



## NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION

The City of San Marcos intends to adopt a Mitigated Negative Declaration (ND 17-001) 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](http://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.:** P14-0049 / TSM 14-006 / ND 17-001

**APPLICANT:** Montiel Rd Partners LP

**DESCRIPTION OF THE PROJECT:** A request for a 9-lot Tentative Subdivision Map (TSM) on a 2.7-acre property in the Single-Family Residential (R-1-10) Zone. The existing residence on site (APN: 228-120-09-00) will remain and occupy Lot 1 of the proposed subdivision. 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. Approximately 1,895 feet of existing 8-inch sewer pipeline will be required to be replaced with 12-inch pipe within existing VWD easements along the State Route 78 right-of-way beginning at Center Drive (Pipe ID No: MR-5 through MR-7, MR-9b through 13 and MR-18) to accommodate increased flow; and 2. Approximately 917 feet of existing 8-inch sewer pipeline will be required to be replaced with 12-inch pipe within existing VWD easements along the State Route 78 right-of-way (Pipe ID No: MR-14 through MR-17, MR-19 and MR-20) to avoid restrictions in the pipeline. As a potential alternative to the aforementioned improvements, a contribution as determined by VWD may be required to be paid by the applicant for installation, or a portion thereof, of the proposed Montiel Gravity Outfall which is a pipeline linking the Montiel sewer shed's collection infrastructure to the collection system in Mission Road south of State Route 78 in the City of Escondido.

**LOCATION:** 2110 Montiel Road. Assessor's Parcel Number: 228-120-09-00 and 228-120-34-00.

**MND PUBLIC REVIEW PERIOD:** From 7/11/17 to 8/1/17.

**PUBLIC HEARING DATE:** A Planning Commission public hearing is scheduled to consider the proposed project on Monday, August 21, 2017 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](mailto:npedersen@san-marcos.net).

**COUNTY CLERK:** Please post this notice until August 1, 2017 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:**





## CITY OF SAN MARCOS Negative Declaration 17-001

**DATE:** July 11, 2017  
**APPLICANT:** Montiel Rd Partners LP

- 1. PROJECT CASE NUMBER:** P14-0049, TSM 14-006
- 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:** 2110 Montiel Road. Assessor's Parcel Numbers: 228-120-09-00 and 228-120-34-00.
- 5. PROJECT SPONSOR'S NAME AND ADDRESS:** Jonathan Webster. Montiel Rd Partners LP, 2445 Brant Street, #511, San Diego, CA 92101.
- 6. GENERAL PLAN DESIGNATION:** Very Low Density Residential (VLDR).
- 7. ZONING:** Single-Family Residential (R-1-10).
- 8. DESCRIPTION OF PROJECT:** A request for a 9-lot Tentative Subdivision Map (TSM) on a 2.7-acre property in the Single-Family Residential (R-1-10) Zone. The existing residence on site (APN: 228-120-09-00) will remain and occupy Lot 1 of the proposed subdivision.

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. Approximately 1,895 feet of existing 8-inch sewer pipeline will be required to be replaced with 12-inch pipe within existing VWD easements along the State Route 78 right-of-way beginning at Center Drive (Pipe ID No: MR-5 through MR-7, MR-9b through 13 and MR-18) to accommodate increased flow.
2. Approximately 917 feet of existing 8-inch sewer pipeline will be required to be replaced with 12-inch pipe within existing VWD easements along the State Route 78 right-of-way (Pipe ID No: MR-14 through MR-17, MR-19 and MR-20) to avoid restrictions in the pipeline.

As a potential alternative to the above listed improvements, a contribution as determined by VWD may be required to be paid by the applicant for installation, or a portion thereof, of the proposed Montiel Gravity Outfall which is a pipeline linking the Montiel sewer shed's collection infrastructure to the collection system in Mission Road south of State Route 78 in the City of Escondido.

- 9. SURROUNDING LAND USES AND SETTING:** The 2.7-acre site is located on the north side of Montiel Road, east of Nordahl Road. The site is currently developed with a single-family residence on a 1.55-acre portion of the property (APN: 228-120-09-00). The existing residence will be included as part of the proposed 9-lot subdivision map. The terrain gradually slopes up from Montiel Road to the northern property line. The site is zoned Single-Family Residential (R-1-10) and designated Very Low Density Residential (VLDR) in the General Plan. The General Plan identifies the property density of 2.1 to 4.0

dwelling units per acre. The properties to the north, west, and east are developed with single-family residences and the property to south (across Montiel Road) is developed with a commercial center.

