

**ATTACHMENT E**

2017 EIR Addendum – University District Specific Plan  
(State Clearinghouse No. 2008101083)

AGENDA ITEM  
# 1

Addendum to Final Environmental Impact Report  
SCH No. 2008101083

University District Specific Plan: Block 3  
(AASP 17-001 and CUP 17-0005)

City of San Marcos  
August 2017

Prepared by:  
Sophia Mitchell & Associates

AGENDA ITEM  
# 1

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## **1.0 INTRODUCTION**

### **1.1 PURPOSE AND SCOPE**

This document is an addendum to the Final Environmental Impact Report (FEIR) (State Clearinghouse No. 2008101083) certified by the City of San Marcos (City) in 2009 for the University District Specific Plan project. The purpose of this document is to determine if the proposed Administrative Amendment to the University District Specific Plan (UDSP) and construction of an Extended Learning (EL) Building, parking structure and pedestrian facilities within Block 3 of the UDSP (proposed project) would result in any new impacts not previously identified in the FEIR.

The attached checklist was used as a screening tool to determine that an Addendum was the appropriate document for California Environmental Quality Act (CEQA) compliance.

### **1.2 FINDINGS OF THIS INITIAL STUDY/ADDENDUM**

Based upon the information provided in the attached Checklist/Addendum, the implementation of the proposed project will not result in any new significant impacts and the conclusions in the FEIR prepared for the University District Specific Plan project are valid for this project.

#### **1.2.1 Use of an Addendum to a Previously Certified EIR**

Section 15164 of the State CEQA Guidelines states that an Addendum to an EIR shall be prepared "if some changes or additions are necessary, but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred." Section 15162 of the State CEQA Guidelines identifies the conditions that require preparation of a subsequent EIR. A proposed change in a project will require preparation of a subsequent EIR if:

1. The change in the project is substantial.

Substantial changes in the project are those that would require major revision of the previous EIR due to the involvement of new significant environmental effects, or if a substantial increase in the severity of previously identified significant effects has occurred.

2. The circumstances under which the project is undertaken have substantially changed.

Substantial changes in circumstances are those defined as those that would require major revisions of the previous EIR in order to describe and analyze new significant environmental effects, or any changes that would cause a substantial increase in the severity of the previously identified significant effects.

3. New information of substantial importance, which was not known and could have not been known, with the exercise of reasonable diligence at the time the previous EIR was certified, shows:

- A. The project will have one or more significant effects not discussed in the previous EIR;
- B. The significant effects previously examined will be substantially more severe than identified in the previous EIR;

Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponent declines to adopt the mitigation measures or alternatives; or

Mitigation measures or alternatives that are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponent declines to adopt the mitigation measures or alternatives.

If none of the above conditions is met, the City is not required to prepare a subsequent EIR. Rather, the City may prepare a Mitigated Negative Declaration or an Addendum, or the City may decide that no further environmental documentation is necessary.

This Checklist/Addendum has evaluated each of the issues addressed in the FEIR. Additionally, new thresholds in Appendix G of the CEQA Guidelines related to forestry resources, transportation/traffic and tribal cultural resources that were adopted by the State of California after adoption of the FEIR have also been analyzed.

Based on this analysis and the information contained herein, there is no evidence that the proposed project requires major changes to the FEIR. Comparison of the previous project with the proposed project, as described in Section 2.4 of this document, indicates that there are no new significant environmental impacts associated with implementation of the proposed project.

This Checklist/Addendum relies on use of an Environmental Checklist Form (Form), as suggested in Section 15063 (d)(3) of the State CEQA Guidelines. The Form is used to evaluate whether or not there are any new or more severe significant environmental effects associated with implementation of the proposed project and proposed amendments; and to review whether there is new information or circumstances that would require preparation of additional environmental documentation in the form of a subsequent or supplemental EIR, or if an Addendum is appropriate.

Section 3.0 of this document contains this analysis and explains the basis for each response to the questions on the Form.

### **1.3 EXISTING DOCUMENTS TO BE INCORPORATED BY REFERENCE**

Section 15150 of the State CEQA Guidelines permits an environmental document to incorporate by reference other documents that provide relevant data.

The documents outlined in this section are hereby incorporated by reference, and the pertinent material is summarized throughout this Checklist/Addendum, where that information is relevant to the analysis of impacts of the project. Any document incorporated by reference is available for review at City of San Marcos, Planning Division.

University District Specific Plan Final Environmental Impact Report. 2009 (SCH No. 2008101083).

University District Rock Crusher Conditional Use Permit Mitigated Negative Declaration. 2011 (SCH No. 2011081083).

University District Specific Plan Amendment Initial Study and Final EIR Addendum. 2014.

University District Specific Plan Amendment Traffic Impact Assessment Report. 2014. RBF Consulting.

#### **1.4 CONTACT PERSON**

The Lead Agency for the Checklist/Addendum for the proposed project is the City of San Marcos. Any questions should be referred to:

Karen Brindley, Planning Division Manager  
City of San Marcos  
1 Civic Center Drive  
San Marcos, CA 92069  
Tel: (760) 744-1050 ext. 3220  
Email: [kbrindley@san-marcos.net](mailto:kbrindley@san-marcos.net)

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## **2.0 PROJECT DESCRIPTION**

### **2.1 PROJECT SITE SETTING**

The project site is located in the City of San Marcos, in the northern portion of San Diego County. The project area is the University District San Marcos Specific Plan (UDSP) as shown in **Figure 1**. The approximate 195-acre project site is situated in the heart of San Marcos, with parcels located east and west of Twin Oaks Valley Road. The site is bounded by State Route 78 (SR 78) and San Marcos Creek on the north and Barham Drive and Discovery Hills on the south (**Figure 2**). California State University San Marcos (CSUSM) is located adjacent to the southeast section of the UDSP planning area.

An Administrative Amendment to the UDSP proposed for the project related to the Block 3 area of the UDSP. Block 3 is bounded on the north by North City Drive, on the east by Campus Way, on the south by Barham Drive, and on the east by future Street "E". The future Extended Learning (EL) building is proposed at the northwest corner of Barham Drive and Campus Way and a parking structure is proposed in the interior of Block 3 (**Figure 3**).

### **2.2 PROPOSED DISCRETIONARY ACTIONS, PERMITS & CONSULTATION**

The proposed project requires the following actions by the City of San Marcos:

- Approval of an Administrative Amendment to the UDSP (Planning Director/Planning Manager)
- Conditional Use Permit for six-story mixed use building (Planning Commission)

### **2.3 PROJECT BACKGROUND**

In 2009, the City of San Marcos approved the UDSP and certified the Final Environmental Impact Report (FEIR) (SCH No. 2008101083). In 2011 a Conditional Use Permit (CUP) for use of a rock crusher and modified grading operations at the site was approved and a Mitigated Negative Declaration (MND) was adopted for the CUP (SCH No. 2011081083). In 2014, an Addendum to the certified FEIR was prepared to refine land uses development intensities and the circulation network within the specific plan area. The project applicant is now proposing an Administrative Amendment to the UDSP. These changes are detailed in Section 2.4, below.



