaeological monitor's authority to stop and redirect grading will be exercised in consultation the Luiseño Native American monitor in order to evaluate the significance of any archaeological resources discovered on the property. Tribal and archaeological monitors shall be allowed to monitor all grading, excavation, and groundbreaking activities, and shall also have the authority to stop and redirect grading activities. • The pre-construction meeting with the developer, contractor, and City staff shall include the Project Archaeologist and Tribal Monitor in discussion of the proposed earth disturbing activities for the project site, including excavation schedules and safety protocol, as well as consultation with the Project Archaeologist regarding proposed archaeological techniques and strategies for the project. • In the event the project requires the import of fill onto the site, said material shall be clean of cultural resources and documented as such. • The landowner shall relinquish ownership of all cultural resources collected during the grading monitoring program and from any previous archaeological studies or excavations on the project site to the appropriate Tribe for proper treatment and disposition per the Cultural Resources Treatment and Monitoring Agreement. All cultural materials that are deemed by the Tribe to be associated with burial and/or funerary goods will be repatriated to the Most Likely Descendant as determined by the Native American Heritage Commission per California Public Resources Code Section 5097.98. In the event that curation of cultural resources is required, curation shall be conducted by an approved facility and the curation shall be guided by California State Historic Resource Commissions Guidelines for the Curation of Archaeological Collections. The City of San Marcos shall provide the developer final curation language and guidance on the project grading plans prior to issuance of the grading permit, if applicable, during project construction. • All sacred sites, should they be encountered within the project area, shall be avoided and preserved as the preferred mitigation, if feasible. • If human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the San Diego County	Prior to issuance of grading permits	Developer

MITIGATION MEASURES	MONITORING ACTIVITY/TIMING	RESPONSIBILITY
Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. Suspected Native American remains shall be examined in the field and kept in a secure location at the site if the San Diego County Coroner determines the remains to be Native American, the Native American Heritage Commission (NAHC) must be contacted within twenty-four (24) hours. The NAHC must then immediately notify the "most likely descendant(s)" of receiving notification of the discovery. The most likely descendants(s) shall then make recommendations within forty-eight (48) hours, and engage in consultation concerning treatment of remains as provided in Public Resources Code 5097.98. If inadvertent discoveries of subsurface archaeological/cultural resources are discovered during grading, the Developer, the Project Archaeologist, and the Luiseño Tribe under the required Agreement with the landowner shall assess the significance of such resources and shall meet and confer regarding the mitigation for such resources. Pursuant to California Public Resources Code Section 21083.2(b) avoidance is the preferred method of preservation for archaeological resources. If the Developer, the Project Archaeologist and the Tribe cannot agree on the significance of mitigation for such resources, these issues will be presented to the Planning Director for decision. The Planning Director shall make a determination based upon the provisions of the California Environmental Quality Act with respect to archaeological resources and shall take into account the religious beliefs, customs, and practices of the Tribe. Notwithstanding any other rights available under law, the decision of the Planning Director shall be appealable to the Planning Commission and/or City Council.		
An updated report for the 2015 geotechnical investigation shall be submitted to the City Engineer for review and approval, addressing any changes of on-site conditions and said report shall include recommendations for cut and fill slopes and compaction.	Prior to issuance of grading permits	Developer
All recommendations and conclusions of the prepared geologic and soils study shall be incorporated into the project design and grading plan. Said report shall be approved by the City's Engineering and Building Divisions.	Prior to issuance of grading permits	Developer
A comprehensive grading plan shall be submitted and approved by the City Engineer and Planning Division Manager prior to the issuance of a grading permit.	Prior to issuance of grading permits	Developer
All slopes shall be designed and graded in accordance with the City's Grading Ordinance, particularly with respect to terraces, drainage, access, erosion control and setbacks. A comprehensive grading plan shall be submitted and approved by the City Engineer and Planning Division Manager prior to the issuance of a building permit.	Prior to issuance of grading permits	Developer
Erosion control and/or sediment control details shall be submitted with/on the grading plans to the City's Engineering Division for review and approval. The details shall conform to the City's standards, codes and ordinances. The details shall include landscaping and temporary irrigation systems on exposed slopes to be approved by the City's Engineering and Planning Divisions. Plant material and irrigation design shall comply with the City's Landscape Water Efficiency Ordinance, Section 20.82 of the San Marcos Municipal Code.	Prior to issuance of grading permits	Developer
A hydrology report (calculations) shall be prepared for the proposed project. Storm drains and drainage structures shall be sized according to the approved hydrology report. All surface runoff originating within the project and all surface waters that may flow onto the project from adjacent properties shall be accommodated by the drainage system. The report shall also determine the build-out runoff into existing off-site natural drainage swales and storm drain systems, and shall address any need for off-site improvement requirements. Blocking, concentrating, lowering or diverting of natural drainage from or onto adjacent property shall not be allowed without written approval of the affected property owner. This report shall be subject to approval of the City Engineer.	Prior to issuance of grading permits	Developer
The applicant/developer shall obtain coverage under the State Water Resources Control Board's General Permit to Discharge Storm Water Associated with Construction Activity. Coverage includes the preparation, certification and implementation of a Storm Water Pollution Prevention Plan (SWPPP). Implementation of the SWPPP is required during all phases of construction. Proof of coverage will be submitted to the City.	Prior to issuance of grading permits	Developer