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

**11. MITIGATION MEASURES:**

- Graded slopes shall be landscaped with a mixture of trees, shrubs, and ground cover for beautification and erosion control purposes. Landscape plans shall be submitted to the Planning Division for review and approval prior to the issuance of grading permit, and shall comply with the landscape and water efficiency requirements of the City Landscape Ordinance.
- Front elevations of the proposed residences shall have enhanced architectural features in addition to distinct architectural styles. The proposed residences shall be architectural compatible with each other and the surrounding neighborhood. The future residences shall require architectural review by the Planning Division Manager prior to issuance of building permits.
- All retaining walls shall be constructed of earth tone colored keystone, split-face, or similar textured block. The applicant shall submit a material sample to the Planning Division for review and approval prior to issuance of grading permit.
- The applicant shall submit a fencing plan, in conjunction with the landscape plan, for the 9-lot tentative subdivision map which proposes a consistent type and style of fences and/or walls. The fencing plan shall include decorative fencing with a detail of each proposed fence/wall type, and shall not include chain link fencing.
- 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 grading the site or causing any impact to the site, in order to prevent potential impacts to nesting of any migratory, songbirds, or raptors, grading and/or construction activities on site must be avoided during the nesting season which extends from February 15 to August 31. In order to begin grading or construction activities within the nesting season, a nesting survey from a qualified biologist or other expert in the field must be submitted to the Planning Division to verify there are no active nests on the subject site. This survey must be submitted prior to any disturbance or impact of the site. If any active nests are detected, the area shall be flagged and mapped on the construction plans along with a minimum of a twenty-five (25) foot buffer and up to a maximum buffer of 300 feet for raptors, as determined by the project biologist, and shall be avoided until the nesting cycle is complete.
- Prior to issuance of grading permit, the applicant/developer shall comply with the following conditions regarding cultural resources:
  - 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 with 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.
- The import of fill onto the site 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 2014 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.
- 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.
- The City of San Marcos is located in Seismic Design Category "D". Buildings and structures shall be designed to adequately transmit the dynamic lateral forces in accordance with the requirements of the latest adopted California Building Code.
- An automatic fire extinguishing system is required in accordance with the latest adopted California Building Code and San Marcos Fire Code Ordinance (SMMC Chapter 17.64). Fire suppression systems shall conform to the National Fire Protection Association standards.
- 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 to demonstrate post-development peak storm water runoff will be attenuated to pre-development conditions. 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.
- Construction hours shall be limited in accordance with the Grading Ordinance and Municipal Code.

- The future residences shall comply with the California Building Code regarding interior noise levels for single-family residential dwelling units.
- Per the recommendations of the noise analysis, six (6) foot high sound attenuation walls shall be constructed along portions of the rear and southern side boundaries of the rear yards of the proposed lots as approved by the Planning Division Manager.
- 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.
- 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:

<input checked="" type="checkbox"/> Aesthetics <input type="checkbox"/> Agriculture and Forestry Resources <input type="checkbox"/> Air Quality <input checked="" type="checkbox"/> Biological Resources <input checked="" type="checkbox"/> Cultural Resources <input checked="" type="checkbox"/> Geology / Soils <input type="checkbox"/> Greenhouse Gas Emissions <input type="checkbox"/> Hazards & Hazardous Materials <input checked="" type="checkbox"/> Hydrology / Water Quality	<input type="checkbox"/> Land Use / Planning <input type="checkbox"/> Mineral Resources <input checked="" type="checkbox"/> Noise <input type="checkbox"/> Population / Housing <input checked="" type="checkbox"/> Public Services <input type="checkbox"/> Recreation <input type="checkbox"/> Transportation / Traffic <input type="checkbox"/> Utilities / Service Systems <input checked="" type="checkbox"/> Mandatory Findings of Significance
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#### **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.