Figure 1. UDSP Project Site and Vicinity



Figure 2. Specific Plan Area

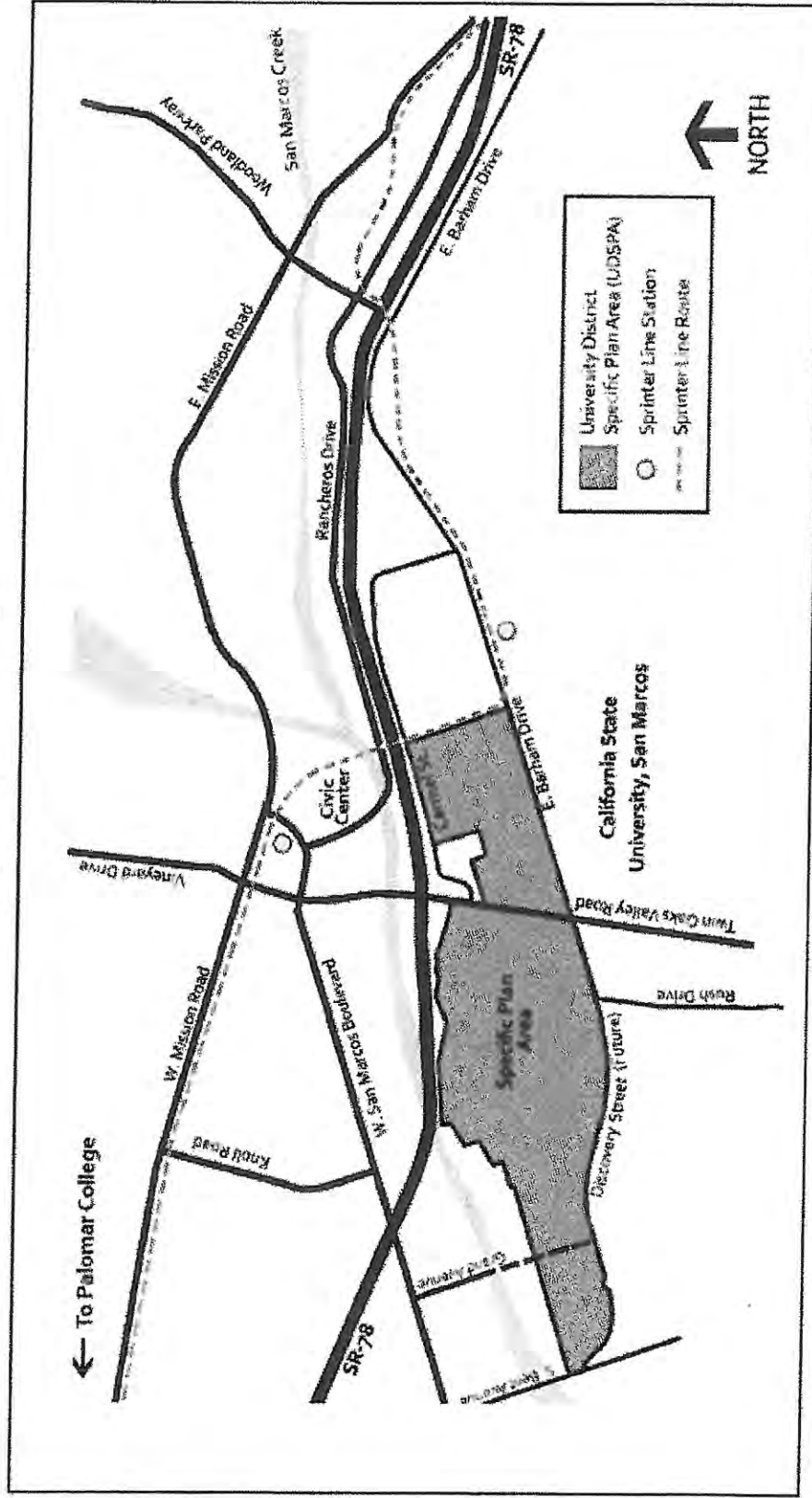
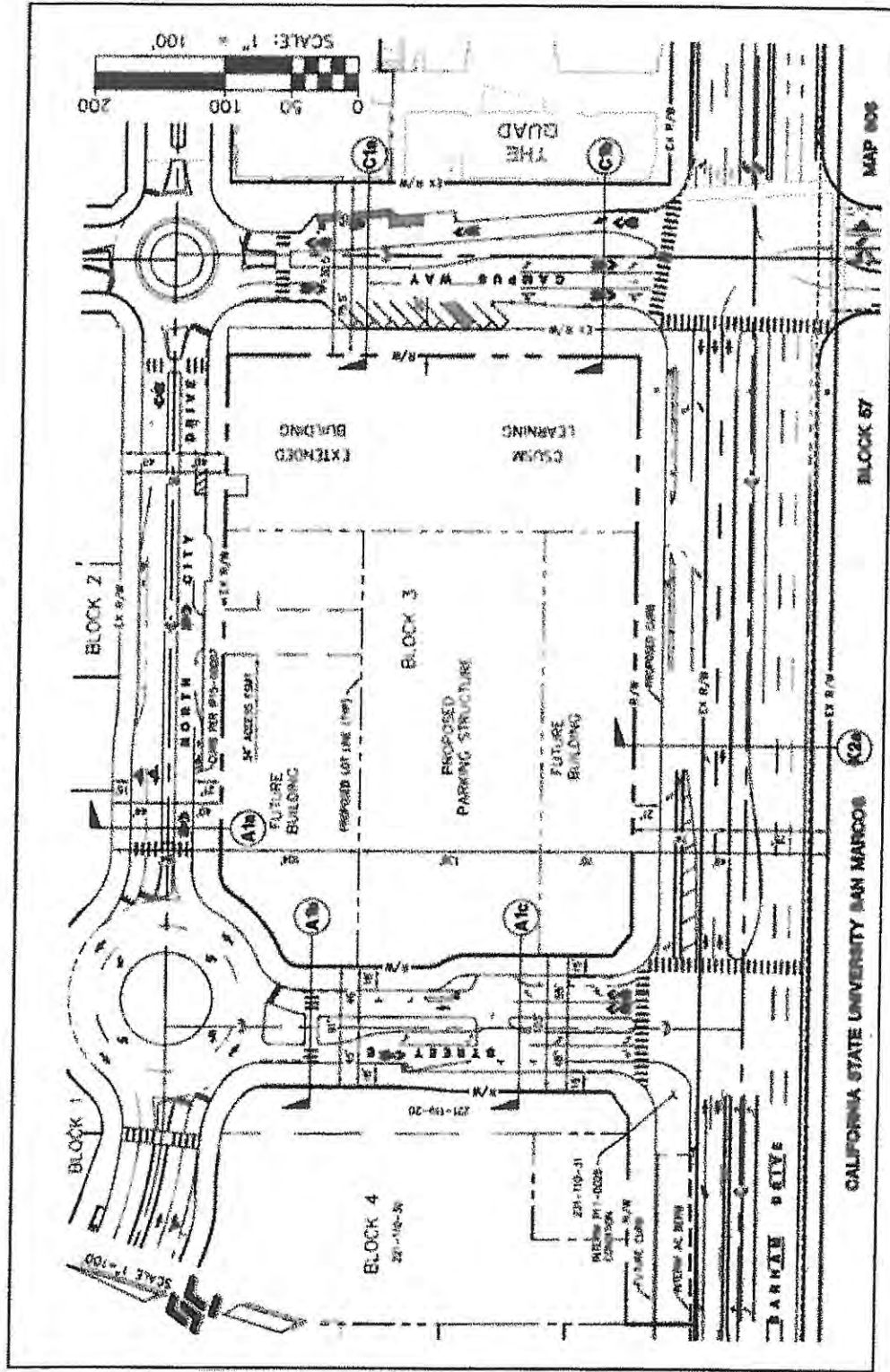


Figure 3. UDSP Block 3



## **2.4 PROJECT DESCRIPTION**

The proposed project is the approval of an Administrative Amendment to the UDSP and approval of a Conditional Use Permit (CUP) for the construction of a six-story mixed use building consisting of classrooms, offices and retail space, a parking structure, and pedestrian facilities. Each of these project components is described in more detail below.

### **Administrative Amendment**

The proposed Administrative Amendment will modify various development standards in the form-based code of the UDSP, specifically related to Block 3 and associated street frontages. The proposed changes are presented in a red-line format in **Appendix A** of this document. All other components of the Specific Plan, including development yields, land use types and other infrastructure improvements would remain as presented in the Specific Plan or any subsequent amendments. Administrative Amendment approval is guided the UDSP, and grants authority to the Planning Director/Planning Manager.

### **Extended Learning Building (EL Building)**

The proposed EL building will be located on the northwest corner of Barham Drive and Campus Way. The six-story mixed use building will have 134,000 square feet (s.f.) of space. This includes 120,000 s.f. to support CSUSM's Extended Learning program, which is now located entirely on the CSUSM campus. The EL building will also include approximately 14,000 s.f. of commercial/campus support.

Based upon a sixth-floor ceiling height, the proposed EL building will be 80 feet, 9 inches. The top of the highest rooftop mechanical equipment will be 96 feet, 7 inches. The roof-top mechanical equipment has been designed to be set back from the edge of the building and a mesh screening will further diminish the appearance of the rooftop equipment.

### **Parking Structure and Pedestrian Features**

A 709-space parking garage is proposed to be located midblock in Block 3. Access to the parking structure would be via North City Drive on the north side of Block 3 and via Street "E" on the west side. The parking structure would serve all future development within Block 3. Direct pedestrian access would be provided between the EL building and the 2nd floor of the parking structure. Additionally, a grade-separated pedestrian walkway structure over Barham Drive would connect Block 3 to the CSUSM campus.