MITIGATION MEASURES	MONITORING ACTIVITY/TIMING	RESPONSIBILITY
The applicant/developer shall submit to the City for review and approval, a Storm Water Quality Management Plan (SWQMP) prepared by civil engineer that identifies receiving waters, water quality objectives, pollutants of concern, treatment control best management practices (BMPs), and hydromodification management requirements. The SWQMP shall demonstrate that, when implemented, the project meets or exceeds water quality objectives consistent with the City's adopted National Pollutant Discharge Elimination System (NPDES) permit.	Prior to issuance of grading permits	Developer
The applicant/developer shall submit a plan and agreement, for review and approval by the City, for the long-term maintenance of all post construction BMP's.	Prior to issuance of grading permits	Developer
The proposed project requires approval of a boundary adjustment for consolidation of APNs: 220-100-65-00, 220-100-69-00, & 220-112-10-00 into one (1) parcel prior to issuance of grading permit.	Prior to issuance of grading permits	Developer
Obtain "will-serve" letters from all affected public service and utilities agencies prior to issuance of grading permit.	Prior to issuance of grading permits	Developer
The project shall incorporate site-design and naturalized treatment control Best Management Practices (BMPs) as required by the City Engineer; and shall implement a program, in a form to the satisfaction of the City Engineer, for long-term maintenance of all structural post-construction Best Management Practices (BMPs).	Prior to issuance of grading permits	Developer
The applicant/developer/property owner shall submit executed versions of separate petitions to annex into and establish, with respect to the property, the special taxes levied by the following Community Facilities Districts (CFDs): (a) CFD 98-01, Improvement Area No. 1, Police, (b) CFD 2001-01, Fire and Paramedic, and (c) CFD 98-02, Lighting and Landscape prior to issuance of grading permit.	Prior to issuance of grading permits	Developer
The applicant/developer/property owner shall submit an executed version of petition to annex into and establish, with respect to the property, the special taxes levied by the following Community Facilities District (CFD): (a) CFD 2011-01, Congestion Management, prior to issuance of grading permit.	Prior to issuance of grading permits	Developer
The City of San Marcos is located in Seismic Design Category "D". Buildings and structures shall be designed to adequately transmit the dynamic lateral forces in accordance with the requirements of the latest adopted California Building Code.	Prior to issuance of building permits	Developer
An automatic fire extinguishing system is required in accordance with the latest adopted California Building Code and San Marcos Fire Code Ordinance (SMMC Chapter 17.64). Fire suppression systems shall conform to the National Fire Protection Association standards.	Prior to issuance of building permits	Developer
The applicant shall obtain a demolition permit from the Building Division prior to demolition of the existing structures on site. A certified asbestos consultant shall inspect the buildings for asbestos-containing materials and shall provide recommendations for proper removal of said materials prior to demolition. Structures shall also be inspected for lead-based painted materials, and provide recommendations for proper disposal. In addition, any significant visible microbial growth (greater than a 1 square foot area) within the buildings, shall be remediated by a qualified mold remediation company prior to demolition.	Prior to issuance of building permits	Developer
The proposed new development is subject to the payment of School Fees as required by law. The applicant is required to submit a Certificate of Compliance from the school district to obtain building permits from the City.	Prior to issuance of building permits	Developer
The applicant/developer for the proposed development, redevelopment or discretionary use is required to pay Public Facilities Fees as established by the latest adopted Public Facilities Fee Resolution. The fee is based on the proposed land use and shall be paid prior to the issuance of building permit.	Prior to issuance of building permits	Developer
The project is subject to the approval of the Vallecitos Water District (VWD) for water and sewer services and all applicable fees and charges shall be paid to the satisfaction of the District prior to issuance of grading or building permit.	Prior to issuance of building permits	Developer
The project shall comply with Regional Air Quality Standards.	During construction	Developer
Construction hours shall be limited in accordance with the Grading Ordinance and Municipal Code.	During construction	Developer
The applicant shall disclose to future owners/tenants of the proposed project that the property is located within the Airport Influence Area of McClellan-Palomar Airport, and	During operations	Property owner/

MITIGATION MEASURES	MONITORING ACTIVITY/TIMING	RESPONSIBILITY
may be subject to some of the annoyances or inconveniences, if any, associated with proximity to airport operations (i.e.: noise, vibration, or odors).		operator
Permanent Best Management Practices (BMPs) shall be incorporated into the project design and maintained by the property owner/operator in perpetuity.	During operations	Property owner/ operator

National Community Renaissance

MND 16-002

TECHNICAL APPENDICES available at: www.san-marcos.net,

Development Services Counter, or upon request -

TECHNICAL APPENDICES:

"A" - Cultural

"B" - Geotechnical

"C" - Greenhouse Gas

"D" - Phase 1 ESA

"E" - Noise Analysis

"F" - Water & Sewer Study