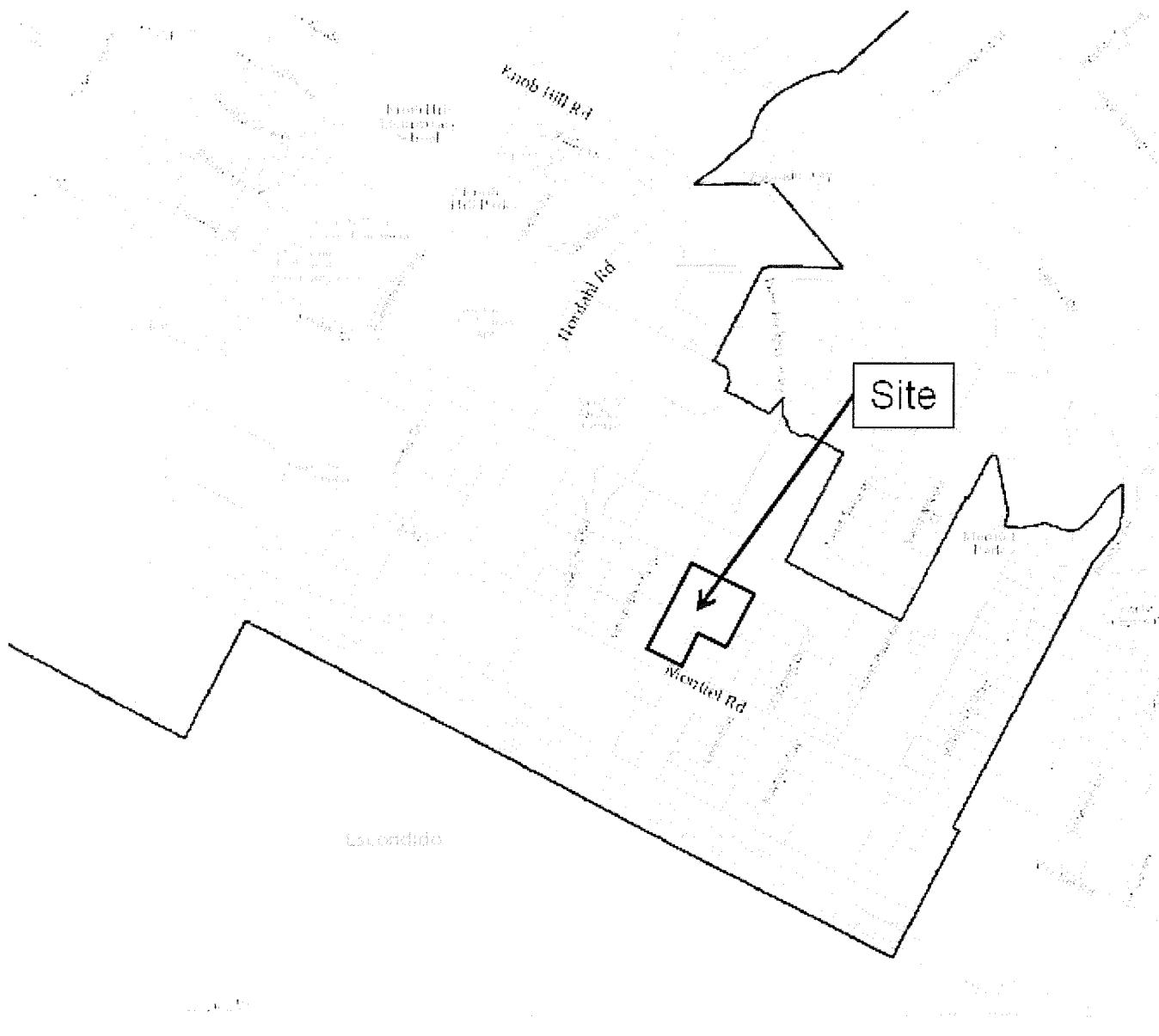


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Signature

July 11, 2017  
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Date

Norm Pedersen  
Printed Name

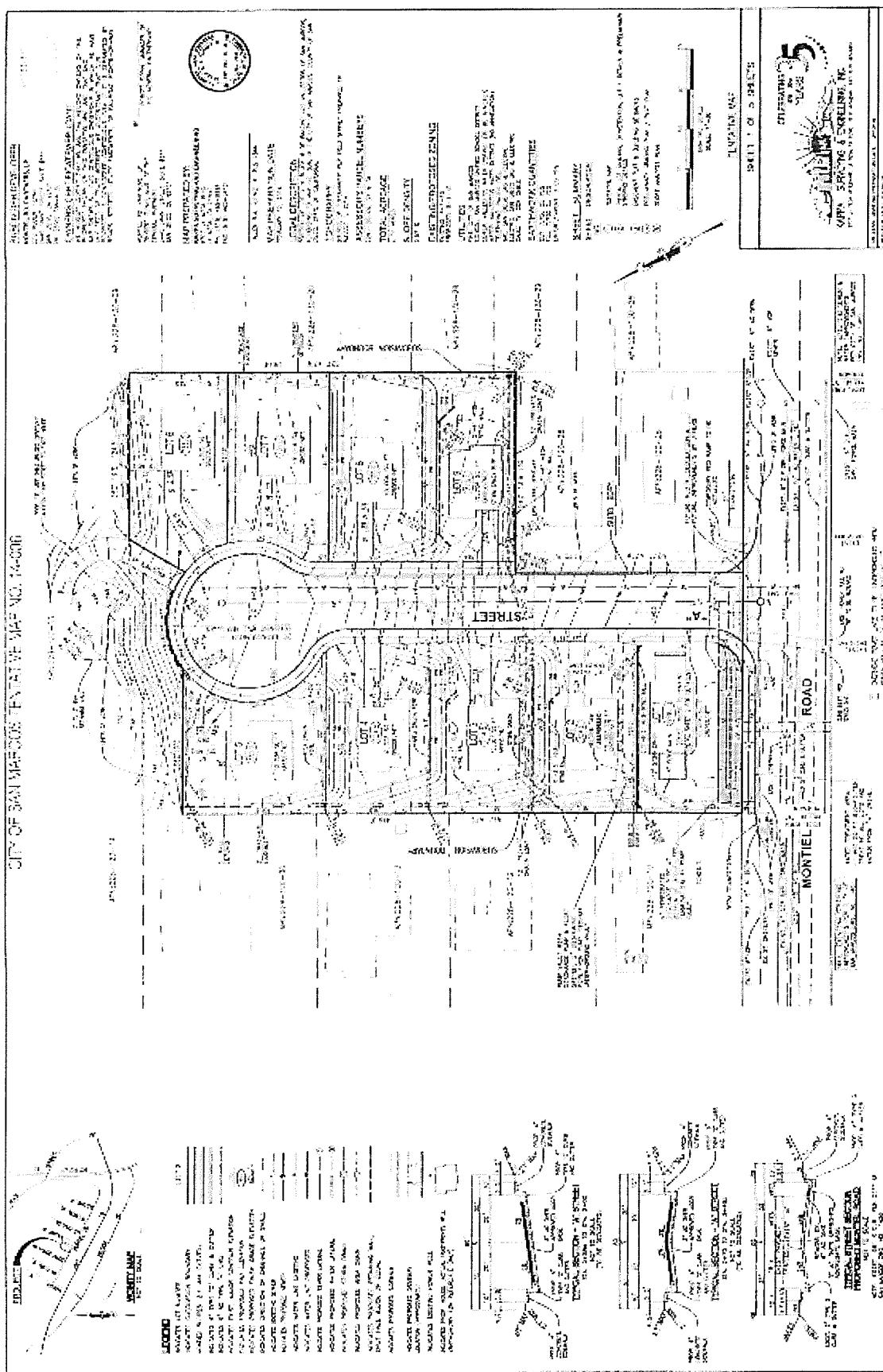
## VICINITY MAP



## VICINITY MAP

P14-0049: Montiel Rd Partners  
Location: 2110 Montiel Road  
APNs: 228-120-09 & 228-120-34