### **Street System Construction**

In addition to site development, the street system surrounding Block 3 will be constructed as part of the proposed project. Street "E" will be constructed to connect North City Drive to Barham Drive and Campus Way will be reconfigured. To facilitate service drive access, an additional lane will be constructed along the entire block on the north side of Barham Drive.

### **Project Design Features**

As a project design feature, the project applicant will construct following additional roadway improvements:

- Intersection improvements at Twin Oaks Valley Road/Barham-Discovery Street to include restriping to provide dual westbound to southbound turn lanes. This intersection is located at the southern-central portion of the UDSP boundary.

## 2.5 EXISTING CONDITIONS

The UDSP FEIR included a summary of existing on-site conditions. Conditions within the limits of the Specific Plan area west of Twin Oaks Valley Road have not substantially changed. Development consistent with the UDSP (and subsequent amendments) has occurred east of Twin Oaks Valley Road and includes the Quad student housing, Block C residential housing, and the Urge Gastropub.

## 2.6 FINDINGS AND CONCLUSIONS

Based on the project description contained in Section 2.4, each of the issues addressed in the UDSP FEIR, as well as each of the issues analyzed in Section 3.0 of this document, have been evaluated, leading to the following findings and conclusions:

- The proposed Administrative Amendment does not result in any new significant impacts;
- The proposed Extended Learning Building, parking structure and pedestrian facilities will occur within the footprint of the UDSP and in areas already assumed to be impacted.
- The traffic study prepared for the EL building concluded that the development would not result in any new significant traffic impacts or require mitigation beyond that identified in the UDSP FEIR (Urban Systems 2017).
- The traffic study also concluded that there are no new nearby street segment or intersection impacts due to the delay in construction of the Discovery Street extension between Rush and Craven as assumed in the 2014 UDSP traffic study that was prepared by RBF (Urban Systems 2017).
- The FEIR adequately addressed the impacts of the proposed project.

Thus, none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.

1. The change in the project analyzed in the FEIR for the UDSP is substantial. Substantial changes in the project are those that would require "major revisions of the previous EIR ... due to the involvement of new significant environmental effects, or a substantial increase in the severity of previously identified significant effects." As noted above, the proposed project will not result in new significant impacts or a substantial increase in the severity of previously identified significant effects.
2. The circumstances under which the project is undertaken have substantially changed. Substantial changes in the circumstances under which the project is being undertaken are defined as those that would "require major revisions of the previous EIR ... due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects." The only changes required in the FEIR to address the impacts of the proposed project are to include the project description contained in this Addendum as part of the FEIR project description.

3. New information of substantial importance, which was not known and could have not been known, with the exercise of reasonable diligence at the time the previous EIR was certified, shows:

- “The project will have one or more significant effects not discussed in the previous EIR...;
- Significant effects previously examined will be substantially more severe than shown in the previous EIR;
- Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
- Mitigation measures or alternatives that are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.”

As noted above, there is no evidence that any of these conditions exist.

Section 15164 of the State CEQA Guidelines states that an Addendum to an EIR shall be prepared “if some changes or additions are necessary, but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.” Since none of the conditions of Section 15162 of the State CEQA Guidelines occur, an Addendum to the UDSP FEIR is the appropriate form of environmental documentation under CEQA for the proposed project.

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### 3.0 INITIAL STUDY

#### 3.1 ENVIRONMENTAL CHECKLIST FORM

The following pages contain the Environmental Checklist Form (Form) for the proposed project. The Form is marked with findings as to the environmental effects of the project. As explained in Section 1.0, this analysis has been undertaken, pursuant to the provisions of CEQA, to provide the City of San Marcos with the factual basis for determining, based on the information available, the form of environmental documentation the project warrants. The basis for each of the findings is provided directly below each checklist item.

#### ENVIRONMENTAL CHECKLIST FORM

1. **Project Title:** University District Specific Plan – Block 3
2. **Lead Agency Name and Address:** City of San Marcos  
1 Civic Center Drive  
San Marcos, CA 92069
3. **Contact Person:** Karen Brindley, Planning Divisions Manager  
(760) 744-1050 ext. 3220
4. **Project Location:** The overall 195-acre UDSP area is located in the central portion of City of San Marcos, located on both sides of Twin Oaks Valley Road between State Route 78 (SR 78) and East Barham Drive from Industrial Street to the east and the proposed extension of Discovery Street to Craven Road/Bent Avenue to the west. The proposed Administrative Amendment to the UDSP proposed for the project relates to the Block 3 area of the UDSP. Block 3 is bounded on the north by North City Drive, on the east by Campus Way, on the south by Barham Drive, and on the east by future Street "E". Specifically, the mixed-use building is proposed at the northwest corner of Barham Drive and Campus Way and a parking structure is proposed in the interior of Block 3.
5. **Project Applicant:** Urban Villages San Marcos, LLC  
3525 Del Mar Heights Road #246  
San Diego, CA 92130
6. **Existing and Proposed General Plan Designations:** Existing: Specific Plan  
Proposed: Specific Plan
7. **Existing and Proposed Zoning:** Existing: Specific Plan

Proposed: Specific Plan

**8. Project Description:**

The proposed project is the approval of an Administrative Amendment to the UDSP and approval of a Conditional Use Permit (CUP) for the construction of a six-story mixed use building (134,000 s.f.), a 709-space parking structure and pedestrian facilities.

**9. Existing and Proposed Surrounding Land Use and Setting:**

The UDSP area is located near existing residential and commercial uses and is adjacent to CSUSM. The UDSP planning area is adjacent to the San Marcos Creek Specific Plan (Creek District) area which proposes a mix of residential, commercial and office uses.

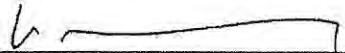
**10. Public Agencies Whose Approval is Required (e.g., permits, financing approval, or participation agreement):**

City of San Marcos

## Determination

On the basis of this initial evaluation:

- The City finds that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- The City finds that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A NEGATIVE DECLARATION will be prepared.
- The City finds the proposed project may have a significant effect(s) on the environment, 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. If the effect is a potentially significant impact or potentially significant unless mitigated an ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- The City finds that changes to the project or the circumstances under which the project would be undertaken require major revisions to the previous EIR in order to make the previous EIR adequately apply to the proposed project in accordance with Public Resources Code Section 21166 and CEQA Guidelines Section 15163. Thus, a SUBSEQUENT EIR shall be prepared.
- The City finds that changes to the project or the circumstances under which the project would be undertaken require only minor revision to the previous EIR in order to make the previous EIR adequately apply to the proposed project in accordance with Public Resources Code Section 21166 and CEQA Guidelines Section 15163. Thus, a SUPPLEMENTAL EIR shall be prepared.
- X** The City finds that the significant effects that would result from the proposed project have been addressed in an earlier EIR, and that none of the determinations set forth in Public Resources Code Section 21166 and State CEQA Guidelines Section 15162 can be established. Thus, an ADDENDUM to the University District Specific Plan FEIR shall be prepared.

  
\_\_\_\_\_  
Karen Brindley, Planning Division Manager

8/15/17  
\_\_\_\_\_  
Date

### 3.2 ENVIRONMENTAL ANALYSIS CHECKLIST

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#### 1. AESTHETICS – Would the project:

##### a) Have a substantial adverse effect on a scenic vista?

**FEIR Conclusion: Less than Significant.** The FEIR identified San Marcos Creek as the primary visual amenity within the UDSP site and that the site did not support any primary or secondary ridgelines. The FEIR concluded (page 3.1-33) that the UDSP project would not impact views of San Marcos Creek or impact views of primary or secondary ridgelines. Impacts to scenic vistas were considered less than significant and no mitigation measures were proposed.

**Discussion of the Proposed Project:** Development under the proposed project would still occur within the footprint of the Specific Plan analyzed in the UDSP FEIR. The proposed Administrative Amendment includes an amendment to Figure VI.C (Building Height Regulating Plan) to allow a greater portion of Block 3 to have a 6 story/90 -foot maximum. The EL building, as proposed, is six-stories high with a sixth-floor ceiling height of 80 feet, 9 inches. With mechanical equipment (screened) the overall height would be 96 feet, 7 inches. Six-story structures were already allowed within Block 3. The EL building will not significantly change the character of Block 3. There would not be any new impacts related to scenic vistas.

**Finding:** There are no changes or new information associated with this project that would require the preparation of an EIR.

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##### b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?