## PROJECT SITE PLAN



## INITIAL STUDY ENVIRONMENTAL CHECKLIST

	Potentially Significant Impact	Less than Significant w/ Mitigation Incorporated	Less Than Significant Impact	No Impact
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### I. AESTHETICS -- *Would the project:*

- 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 9-lot subdivision. The 2.7-acre site is occupied by a single-family residence and surrounded by single-family residential development to the north, west, and east, and a commercial center to the south across Montiel Road. The site gently slopes up from Montiel Road with elevations ranging from 698 to 740 feet above mean sea level with an average slope of 9.97 percent. The visual characteristic of the site will be altered from a gently sloped property to varied graded slopes and pads for eight (8) new single-family residences and the existing residence remaining on Lot 1. Building pad elevations will range from 698 to 735.5 feet above mean sea level with retaining walls ranging from 3.5 to 9.5 feet in height. Retaining walls will be required to be constructed of split-face, keystone, or similar textured, earth-tone block to blend in with the surrounding terrain. All graded and disturbed slopes will be landscaped with a mixture of trees, shrubs, and ground cover for beautification and erosion control purposes. A consistent type and style of fencing will be required for the proposed subdivision as approved by the Planning Division Manager. The eight (8) new single-family residences will be required to have architecturally enhanced front elevations in addition to distinct architectural styles. The future residences will require architectural review by the City to assure the architecture and building layout complies with the City's development standards. The subject site is not located within a State scenic highway route. The proposed project will not have any impacts to scenic views, scenic resources, or visual quality.

#### Mitigation Measures:

- Graded slopes shall be landscaped with a mixture of trees, shrubs, and ground cover for beautification and erosion control purposes. Landscape plans shall be submitted to the Planning Division for review and approval prior to the issuance of grading permit, and shall comply with the landscape and water efficiency requirements of the City Landscape Ordinance.
- Front elevations of the proposed residences shall have enhanced architectural features in addition to distinct architectural styles. The proposed residences shall be architectural compatible with each other and the surrounding neighborhood. The future residences shall require architectural review by the Planning Division Manager prior to issuance of building permits.
- All retaining walls shall be constructed of earth tone colored keystone, split-face, or similar textured block. The applicant shall submit a material sample to the Planning Division for review and approval prior to issuance of

grading permit.

- The applicant shall submit a fencing plan, in conjunction with the landscape plan, for the 9-lot tentative subdivision map which proposes a consistent type and style of fences and/or walls. The fencing plan shall include decorative fencing with a detail of each proposed fence/wall type, and shall not include chain link fencing.

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 subject property has been previously developed with a single-family residence which will remain on site on Lot 1 of the proposed subdivision, and is surrounded by single-family residences to the north, west, and east, and a commercial center to the south across Montiel Road. 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:*

- 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 9-lot subdivision. The subdivision of land will not cause impacts, and the future development of eight (8) new residences will not significantly contribute to the deterioration of ambient air quality. The existing single-family residence will remain on site on Lot 1 of the proposed subdivision. The expected trip generation for the project is estimated to be an additional 80 average daily trips based upon the trip generation rate established by San Diego Association of Governments (SANDAG) for the eight (8) new residences, and is no greater than anticipated per the General Plan. 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. A senior apartment complex is located approximately 1,900 feet to the northwest of the subject site and would be considered a sensitive receptor. However, any development activity on the project site will be subject to all Federal and State air quality standards. During construction of the site, the project will implement a fugitive dust emissions control plan. Therefore, the development of the project will have a negligible impact to the air quality in the area due to vehicle trip generation of the proposed 9-lot subdivision 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:***

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 subject property has been previously developed with a single-family residence which will remain on site on Lot 1 of the proposed subdivision, and is surrounded by single-family residences to the north, west, and east,

and a commercial center to the south across Montiel Road. A Biology Survey has been prepared by Cummings and Associates (dated 6/16/17) (Attachment A) for the subject site to assess potential biological impacts by the proposed 9-lot subdivision. Per the report, the site supports approximately 1.7 acres disturbed land and approximately 1.2 acres of urban/developed land. The disturbed land consists of a mosaic of bare ground and Filaree (*Erodium* spp.) as a ground cover with sparse shrubs. The urban/developed land includes the existing residence, pavement, and landscape species. The aforementioned vegetation categories are not considered sensitive and therefore do not require mitigation for any potential impacts.

No sensitive wildlife habitat, resource agency wetlands or other jurisdictional lands exist on site. No Federal or State-listed rare, threatened, or endangered species were detected on site.

In accordance with the Migratory Bird Treaty Act, there is the potential for nesting birds to occur on the property. Therefore, all clearing and grading during the avian breeding season (February 15 to August 31) shall be avoided. If there is a need to clear and/or grade during the avian breeding season, then a biologist shall survey the property for nesting birds prior to any land or vegetation disturbance. If no nests are found, then the clearing and grading can proceed. However, if nesting birds are found, then avoidance measures shall be implemented until the nesting period is complete. These avoidance measures may include a 300-foot buffer around the nest, biological monitoring, and/or noise barriers. Any potential impacts to nesting birds can be reduced to less than significant with implementation of the following mitigation measure.

#### **Mitigation Measures:**

- Prior to grading the site or causing any impact to the site, in order to prevent potential impacts to nesting of any migratory, songbirds, or raptors, grading and/or construction activities on site must be avoided during the nesting season which extends from February 15 to August 31. In order to begin grading or construction activities within the nesting season, a nesting survey from a qualified biologist or other expert in the field must be submitted to the Planning Division to verify there are no active nests on the subject site. This survey must be submitted prior to any disturbance or impact of the site. If any active nests are detected, the area shall be flagged and mapped on the construction plans along with a minimum of a twenty-five (25) foot buffer and up to a maximum buffer of 300 feet for raptors, as determined by the project biologist, and shall be avoided until the nesting cycle is complete.

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

- a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?
- b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?
- c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic features?

d) Disturb any human remains, including those interred outside of formal cemeteries?

No significant impacts to cultural resources are anticipated as a result of the proposed 9-lot subdivision. 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 subject property has been previously developed with a single-family residence which will remain on site on Lot 1 of the proposed subdivision, and is surrounded by single-family residences to the north, west, and east, and a commercial center to the south across Montiel Road. A cultural resources study (Attachment B) was prepared by Recuerdos Research (dated May 30, 2017) and an addendum (dated July 3, 2017) which analyzed potential prehistoric and historic resources on the subject property. The report indicates there are several archaeological sites within a one-mile vicinity, but no sites have been previously recorded on the property. A field survey was also conducted by the consultant that identified no prehistoric resources on site. In addition, an addendum report investigated the potential for any historic resources on the property, and indicates that the subject 2.7-acre property was originally part of a 41-acre parcel owned by J.C. Montiel who was an early 1900's land owner and speculator. There is no evidence that J.C. Montiel constructed a residence or made improvements to that portion of his land now encompassed by the subject property which is currently developed with a 1-story, single-family residence constructed in 1959. Under CEQA, structures more than 50 years old are eligible for the California Register of Historical Resources (CRHR). The existing residence is a common vernacular stucco structure typical of the late 1950's and 1960's. The building is 1,130 square feet with 3-bedrooms and 2-bathrooms and includes an attached 2-car garage. The roof is standard shingle and windows are aluminum and vinyl cased. There is an attached patio on the rear (west) side of the building. The lack of character-defining features and lack of unique materials or association with a master artisan/architect are all factors that do not support architectural significance under CEQA. Although the subject property was originally part of a larger parcel that can be associated with an early 1900's land owner, the existing residence is not associated with historically significant persons nor notable events in the history of San Marcos or the region. Based on available information, the existing residence is not eligible for inclusion on the CRHR and is not considered significant historical resources under CEQA.

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

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

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

The 2.7-acre site gently slopes up from Montiel Road with elevations ranging from 698 to 740 feet above mean sea level and an average slope of 9.97 percent, and is surrounded by existing residences to the north, west, and east, and a commercial center to the south across Montiel Road. According to the preliminary geotechnical investigation (Attachment C) prepared by C.W. La Monte Company, Inc. (dated: 7/29/14), the site is suitable for development of the proposed 9-lot subdivision provided that the recommendations stated therein are implemented (i.e.: existing top soil, alluvium, and artificial fill shall be excavated to firm native material and re-compacted, etc.). The estimated earthwork will involve approximately 7,750 cubic yards of cut and fill to balance the site. The project will create eight (8) building pads with slopes and/or retaining walls not exceeding twenty (20) feet in height for the construction of the future residences. The existing residence on the site will remain on site on Lot 1 of the proposed subdivision. Retaining walls will range in height from 3.5 to 9.5 feet in

height. The soils investigation indicates there are no existing landslides, faults, or other natural disturbance on site, and the soil conditions do not allow for liquefaction. Therefore, there are no significant impacts to earth conditions or geologic substructures, substantial changes in topography, increase in soil erosion, or the exposure of people or property from the project, and no geologic hazards are anticipated from the implementation of the proposed project.

**Mitigation Measures:**

- An updated report for the 2014 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.
- 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.
- 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 emissions thresholds 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 9-lot subdivision. The emission level is based on the amount of vehicle trips, typical energy and water use for the project, as well as other factors. The expected trip generation for the project is estimated to be an additional 80 average daily trips based upon the trip generation rate established by San Diego Association of Governments (SANDAG), and is no greater than anticipated per the General Plan. The proposed 9-lot subdivision is consistent with the General Plan's land use designation, "Very Low Density Residential (2.1 to 4.0 dwelling units per acre)" for the site. Construction of the future residences 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). It is estimated the proposed project, including construction activities, will generate greenhouse gas emissions significantly less than the aforementioned threshold, and therefore no further analysis is warranted. Any contribution of greenhouse gas emissions by the proposed project will not have a significant impact on the environment, nor will it conflict with implementation of the plans and programs proposed in the conservation element of the City's General Plan Update, nor will it conflict with the City's Climate Action Plan (CAP).

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

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

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

□ □ □ ■

No significant impacts to emergency response plans or exposure to hazardous substances, or risk of explosion are anticipated as a result of the proposed 9-lot subdivision. Adequate emergency response capability is available with San Marcos Fire Station No. 3 located within a 2-mile vicinity. The project will be required to install a fire hydrant(s) on site and fire sprinklers within the future residences. The street widths and cul-de-sacs of the subdivision are designed to provide adequate accessibility and turn-around for emergency vehicles. The proposed development will be required to comply with all applicable City Fire Code requirements (SMMC Chapter 17.64). In addition, the property will be required to be annexed into the City's Community Facilities Districts, CFD 2001-01: Fire/Paramedic and CFD 98-01: Police. The subject property is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. The project is not located within two miles of any airports; however, it is located within the Airport Influence Area of the McClellan-Palomar Airport Land Use Compatibility Plan within Review Area 2. Due to the nature and location of the proposed project, it is a compatible land use within Review Area 2 which limits the heights of structures, particularly in areas of high terrain. The project would not subject people to safety hazards associated with public or private airports. The project site is not within the vicinity of a private airstrip; therefore, no safety hazard associated with such a facility would occur. The site is not located within a wildlands area. No impacts to these issues are anticipated as a result of the project.