**FEIR Conclusion: Less than Significant.** State Route (SR 78) is designated as a view corridor by the City. The FEIR (page 3.1-34) concluded that there are no significant trees, rock outcroppings or historic buildings located within the view corridor of SR 78. There are a few rock outcroppings that are associated with the knoll in the southern portion of the UDSP plan area; however, the majority of the rock outcrop features will be retained and incorporated in the Knoll Park as part of the recreational amenities of the UDSP. The FEIR analysis also concluded that there are no state scenic highways located in the project area, although the City has designated SR 78 as a view corridor to surrounding ridgelines.

**Discussion of the Proposed Project:** Development under the proposed project would still occur within the footprint analyzed in the FEIR. The proposed Administrative Amendment would not result in any increase in the potential for impacts related to the damaging of scenic resources within a State scenic highway. As discussed in 1.a, above, the revision to the UDSP Building Height Regulating Plan would not result in any significant difference in building heights over what is currently allowed in Block 3. There would not be any new impact related to scenic resources.

**Finding:** There are no changes or new information associated with this project that would require the preparation of an EIR.

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c) **Substantially degrade the existing visual character or quality of the site and its surroundings?**

**FEIR Conclusion: Less than Significant.** The FEIR (page 3.1-34) concluded that the UDSP proposed urban development and new roadways that would alter the existing visual character of the project site. The FEIR also noted that the Specific Plan would introduce new visual amenities to the project site and surroundings. The FEIR concluded that implementation of the UDSP would result in a change in the visual character to the site and surrounding, although this change was not characterized as a degradation. Therefore, a less than significant impact was identified in the FEIR.

**Discussion of the Proposed Project:** Development under the proposed project would still occur within the footprint of the Specific Plan analyzed in the UDSP FEIR. The proposed Administrative Amendment includes an amendment to Figure VI.C (Building Height Regulating Plan) to allow a greater portion of Block 3 to have a 6 story/90 -foot maximum.. The EL building, as proposed, is six-stories with a sixth-floor ceiling height of 80 feet, 9 inches.

With mechanical equipment (screened) the overall height would be 96 feet, 7 inches. Six-story structures were already allowed within Block 3. The EL building will not significantly change the visual character of Block 3 or the overall UDSP planning area. There would not be any new impact related to visual character.

**Finding:** There are no changes or new information associated with this project that would require the preparation of an EIR.

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d) **Create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area?**

**FEIR Conclusion: Less than Significant.** The FEIR (page 3.1-35) concluded that the UDSP project would adhere to the standards set by the City to use downward-directed low-pressure sodium vapor lighting for outdoor lighting to preserve dark-sky conditions. The FEIR analysis concluded that impacts due to substantial light or glare would be considered less than significant.

**Discussion of the Proposed Project:** The development proposed under the project would still be required to adhere to the lighting requirements identified in the Specific Plan (Chapter 6, Form Based Code). Per the requirements:

“Proposed street, sidewalk, path and trail lighting shall provide safe levels per City of San Marcos standards, and shall be configured so as not to create a new source of substantial sky-glow, light trespass or glare that would adversely affect nighttime views in San Marcos Creek and its environs. In addition to City ordinances, lighting and luminaries shall comply with all State of California and County light pollution and energy consumption regulations and standards.

from edges of view corridors onto paving surfaces, rather than placing fixtures or visible sources of light in the view.”

Thus, future development will continue to be required to adhere to the lighting requirements in the Specific Plan that focus on safety and security while minimizing sky-glow and light trespass that would adversely impact nighttime views. The proposed Administrative Amendment does not result in any changes in the FEIR conclusion related to lighting and glare. Thus the previous

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conclusions in the FEIR are still applicable to the proposed project.

**Finding:** No new impacts for this issue area and no changes in information that would require preparation of an EIR.

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2. **AGRICULTURE AND FORESTRY 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 Department 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 project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resource 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?**

**FEIR Conclusion: No Impact.** The Initial Study of the FEIR determined that the project would not impact agricultural resources. According to the California Department of Conservation's San Diego County Important Farmland Map 2006, portions of the UDSP site are identified as Grazing Land and Farmland of Local Importance. The remaining part of the project area is either unmapped, or identified as urban/built-up land. While historically the UDSP site supported agriculture, there are no existing agricultural operations today. Additionally, while the site contains areas mapped as Farmland of Local Importance and Grazing Land, impacts to these lands would be less than significant, as the viability and feasibility of new or ongoing grazing or agricultural operations at that location are unlikely due to the existing development in the area, including residential uses.

**Discussion of the Proposed Project:** Development under the proposed project would still occur within the footprint analyzed in the FEIR. The proposed Administrative Amendment would not result in any increase in the potential for impacts related to conversion of farmland. No new impacts are identified for this issue area.

**Finding:** No new impacts for this issue area and no changes in information that would require preparation of an EIR.

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- b) **Conflict with existing zoning for agricultural use or a Williamson Act contract?**

**FEIR Conclusion: No Impact.** The FEIR prepared for the UDSP concluded that implementation of the Specific Plan would not have any impacts related to Williamson Act Contracts, since no contracts were associated with the project site (page 5-1).

**Discussion of the Proposed Project:** Development under the proposed project would still occur within the footprint analyzed in the FEIR. The proposed Administrative Amendment would not result in any increase in the potential for conflict with existing zoning for agricultural use or

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Williamson Act contracts. No zoning changes are proposed under the project. Therefore, the previous conclusions regarding Williamson Act Contracts in the FEIR are still applicable to the proposed project. Therefore, no new impacts are identified for this issue area.

**Finding:** No new impacts for this issue area and no changes in information that would require preparation of an EIR.

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- 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 51140(g))?**

**FEIR Conclusion: No Impact.** The FEIR (page 5-1) determined that there is no forest land or timberland located on the UDSP site.

**Discussion of the Proposed Project:** Development under the proposed project would still occur within the footprint analyzed in the FEIR. The proposed Administrative Amendment would not result in any increase in the potential for impacts related to conflict with zoning for forest land or timberland zoned Timberland Production. Therefore, the previous conclusions regarding conflicts with existing zoning for forest land and timberland in the FEIR are still applicable to the proposed project. Therefore, no new impacts are identified for this issue area.

**Finding:** No new impacts for this issue area and no changes in information that would require preparation of an EIR.

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- d) **Result in the loss of forest land or conversion of forest land to non-forest land use?**

**FEIR Conclusion: No Impact.** The FEIR (page 5-1) determined that there is no forestland on the UDSP site.

**Discussion of the Proposed Project:** Development under the proposed project would still occur within the footprint analyzed in the FEIR. The proposed Administrative Amendment would not result in any increase in the potential for impacts related to the loss or conversion of forest land to non-forest land use. Therefore, the previous conclusions regarding the conversion of forest land to non-forest land use are still applicable to the proposed project. Therefore, no new impacts are identified for this issue area.

**Finding:** No new impacts for this issue area and no changes in information that would require preparation of an EIR.

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- 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?**

**FEIR Conclusion: Partially Analyzed/No Impact.** The FEIR (page 5-1) determined that there are no forest lands or farmlands on the UDSP site.

**Discussion of the Proposed Project:** Development under the proposed project would still occur within the footprint analyzed in the FEIR. The proposed Administrative Amendment would not

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result in any increase in the potential for impacts related to the loss or conversion of farmland to non-agricultural use or the conversion of forest land to non-forest use. Therefore, the previous conclusions regarding the conversion of forest land to non-forest land use are still applicable to the proposed project. Therefore, no new impacts are identified for this issue area.

**Finding:** No new impacts for this issue area and no changes in information that would require preparation of an EIR.

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3. **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?**

**FEIR Conclusion: Less than Significant.** The FEIR (page 3.2-19) concluded that the emissions budget for the UDSP project would be consistent with the established San Diego Air Pollution Control District (SDAPCD) Regional Air Quality Strategies (RAQS). Due to the location of the UDSP it would reduce vehicular trips, encourage use of the SPRINTER train and alternative transportation. The FEIR concluded that impacts were less than significant for this issue area.

**Discussion of the Proposed Project:** The proposed project is related to the RAQS and/or the State Implementation Plan (SIP) through the land use and growth assumptions that are incorporated into the air quality planning process. Development proposed under the project is consistent with the type and intensity contemplated in the UDSP EIR and 2014 EIR Addendum. The proposed pedestrian facilities enhance pedestrian connections within Block 3 and to the adjacent CSUSM campus. Therefore, the proposed project would not conflict with or obstruct implementation of the applicable air quality plan and impacts remain less than significant.