**Mitigation Measures:**

- An automatic fire extinguishing system is required in accordance with the latest adopted California Building Code and San Marcos Fire Code Ordinance (SMMC Chapter 17.64). Fire suppression systems shall conform to the National Fire Protection Association standards.
- The applicant shall disclose to future owners/tenants of the proposed project that the property is located within the Airport Influence Area of McClellan-Palomar Airport, and may be subject to some of the annoyances or inconveniences, if any, associated with proximity to airport operations (i.e.: noise, vibration, or odors).

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

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

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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 subject property has been previously developed with a single-family residence which will remain on site on Lot 1 of the subdivision, and is surrounded by single-family residential uses, except for a commercial center to the south across Montiel Road. 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) features Best Management Practices (BMPs) and Hydromodification Management facilities, and BMPs will be implemented during construction of the project. The project proposes to drain runoff from impervious surfaces (i.e.: building, road, etc.) through landscape areas (bio-filtration), including a bio-filtration basin, prior to exiting the site and conveyed along Montiel Road approximately 520 feet west to a storm drain inlet at Via Flora Road. 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 to demonstrate post-development peak storm water runoff will be attenuated to pre-development conditions. 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 9-lot subdivision will be located on a 2.7-acre site on the north side of Montiel Road, east of Nordahl Road. The adjacent land uses are single-family residences to the north, west, and east, and a commercial center to the south across Montiel Road. The site is zoned Single-Family Residential (R-1-10) and designated Very Low Density Residential (VLDR) in the General Plan. The General Plan identifies the property density of 2.1 to 4.0 dwelling units per acre. The yield for the proposed project is 3.3 dwelling units per acre which complies with the density per the General Plan. The site has an average slope of 9.97 percent; therefore, the Zoning Ordinance requires a minimum lot size of 10,000 square feet (net) for each lot. The project proposes lot sizes ranging from 10,003 square feet (net) to 10,034 square feet (net). Future residential development of the eight (8) lots will be required to comply with development standards for the R-1-10 Zone (i.e.: building setbacks, height limit, parking, etc.) prior to issuance of building permit. The existing residence will remain on site on Lot 1 of the proposed subdivision.

	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 subject property has been previously developed with a single-family residence which will remain on site on Lot 1 of the proposed subdivision, and is surrounded by single-family residences to the north, west, and east, and a commercial center to the south across Montiel Road. There are no known mineral resources on site. Therefore, the proposed project will not impact mineral resources.

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

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

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

No significant impacts regarding increases in existing noise levels or the exposure of people to severe noise levels are anticipated as a result of the proposed project. It is expected that there will be an incremental impact upon the ambient noise level of the area by the activities associated with the future single-family residences. 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 no greater than anticipated noise levels for residential uses per the General Plan.

According to a noise study (Attachment D) prepared by Eilar Associates, Inc. (dated 6/27/17) traffic noise generated from Montiel Road and State Route 78 to the south may potentially impact exterior noise levels in the rear yards of the proposed subdivision. The report estimates the potential traffic noise levels to range from 61.2 dB CNEL within the rear yard of proposed Lot 6 at the northeast corner of the property to 65.2 dB CNEL at proposed Lot 1 at the southwest corner of the property. Per the General Plan Noise Element, 60 dB CNEL is an acceptable exterior noise level for single-family residences. In order to mitigate for potential exterior noise impacts to a level below significance, minimum six (6) foot high sound attenuation walls will be required to be installed for the rear yards of the proposed single-family lots to reduce potential noise levels to 60 dB or less. Therefore, exterior noise levels within the rear yards of the proposed lots will not exceed the threshold. In addition, the Noise Element specifies interior noise levels not to exceed 45 dBA for single-family residences. The California Building Code requires the future residences to be constructed to comply with this standard.

Project related noise sources, such as vehicles arriving and leaving, children at play, and landscape maintenance machinery, would be consistent with the single-family residential development to the north, west, and east. The noise study estimates potential noise levels for the anticipated HVAC equipment for the future single-family residences to comply with the noise limits of 50 dB and 60 dB CNEL during nighttime and daytime hours, respectively, at surrounding property lines.

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.
- The future residences shall comply with the California Building Code regarding interior noise levels for single-family residential dwelling units.
- Per the recommendations of the noise analysis, six (6) foot high sound attenuation walls shall be constructed along portions of the rear and southern side boundaries of the rear yards of the proposed lots as approved by the Planning Division Manager.

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

- a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?
- b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?
- c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

No significant impacts to population are anticipated nor will substantial growth be induced by the development of the proposed 9-lot subdivision. The subject property has been previously developed with a single-family residence which will remain on site on Lot 1 of the proposed subdivision. The proposed project complies with the density permitted in the City's General Plan. Therefore, the proposed project will not displace or relocate residents, but will provide additional single-family housing anticipated by the General Plan for the Richland Neighborhood. Therefore, no significant impacts to housing or population will occur as a result of the proposed project.

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

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

- Fire protection?
- Police protection?
- Schools?
- Parks?
- Other public facilities?