**Finding:** No new impacts for this issue area and no changes in information that would require preparation of an EIR.

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b) **Violate any air quality standard or contribute substantially to an existing or projected air quality violation?**

**FEIR Conclusion: Significant and Unmitigated.** The FEIR (page 3.2-30) concluded the project construction emissions would exceed NOx emissions, although implementation of mitigation measures AQ-1 through AQ-3 would reduce impacts to less than significant. Project operation emissions of carbon monoxide (CO), oxides of nitrogen (NOx), and reactive organic gases (ROG) were identified to have significant and unmitigated impacts. The FEIR required that a Traffic Demand Management program be implemented as part of the UDSP to reduce emissions by over 60 percent.

**Discussion of the Proposed Project:** Development under the proposed project is within the scope and intensity identified in the UDSP FEIR. Air emissions associated with construction and project operation would have been considered in the air quality analysis in the UDSP FEIR. Therefore, the conclusions in the FEIR are still applicable to the proposed, and no new impacts beyond those identified in the FEIR are identified.

**Finding:** No new impacts for this issue area and no changes in information that would require

preparation of an EIR.

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- 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 exceeding quantitative thresholds for ozone precursors)?**

**FEIR Conclusion: Significant and Unmitigated:** The FEIR cumulative air quality analysis (page 3.2-20) concluded that when CO, NO<sub>x</sub> and ROG emissions from operation of the UDSP are considered with the future emissions of the cumulative projects, a significant cumulative impact is identified. The FEIR included mitigation measures to reduce some of the project emissions; however, it was determined that impacts would not be reduced to below a level of significance.

**Discussion of the Proposed Project:** Development under the proposed project is within the scope and intensity identified in the UDSP FEIR. Air emissions associated with construction and project operation would have been considered in the air quality analysis in the UDSP FEIR. Therefore, the conclusions in the FEIR are still applicable to the proposed, and no new impacts beyond those identified in the FEIR are identified. Mitigation measures, as applicable would still apply to development under the proposed project and proposed construction activities would comply with current San Diego Air Pollution Control District (SDAPCD) requirements related to construction equipment emissions and control of fugitive dust generation.

**Finding:** No new impacts for this issue area and no changes in information that would require preparation of an EIR.

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- d) **Expose sensitive receptors to substantial pollutant concentrations?**

**FEIR Conclusion: Less than Significant.** The FEIR (page 3.2-15) concluded that onsite construction equipment would have a construction-related diesel exhaust health risk level probability of 0.022 percent (or 2.2 one hundredths of a percent risk per 70-year exposure duration assuming that implementation of toxics best available control technology (T-BACT) is used.

**Discussion of the Proposed Project:** Within the Block 3 area where development is proposed under the project, there is the QUAD student housing east of the site and single family residential to the west of the site. Development under the proposed project is within the scope and intensity contemplated in the UDSP FEIR. Air emissions associated with construction and project operation would have been considered in the air quality analysis in the UDSP FEIR, including any impacts related to exposure of sensitive receptors to substantial pollutant concentrations. the conclusions in the FEIR are still applicable to the proposed, and no new impacts beyond those identified in the FEIR are identified. Mitigation measures, as applicable would still apply to development under the proposed project and proposed construction activities would comply with current SDAPCD requirements related to construction equipment emissions and control of fugitive dust generation.

**Finding:** No new impacts for this issue area and no changes in information that would require preparation of an EIR.

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e) **Create objectionable odors affecting a substantial number of people?**

**FEIR Conclusion: Less than Significant.** The FEIR (page 3.2-15) concluded that onsite construction equipment would have a construction-related diesel exhaust health risk level probability of 0.022 percent (or 2.2 one hundredths of a percent risk per 70-year exposure duration assuming that implementation of toxics best available control technology (T-BACT) is used. This amount of concentration would not have a substantial impact to sensitive receptors and would be considered less than significant.

**Discussion of the Proposed Project:** Development under the proposed project would be of a type and intensity that was already considered in the UDSP FEIR. Construction equipment used would be similar in type considered in the UDSP FEIR. Any construction equipment would adhere to current SDAPCD requirements. The proposed Administrative Amendment does not result in any changes in use that would increase the generation of objectionable odors. Therefore, the conclusions of the FEIR are still applicable to the proposed project and no new impacts for this issue area would occur.

**Finding:** No significant impacts for this issue area and no changes in information that would require preparation of an EIR.

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4. **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 Wildlife or U.S. Fish and Wildlife Service?**

**FEIR Conclusion:** Mitigated to Below a Level of Significance. The FEIR (page 3.3-18) concluded several sensitive avian and reptilian species have been identified within the UDSP project area including Cooper's hawk, rufous-crowned sparrow, and orange throated whiptail. These species typically nest and forage in the upland habitats (i.e., coastal sage scrub and emergent wetland) found onsite. Upland habitat occurs within the overall UDSP project area; therefore, potential direct impacts to these species could occur during construction activities. Activities such as clearing, grubbing and grading would impact habitat where these species could live and/or forage. Mitigation identified in the FEIR would still be applicable for future development under the UDSP and when implemented, would reduce the potential direct impact to these species to below a level of significance. The mitigation includes a mix of habitat mitigation and pre-construction surveys.

Additionally, the FEIR noted that four least Bell's vireo have been identified outside of the UDSP area within the San Marcos Creek corridor, but within 500 feet of the UDSP area. Mitigation identified in the FEIR would still be applicable to future development within the UDSP and would reduce the impact to below a level of significance.

Two sensitive plant species, southwestern spiny rush and smooth tarplant, were identified within the UDSP area in the FEIR (page 3.3-18). The spiny rush would be preserved within biological open space. The small population (166 individuals) of smooth tarplant was found in disturbed non-native grasslands vegetation in the eastern portion of the UDSP site. Although the

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smooth tarplant is a California Native Plant Society (CNPS), List 1B.1 species, it is not covered by the Multiple Habitat Conservation Plan (MHCP). The City does not recognize CNPS status as a determination of sensitivity. Therefore, the FEIR did not identify any impacts related to these two plant species.

**Discussion of the Proposed Project:** Development under the proposed project would still occur within the footprint analyzed in the FEIR. The proposed Administrative Amendment would not result in any increase in the potential for impacts to 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 Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS). Mitigation measures identified in the FEIR (MM BIO 1A through 1E and BIO-1 through 20) would be required to be implemented, as applicable, for all future development. Additionally, the Block 3 area proposed for development of the EL building, parking structure and pedestrian facilities is disturbed and has been the site of construction staging and parking associated with the adjacent QUAD student housing construction. The EL building site does not support any sensitive habitat that would support sensitive species. The previous FEIR conclusions are still appropriate for the proposed project and no new impacts would occur.

**Finding:** No new impacts for this issue area and no changes in information that would require preparation of an EIR.

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- b) **Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?**

**FEIR Conclusion:** Mitigated to Below a Level of Significance. The FEIR (page 3.3-26) stated that the UDSP project proposes preservation of habitat, revegetation efforts, and compliance with appropriate permit conditions as determined by the CEQA process, CDFW, United States Army Corp of Engineers (USACE), Regional Water Quality Board (RWQCB), and (USFWS). Additionally, the project would mitigate impacts in a manner that are consistent with the goals of the Multiple Habitat Conservation Program (MHCP).

**Discussion of the Proposed Project:** Development under the proposed project would still occur within the footprint analyzed in the FEIR. The proposed Administrative Amendment would not result in any increase in the potential for impacts to riparian habitat or sensitive natural communities. Mitigation measures identified in the FEIR (MM BIO 1A through 1E and BIO-1 through 20) and would be required to be implemented, as applicable, for all future development within the UDSP planning area. Additionally, the area proposed for development of the EL building, parking structure and pedestrian facilities is disturbed and has been the site of construction staging and parking associated with the adjacent QUAD student housing construction. Block 3 does not support any sensitive habitat. The previous FEIR conclusions are still appropriate for the proposed project and no new impacts would occur.

**Finding:** No new impacts for this issue area and no changes in information that would require preparation of an EIR.

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- 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?

**FEIR Conclusion:** Mitigated to Below a Level of Significance. The FEIR (page 3.3-35) identified impacts to jurisdictional wetlands and waters, including permanent impacts to 3.06 acres and temporary impact to 2.06 acres of USACE Jurisdictional wetlands. Mitigation at a 3:1 and 2:1 ratio was identified in the FEIR for these losses and represents a total of 14.92 acres of mitigation. The FEIR also concluded that permanent impacts to 0.03 acre and temporary impacts to 0.32 acre of Jurisdictional Waters of the U.S. will be mitigated at a 1.5:1 and 1:1 ratio, respectively, for a total of 0.371 acres. Permanent impacts to 4.07 acres and temporary impacts to 2.06 acres of State Jurisdictional Wetlands will be mitigated at a 3:1 and 2:1 ratio, respectively, for a total of 16.33 acres. Additionally, before impacting those areas, the project would require a USACE Section 404 permit and RWQCB Section 401 Water Quality Certification for impacts to USACE jurisdictional wetlands and waters. Additionally, for impacts to CDFW jurisdictional areas, a Section 1600 Series Streambed Alteration Agreement would be required. Impacts were mitigated to below a level of significance.

**Discussion of the Proposed Project:** Development under the proposed project would still occur within the footprint analyzed in the FEIR. The proposed Administrative Amendment would not result in any increase in the potential for impacts to federally protected wetlands. Mitigation measures identified in the FEIR (MM BIO 1A through 1E and BIO-1 through 20) would be required to be implemented, as applicable, for all future development. Additionally, the area proposed for development in Block 3 is disturbed and has been the site of construction staging and parking associated with the adjacent QUAD student housing construction. Block 3 does not support any federally protected wetland areas. The previous FEIR conclusions are still appropriate for the proposed project and no new impacts would occur.

**Finding:** No new impacts for this issue area and no changes in information that would require preparation of an EIR.

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- 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?

**FEIR Conclusion:** Mitigated to Below a Level of Significance. The FEIR (page 3.3-20) concluded that the UDSP project site supports a local corridor within the northwestern portion of the project boundary. This corridor consists primarily of San Marcos Creek and associated riparian habitat. The UDSP was designed to minimize impacts to the San Marcos Creek channel; however, installation of the Grand Avenue bridge and development slopes associated with the project could result in temporary and permanent impacts to the creek which serves as a wildlife corridor. Noise, equipment and human intrusion associated with the construction of the bridge could temporarily disrupt the movements of wildlife that uses the corridor; however, impacts were determined to be less than significant. Biological resources mitigation measures were included in the FEIR and were determined to reduce impacts to below a level of significance.

**Discussion of the Proposed Project:** Development under the proposed project would still occur within the footprint analyzed in the FEIR. The proposed Administrative Amendment would not

result in any increase in the potential for impacts related to wildlife corridors or nursery sites. Mitigation identified in the FEIR would still be implemented, as applicable, with future development within the UDSP area. The conclusions for this issue area in the FEIR are still applicable to the proposed project.

**Finding:** No new impacts for this issue area and no changes in information that would require preparation of an EIR.

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**e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?**

**FEIR Conclusion:** No Impacts. The FEIR (page 3.3-25) identified that the City does not currently have any tree preservation policies and no impact was identified for this issue area.

**Discussion of the Proposed Project:** Development under the proposed project would still occur within the footprint analyzed in the FEIR. The proposed Administrative Amendment would not result in any increase in the potential for impacts related to inconsistencies with local policies or ordinances protecting biological resources. The conclusions for the FEIR remain applicable to the proposed project and no additional analysis is required.

**Finding:** No new impacts for this issue area and no changes in information that would require preparation of an EIR.

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**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?**

**FEIR Conclusion: Less than Significant.** The FEIR (page 3.3-25) identified that the UDSP project area is located within the City's Subarea Plan (not yet adopted) and is part of the adopted MHCP. The FEIR concluded that mitigation proposed for impacts to sensitive habitat and sensitive species is consistent with the recommendation of the MHCP. The FEIR did not identify any impacts for this issue area.

**Discussion of the Proposed Project:** Development under the proposed project would still occur within the footprint analyzed in the FEIR. The proposed Administrative Amendment would not result in any increase in the potential for impacts related to biological resources or conflict with an adopted habitat conservation plan or natural community conservation plan. Mitigation identified for impacts to biological resources would remain the same and still be required to be implemented, as applicable. Therefore, the conclusions for the FEIR remain applicable to the proposed project and no additional analysis is required.

**Finding:** No new impacts for this issue area and no changes in information that would require preparation of an EIR.

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**5. CULTURAL RESOURCES – Would the project:**

**a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?**

**FEIR Conclusion:** Less Than Significant Impact. The FEIR concluded that there were two historical resources located within the project area (page 3.4-4): 1) ASM 12760 A&B consists of concrete foundation pads for a post-1945 chicken coop, as well as a concrete drain; and 2) ASM 127760 C consists of concrete foundation pads for a post-1945 chicken coop. The FEIR (page 3.4-9) concluded that these structures were not eligible for listing on the California Register of Historical Resources and concluded that impacts to historical resources would be less than significant.

**Discussion of the Proposed Project:** Development under the proposed project would still occur within the footprint analyzed in the FEIR. The proposed Administrative Amendment would not result in any increase in the potential for impacts related to historical resources. There are no existing structures within the Block 3 area of the UDSP, where construction is proposed. Therefore, the previous conclusions regarding impacts to historical resources in the FEIR are still applicable.

**Finding:** No new significant impacts for this issue area and no changes in information that would require preparation of an EIR.

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b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

**FEIR Conclusion:** Mitigated to Below a Level of Significance. The FEIR (page 3.4-9) identified the following previously-identified archaeological resources within the UDSP project area: 1) SDI-17896, a single bedrock outcrop with three grinding slicks; 2) SDI-17897, a single bedrock grinding slick; and 3) SDI-17898, consisting of a concrete pad with floor tiles, remains of a chimney-like structure, and historic/modern debris. Native American consultation noted that subsurface cultural deposits may exist on the project site and the potential for a significant impact. Mitigation measures were identified in the FEIR to reduce the impact to below a level of significance (MM CR-1 through CR-5).

**Discussion of the Proposed Project:** Development under the proposed project would still occur within the footprint analyzed in the FEIR. The proposed Administrative Amendment would not result in any increase in the potential for impacts related to archaeological resources. Therefore, the previous conclusions regarding impacts to archaeological resources in FEIR are still applicable to the proposed project and mitigation measures would still be implemented. No new impacts are identified for this issue area.

**Finding:** No new significant impacts for this issue area and no changes in information that would require preparation of an EIR.

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c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

**FEIR Conclusion:** Less than Significant Impact. The FEIR (page 3.4-9) identified that new ground-disturbing activity has the potential to unearth previously unidentified paleontological resources, particularly in areas underlain by sedimentary formations. However, due to the young age of the Quaternary alluvial deposits on the project site, the potential for paleontological resources was determined to be low. Impacts were determined to be less than

significant.

**Discussion of the Proposed Project:** Development under the proposed project would still occur within the footprint analyzed in the FEIR. The proposed Administrative Amendment would not result in any increase in the potential for impacts related to paleontological resources. Therefore, the previous conclusions regarding impacts to paleontological resources in the FEIR are still applicable to the proposed project and mitigation measures would still be implemented. No new impacts are identified for this issue area.

**Finding:** No new significant impacts for this issue area and no changes in information that would require preparation of an EIR.

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

**FEIR Conclusion:** Less than Significant Impact. The FEIR (page 3.4-9) did not identify any human remains or find any indications that they would be expected to be found on the UDSP site.

**Discussion of the Proposed Project:** Development under the proposed project would still occur within the footprint analyzed in the FEIR. The proposed Administrative Amendment would not result in any increase in the potential for impacts related to human remain interred outside of formal cemeteries. Therefore, the previous conclusion regarding the potential to impact human remains is still applicable to the proposed project. Further, the should human remains be encountered, they would be handled in accordance with the requirements of California Health and Safety Code Section 7050.5. No new impacts are identified for this issue area.

**Finding:** No new significant impacts for this issue area and no changes in information that would require preparation of an EIR.

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**6. 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.)**

**FEIR Conclusion:** Less than Significant Impact. The FEIR (page 3.5-6) did not identify any known active faults within or adjacent to the UDSP site. The UDSP site is not located within a mapped Alquist-Priolo Earthquake Fault Zone as shown on United States Geological Survey (USGS) or California Geological Survey (CGS) maps.

**Discussion of the Proposed Project:** Development under the proposed project would still occur within the footprint analyzed in the FEIR. The proposed Administrative Amendment would not result in any increase in the potential for impacts related risk of loss, injury or death due to earthquake fault rupture. The site does not appear on the most recent Alquist-Priolo Earthquake Fault Zoning Maps, therefore, the conclusions of the FEIR are still applicable to the proposed project and impacts would be less than significant. No new

impacts are identified for the for this issue area.