The project proposes a subdivision for eight (8) new single-family residences to be constructed, and the existing residence to remain on site on Lot 1 of the proposed subdivision. Although it is expected the proposed project will cause an increase in students, the applicant will be required to pay development fees, prior to the issuance of building permits, to the San Marcos Unified School District as provided for by the State Code to mitigate any potential impacts. The San Marcos Fire Department will require the applicant to install a fire hydrant(s) on site and fire sprinklers within each of the future residences. The property will also be required to annex into the Police/Fire and Lighting/Landscaping Community Facilities Districts. In addition, development of the proposed project will require payment of Public Facilities Fees. With implementation of the following mitigation measures, potential impacts to fire protection, police, schools, parks, maintenance of public facilities, or other governmental facilities will be mitigated to a level below significance for the proposed project.

#### **Mitigation Measures:**

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

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

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

No significant impacts to recreation are anticipated as a result of the proposed project. Since this is an infill development project, the project will not affect the quality or quantity of recreational opportunities. It is expected that the occupants of the eight new (8) residences will be able to utilize existing recreational facilities within the Richland Neighborhood such as Montiel Park to the east. Development of the proposed project will require payment of Public Facilities Fees which include park impact fees.

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

- a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?
- 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 a subdivision for eight (8) new single-family residences to be constructed, and the existing residence to remain on site on Lot 1 of the proposed subdivision. Based upon the trip generation rate established by San Diego Association of Governments (SANDAG), it is estimated the eight (8) new residences will generate an additional 80 Average Daily Trips (8 units x 10 trips per unit = 80 ADT). Due to the size of the development, the increase in ADT is negligible and no greater than anticipated by the General Plan for the area. The eight (8) new residences and the existing residence will be accessed by "Street A" off of Montiel Road that will end with a cul-de-sac which will provide adequate turn-around for emergency vehicles. "Street A" is proposed to have sidewalks on both sides and will be privately maintained by a Home Owners Association (HOA). Each future residence will require a minimum 2-car garage for a residence up to 3,000 square feet in size, and a 3-car garage for a residence above 3,000 square feet. 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.

	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), but not within its Sewer Improvement District. However, it is located within the VWD Sphere of Influence for sewer service. Therefore, annexation into the VWD Sewer Improvement District for sewer service will be required. In addition, the adjacent property to the north (APN: 228-120-33-00) will also be required to annex into the sewer district since the proposal will also provide a sewer connection to that property via Street "A" of the proposed subdivision. 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.

A water and sewer study (Attachment E) was prepared by the Vallecitos Water District (VWD) (dated 8/23/16), 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. Approximately 1,895 feet of existing 8-inch sewer pipeline will be required to be replaced with 12-inch pipe within existing VWD easements along the State Route 78 right-of-way beginning at Center Drive (Pipe ID No: MR-5 through MR-7, MR-9b through 13 and MR-18) to accommodate increased flow.
2. Approximately 917 feet of existing 8-inch sewer pipeline will be required to be replaced with 12-inch pipe within existing VWD easements along the State Route 78 right-of-way (Pipe ID No: MR-14 through MR-17, MR-19 and MR-20) to avoid restrictions in the pipeline.

As a potential alternative to the above listed improvements, a contribution as determined by VWD may be required to be paid by the applicant for installation, or a portion thereof, of the proposed Montiel Gravity Outfall which is a pipeline linking the Montiel sewer shed's collection infrastructure to the collection system in Mission Road south of State Route 78 in the City of Escondido.

Per the City's implementation of the latest adopted NPDES Permit, the proposed project will incorporate site-design and naturalized treatment control Best Management Practices (BMPs) for all drainage before entering the City's storm drain system per the approval of the City Engineer/Public Works Director. Trash collection service for the project will be provided by EDCO which will include collection of recyclable materials. With implementation of the following mitigation measures, potential impacts to utilities and service systems will be mitigated to a level below significance for the proposed project.

**Mitigation Measures:**

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

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

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

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

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

The proposed project does not have impacts that are “individually limited, but cumulatively considerable” since this project proposes a 9-lot subdivision allowed by the General Plan. Although the Negative Declaration analysis does identify less than significant impacts 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.

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

The project will be mitigated and conditioned to ensure that impact areas of concern such as aesthetics, biological resources, cultural resources, geology & soils, hydrology & water quality, noise, and public services are fully mitigated to below a level of significance and will not cause a substantial adverse effects on human beings, either directly or indirectly. In staff’s opinion, no significant issues remain unmitigated through compliance with mitigation measures, compliance with code requirements, and the recommended conditions of approval for the proposed 9-lot subdivision.

**MITIGATION MONITORING PROGRAM  
FOR NEGATIVE DECLARATION 17-001**

MITIGATION MEASURES	MONITORING ACTIVITY/TIMING	RESPONSIBILITY
Graded slopes shall be landscaped with a mixture of trees, shrubs, and ground cover for beautification and erosion control purposes. Landscape plans shall be submitted to the Planning Division for review and approval prior to the issuance of grading permit, and shall comply with the landscape and water efficiency requirements of the City Landscape Ordinance.	Prior to issuance of grading permits	Developer
All retaining walls shall be constructed of earth tone colored keystone, split-face, or similar textured block. The applicant shall submit a material sample to the Planning Division for review and approval prior to issuance of grading permit.	Prior to issuance of grading permits	Developer
The applicant shall submit a fencing plan, in conjunction with the landscape plan, for the 9-lot tentative subdivision map which proposes a consistent type and style of fences and/or walls. The fencing plan shall include decorative fencing with a detail of each proposed fence/wall type, and shall not include chain link fencing.	Prior to issuance of grading permits	Developer
Prior to grading the site or causing any impact to the site, in order to prevent potential impacts to nesting of any migratory, songbirds, or raptors, grading and/or construction activities on site must be avoided during the nesting season which extends from February 15 to August 31. In order to begin grading or construction activities within the nesting season, a nesting survey from a qualified biologist or other expert in the field must be submitted to the Planning Division to verify there are no active nests on the subject site. This survey must be submitted prior to any disturbance or impact of the site. If any active nests are detected, the area shall be flagged and mapped on the construction plans along with a minimum of a twenty-five (25) foot buffer and up to a maximum buffer of 300 feet for raptors, as determined by the project biologist, and shall be avoided until the nesting cycle is complete.	Prior to issuance of grading permits	Developer
<p>Prior to issuance of grading permit, the applicant/developer shall comply with the following conditions regarding cultural resources:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> <li>• 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</li> </ul>	Prior to issuance of grading permits	Developer

MITIGATION MEASURES	MONITORING ACTIVITY/TIMING	RESPONSIBILITY
<p>safety protocol, as well as consultation with the Project Archaeologist regarding proposed archaeological techniques and strategies for the project.</p> <ul style="list-style-type: none"> <li>The import of fill onto the site shall be clean of cultural resources and documented as such.</li> <li>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.</li> <li>All sacred sites, should they be encountered within the project area, shall be avoided and preserved as the preferred mitigation, if feasible.</li> <li>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.</li> <li>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.</li> </ul>		
An updated report for the 2014 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
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.	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	Prior to issuance of grading permits	Developer

MITIGATION MEASURES	MONITORING ACTIVITY/TIMING	RESPONSIBILITY
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 to demonstrate post-development peak storm water runoff will be attenuated to pre-development conditions. Storm drains and drainage structures shall be sized according to the approved hydrology report. All surface runoff originating within the project and all surface waters that may flow onto the project from adjacent properties shall be accommodated by the drainage system. The report shall also determine the build-out runoff into existing off-site natural drainage swales and storm drain systems, and shall address any need for off-site improvement requirements. Blocking, concentrating, lowering or diverting of natural drainage from or onto adjacent property shall not be allowed without written approval of the affected property owner. This report shall be subject to approval of the City Engineer.	Prior to issuance of grading permits	Developer
The applicant/developer shall obtain coverage under the State Water Resources Control Board's General Permit to Discharge Storm Water Associated with Construction Activity. Coverage includes the preparation, certification and implementation of a Storm Water Pollution Prevention Plan (SWPPP). Implementation of the SWPPP is required during all phases of construction. Proof of coverage will be submitted to the City.	Prior to issuance of grading permits	Developer
The applicant/developer shall submit to the City for review and approval, a Storm Water Quality Management Plan (SWQMP) prepared by civil engineer that identifies receiving waters, water quality objectives, pollutants of concern, treatment control best management practices (BMPs), and 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.	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
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
Front elevations of the proposed residences shall have enhanced architectural features in addition to distinct architectural styles. The proposed residences shall be architectural compatible with each other and the surrounding neighborhood. The future residences shall require architectural review by the Planning Division Manager prior to issuance of building permits.	Prior to issuance of building permits	Developer
The City of San Marcos is located in Seismic Design Category "D". Buildings and structures shall be designed to adequately transmit the dynamic lateral forces in accordance with the requirements of the latest adopted California Building Code.	Prior to issuance of building permits	Developer
An automatic fire extinguishing system is required in accordance with the latest adopted California Building Code and San Marcos Fire Code Ordinance (SMMC Chapter 17.64). Fire suppression systems shall conform to the National Fire Protection Association standards.	Prior to issuance of building permits	Developer
The future residences shall comply with the California Building Code regarding interior noise levels for single-family residential dwelling units.	Prior to issuance of building permits	Developer
Per the recommendations of the noise analysis, six (6) foot high sound attenuation walls shall be constructed along portions of the rear and southern side boundaries of the rear yards of the proposed lots as approved by the Planning Division Manager.	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	Prior to issuance of	Developer

MITIGATION MEASURES	MONITORING ACTIVITY/TIMING	RESPONSIBILITY
district to obtain building permits from the City.	building permits	
The applicant/developer for the proposed development, redevelopment or discretionary use is required to pay Public Facilities Fees as established by the latest adopted Public Facilities Fee Resolution. The fee is based on the proposed land use and shall be paid prior to the issuance of building permit.	Prior to issuance of building permits	Developer
The project is subject to the approval of the Vallecitos Water District (VWD) for water and sewer services and all applicable fees and charges shall be paid to the satisfaction of the District prior to issuance of grading or building permit.	Prior to issuance of building permits	Developer
The project shall implement a fugitive dust emissions control plan during construction. This plan shall include the watering of the site for dust control; isolating excavated soil until removed from the site; and periodic cleaning of streets to remove accumulated materials.	During construction	Developer
The project shall comply with Regional Air Quality Standards.	During construction	Developer
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 may be subject to some of the annoyances or inconveniences, if any, associated with proximity to airport operations (i.e.: noise, vibration, or odors).	Prior to occupancy	Property owner/ operator
Permanent Best Management Practices (BMPs) shall be incorporated into the project design and maintained by the property owner/operator in perpetuity.	During operations	Property owner/ operator