**Finding:** No new impacts for this issue area and no changes in information that would require preparation of an EIR.

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**ii) Strong seismic ground shaking?**

**FEIR Conclusion:** Less than Significant Impact. The FEIR (page 3.5-6) stated that future development would be held to the requirements of the Uniform Building Code (UBC) for Zone 4 for resistance to seismic shaking.

**Discussion of the Proposed Project:** Development under the proposed project would still occur within the footprint analyzed in the FEIR. The proposed Administrative Amendment would not result in any increase in the potential for impacts related to strong seismic groundshaking. The EL building, parking structure and pedestrian facilities would be designed to be consistent with the most current building codes related to seismic shaking. Therefore, the conclusions of the FEIR are still applicable to the proposed project and impacts would be less than significant.

**Finding:** No new impacts for this issue area and no changes in information that would require preparation of an EIR.

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**iii) Seismic-related ground failure, including liquefaction?**

**FEIR Conclusion:** Less than Significant Impact. The FEIR (page 3.5-9) concluded the project area is not susceptible to liquefaction due to such factors as density and grain size distribution of the relatively thin and dense colluvial soils, Santiago Formation and granitic rock underlying the site. Based on the soil type on the project site and lightly occurring groundwater, impacts from liquefaction would be less than significant.

**Discussion of the Proposed Project:** Development under the proposed project would still occur within the footprint analyzed in the FEIR. The proposed Administrative Amendment would not result in any increase in the potential for impacts related to seismic-related ground failure including liquefaction. Therefore, the conclusions in the FEIR are still applicable to the proposed project and a less than significant impact is identified.

**Finding:** No new impacts for this issue area and no changes in information that would require preparation of an EIR.

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**iv) Landslides?**

**FEIR Conclusion:** Less than Significant Impact. As described in the FEIR (page 2-13), the UDSP area ranges from 550 to 710 feet above mean sea level (AMSL) elevation. The UDSP area is underlain with Cretaceous-aged granitic rock and sandy and silt loam soils. These identified soils and elevations would not be subject to landslides; therefore, impacts due to landslides were determined to be less than significant.

**Discussion of the Proposed Project:** Development under the proposed project would still occur within the footprint analyzed in the FEIR. The proposed Administrative Amendment

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would not result in any increase in the potential for impacts related to landslides. Therefore, the conclusions regarding landslides in the FEIR are still applicable to the proposed project and a less than significant impact is identified.

**Finding:** No new impacts for this issue area and no changes in information that would require preparation of an EIR.

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**b) Result in substantial soil erosion or the loss of topsoil?**

**FEIR Conclusion:** Less than Significant Impact. The FEIR (page 3.5-9) identified soil materials on the UDSP project site to range from slight to high potential for erosion. Since the slopes would be constructed using fill material generated from the cut portions of the site, many of the constructed fill slopes would be prone to superficial erosion, especially during periods of rain. The FEIR noted that implementation of a project-specific Erosion Control Plan and a Storm Water Pollution Prevention Plan (SWPPP) in accordance with the California State Water Resources Control Board Order No. 92-08-DWQ, NPDES General Permit No. CAS000002 will reduce any impacts due to soil erosion. The SWPPP would comply with Best Available Technology (BAT) and Best Conventional Pollutant Control Technology to reduce or eliminate storm water pollution from areas of construction activity.

**Discussion of the Proposed Project:** Development under the proposed project would still occur within the footprint analyzed in the FEIR. The proposed Administrative Amendment would not result in any increase in the potential for substantial increase in soil erosion or loss of topsoil. Therefore, the conclusions regarding soil erosion and loss of topsoil in the FEIR are still applicable to the proposed project and a less than significant impact is identified. Additionally, the project would incorporate Best Management Practices (BMPs) from the February 2016 Model BMP Design Manual – San Diego Region to comply with Order R9-2013-0001, as amended.

**Finding:** No new impacts for this issue area and no changes in information that would require preparation of an EIR.

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**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?**

**FEIR Conclusion:** Mitigated to Below a Level of Significance. The FEIR (page 3.5-7) identified the UDSP area as being underlain with Santiago Formation and granitic rock, which are typically not susceptible to liquefaction. The soils derived from the underlain material and bedrock includes: very fine to coarse sandy loams and rocky silt loams. Based on the underlying bedrock and the soil composition of the project site, the FEIR determined that impacts due to landslides would be considered less than significant. The FEIR (page 3.5-10) also identified compressible soils located in a portion of the project area located along Barham Drive. Mitigation measures were identified in the FEIR and would still be applicable to the proposed project.

**Discussion of the Proposed Project:** Development under the proposed project would still occur within the footprint analyzed in the FEIR. The proposed Administrative Amendment would not result in any increase in the potential for impacts related on- or off-site landslides, lateral spreading, subsidence, liquefaction or collapse. Therefore, the conclusions regarding landslides

in the FEIR are still applicable to the proposed project and a less than significant impact is identified. Mitigation measures were identified in the FEIR and would still be applicable to future development within the UDSP planning area, as applicable.

**Finding:** No new impacts for this issue area and no changes in information that would require preparation of an EIR.

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- 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?**

**FEIR Conclusion:** Less than Significant Impact. The FEIR (page 3.5-9) identified the UDSP area to consist predominantly of very fine to course, well-drained sandy loams, which have a low potential for expansion. Impacts were determined to be less than significant.

**Discussion of the Proposed Project:** Development under the proposed project would still occur within the footprint analyzed in the FEIR. The proposed Administrative Amendment would not result in any increase in the potential for impacts related to expansive soils. Therefore, the conclusions regarding in risk to life or property due to expansive soils in the FEIR are still applicable to the proposed project and a less than significant impact is identified.

**Finding:** No new impacts for this issue area and no changes in information that would require preparation of an EIR.

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- e) **Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?**

**FEIR Conclusion: No Impact.** The FEIR (page 3.5-9) identified that the UDSP project would not be serviced by either septic tanks or alternative wastewater disposal system.

**Discussion of the Proposed Project:** The use of septic tanks or alternative wastewater disposal systems is not proposed under the proposed project. Water and wastewater services would be provided by Vallecitos Water District (VWD). Therefore, the conclusions in the FEIR are still applicable to the proposed project and no new impacts are identified.

**Finding:** No new impacts for this issue area and no changes in information that would require preparation of an EIR.

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## **7. GREENHOUSE GAS EMISSIONS – Would the project:**

- a) **Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?**

**FEIR Conclusion: Significant** and Unmitigated. The FEIR (page 3.2-20) analyzed both construction and operational GHG emissions. Impacts were determined to be less than significant as the UDSP project would reduce GHG emissions by approximately 43 percent below “business as usual”. The FEIR (page 3.2-30) concluded that project-level GHG impacts were less than significant.

With regard to cumulative GHG emissions, even with implementation of sustainable policies and

reduction measures identified as part of the project, cumulative greenhouse gas emissions were determined to be significant and unmitigable due to the legal, regulatory, and factual uncertainty regarding the proper greenhouse gas significance threshold, the method for creating thresholds, and the effectiveness of mitigation measures in actually reducing greenhouse gas emissions (page 7-2). These uncertainties made it speculative to conclude that cumulative impacts are adequately reduced to below a level of significance.

**Discussion of the Proposed Project:** Construction and operation of the EL Building would result in GHG emissions, including emissions from construction equipment, vehicular trips, water use, solid waste generation, and energy use. The EL building would be mixed-use in nature and have synergy with the adjacent CSUSM campus and other development within the UDSP planning area (e.g., QUAD student housing).

Since certification of the FEIR, the City of San Marcos adopted a Climate Action Plan (CAP). A project applicant can demonstrate compliance with the CAP by filling out the CAP Consistency Worksheet (Appendix E1). Consistency with the CAP would allow the City to determine that GHG impacts would be less than significant. The completed CAP Consistency Worksheet is included as **Appendix B** of this document. The project applicant has agreed to meet all mandatory and voluntary requirements in the checklist. Therefore, impacts would be less than significant and the project would not result in any new impacts not previously identified in the FEIR.

**Finding:** No new impacts for this issue area and no changes in information that would require preparation of an EIR.

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**b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?**

**FEIR Conclusion: Significant** and Unmitigated. With regard to cumulative GHG emissions, even with implementation of sustainable policies and reduction measures identified as part of the project, cumulative greenhouse gas emissions were determined to be significant and unmitigable due to the legal, regulatory, and factual uncertainty regarding the proper greenhouse gas significance threshold, the method for creating thresholds, and the effectiveness of mitigation measures in actually reducing greenhouse gas emissions (page 7-2). These uncertainties made it speculative to conclude that cumulative impacts are adequately reduced to below a level of significance.

**Discussion of the Proposed Project:** Construction and operation of the EL Building would result in GHG emissions, including emissions from construction equipment, vehicular trips, water use, solid waste generation, and energy use.

Since certification of the FEIR, the City of San Marcos adopted a Climate Action Plan (CAP). A project applicant can demonstrate compliance with the CAP by filling out the CAP Consistency Worksheet (Appendix E1). Consistency with the CAP would allow the City to determine that GHG impacts would be less than significant. The completed CAP Consistency Worksheet is included as **Appendix B** of this document. The project applicant has agreed to meet all mandatory and voluntary requirements in the checklist. Therefore, impacts would be less than significant and the project would not result in any new impacts not previously identified in the FEIR.

**Finding:** No new impacts for this issue area and no changes in information that would require preparation of an EIR.

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8. 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?

**FEIR Conclusion:** Mitigated to Below a Level of Significance. As identified in the FEIR (page 3.6-6), there is potential for accidental upset of fuels, lubricants or various other liquids needed for the operation of construction equipment. Mitigation was included in the FEIR to reduce the potential for impacts to below a level of significance. This mitigation measure requires a 100-foot buffer between fueling area and sensitive habitat.

**Discussion of the Proposed Project:** Fueling of construction equipment would still be required during construction under the proposed project. Mitigation identified in the FEIR would still be applicable and would ensure that impacts remain mitigated to below a level of significance. Therefore, no new impacts are identified for this issue area.

**Finding:** No new impacts for this issue area and no changes in information that would require preparation of an EIR.

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- b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

**FEIR Conclusion:** Less than Significant Impact. As identified in the FEIR (page 3.6-8), potential impacts related to hazardous materials were identified due the presence of lead-based paint, contamination to pesticides, solid waste disposal, and asbestos-containing materials. Mitigation was included in the FEIR to reduce these impacts to below a level of significance. These measures require testing for lead-based paint and asbestos prior to demolition (HAZ-1 and HAZ-2). It also requires the clean-up of debris on the project site (HAZ-3) and testing of soils in areas where previous agricultural activities occurred.

**Discussion of the Proposed Project:** Development under the proposed project would not require any demolition of structures, as the Block 3 area of UDSP where construction is proposed is vacant. The proposed Administrative Amendment would not result in any changes related to hazards risk. Thus, impacts related to this threshold were adequately addressed in the FEIR and no additional impacts are identified.

**Finding:** No new significant impacts for this issue area and no changes in information that would require preparation of an EIR.

- 
- c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

**FEIR Conclusion:** Less than Significant Impact. As identified in the FEIR (page 3.6-5), there are no known public or private schools located within one-quarter mile of the proposed project that would subject sensitive receptors to any hazardous materials due to the proposed project. Impacts related to this topic were determined to be less than significant during the Initial Study

process for the FEIR.

**Discussion of the Proposed Project:** The uses proposed in the Specific Plan area would not be characterized as uses that would emit hazardous emissions or handle hazardous or acutely hazardous materials, substance, or waste. The proposed uses are of a type and intensity that were considered in the FEIR. Therefore, the conclusions of the FEIR are still applicable to the proposed project and no new impacts for this issue area would occur.

**Finding:** No new significant impacts for this issue area and no changes in information that would require preparation of an EIR.

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- 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?**

**FEIR Conclusion:** Less Than Significant Impact. The FEIR (page 3.6-2) included a hazards database records search. The database search did not identify any areas of concern within the UDSP area and impacts were determined to be less than significant.

**Discussion of the Proposed Project:** At the time of the FEIR records search, the Unocal Station on 102 East Carmel Street was the nearest leaking underground storage tank (LUST) located east of Twin Oaks Valley Road. The LUST case has completed corrective action and the case was closed as of March 30, 2011. A recent review of the Department of Toxic Substance Control Database (EnviroStor) on August 4, 2017 did not identify any new areas of concern within the UDSP planning area since adoption of the FEIR<sup>1</sup>. Therefore, no new impacts are identified for this issue area.

**Finding:** No new impacts for this issue area and no changes in information that would require preparation of an EIR.

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- 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?**

**FEIR Conclusion:** Less than Significant Impact. The FEIR (page 3.6-5) noted that the nearest airport is McClellan-Palomar airport, located approximately five miles west of the UDSP area. The influence area is regulated by the Airport Land Use Commission, which regulates land uses in the area to be compatible with airport-related noise, safety, airspace protection, and over-flight factors. The project area is located within Review Area 2, which consists of limits on heights of structures in areas of high terrain. Impacts were determined to be less than significant as part of the Initial Study process for the FEIR.

**Discussion of the Proposed Project:** Development under the proposed project would still occur within the footprint analyzed in the FEIR. The proposed Administrative Amendment would not allow for a greater area of Block 3 within the UDSP to be constructed up to six stories in height/90-foot max and a higher height may be permitted with Planning Director/Planning

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<sup>1</sup> <http://www.envirostor.dtsc.ca.gov/public/>

Manager approval. Additionally, the proposed EL building site is situated lower than adjacent topography, including the hills southeast of CSUSM. The project would not result in a safety hazards from airport traffic for people residing or working in the project area. The previous conclusion of less than significant impact for this issue area is still applicable to the proposed project and no new impacts are identified for this issue area.

**Finding:** No new impacts for this issue area and no changes in information that would require preparation of an EIR.

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- 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?

**FEIR Conclusion: No Impact.** As discussed in the previous significance criteria VIIIe, the FEIR identified the McClellan-Palomar airport as closest to the UDSP area with no identified private airstrips located within the vicinity of the proposed project area.

**Discussion of the Proposed Project:** There are no new private air strips in the vicinity of the UDSP planning area; therefore, no new impacts are identified.

**Finding:** No new impacts for this issue area and no changes in information that would require preparation of an EIR.

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- g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

**FEIR Conclusion: No Impact.** The UDSP Initial Study (page 21, see Appendix A.2 of the FEIR) concluded that the additional roadway access will improve circulation, allowing for improved emergency services access and would not physically interfere with any adopted emergency response plans or emergency evacuation plans. No impact was identified for this issue area in the FEIR.

**Discussion of the Proposed Project:** Development under the proposed project still provide the roadway connections via the improvement of both onsite and offsite roadways. The proposed Administrative Amendments include modification to the Street Standard Types for streets in the vicinity of Block 3. These modifications address street conditions, roundabout approaches, and additional access along the southern boundary of Block 3. None of these changes would impact emergency service access evacuation. The EL building plans will be subject to review from the Fire Marshal. Thus, the conclusions in the FEIR are still applicable to the proposed project and no new impacts are identified.

**Finding:** No new impacts for this issue area and no changes in information that would require preparation of an EIR.

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- 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?

**FEIR Conclusion:** Less than Significant Impact. The FEIR identified that approximately 50 percent of the UDSP area is undeveloped and supports vegetation and noted that the proposed UDSP

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development with maintained parks and urban open spaces would reduce the danger of wildfires. Per the FEIR, impacts were determined to be less than significant for the UDSP.

**Discussion of the Proposed Project:** Development under the proposed project would still occur within the footprint analyzed in the FEIR. The proposed Administrative Amendment would not result in any increase in the potential for impacts related to wildland fire hazard. The proposed EL building is in a developed portion of the City, adjacent to the QUAD student housing and CSUSM. Thus, the conclusions of the FEIR are still applicable to the project and no new impacts are identified for this issue area.

**Finding:** No new impact and no changes in information that would require preparation of an EIR.

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**9. HYDROLOGY AND WATER QUALITY – Would the project:**

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

**FEIR Conclusion:** Mitigated to Below a Level of Significance. The FEIR prepared for the UDSP identified significant impacts related to water quality; however, mitigation measures were identified (HW-1 and HW-2) to reduce the impacts to below a level of significance.

**Discussion of the Proposed Project:** Development under the proposed project could still have the potential to impact water quality; however, development under the proposed project would be required to comply with the February 2016 Model BMP Design Manual – San Diego Region to comply with Order R9-2013-0001, as amended. The proposed project does not result in any new impact beyond those identified in the FEIR.

**Finding:** No new impact and no changes in information that would require preparation of an EIR.

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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?**

**FEIR Conclusion:** Less than Significant Impact. The FEIR concluded (page 5-2) that the UDSP would not have an impact to ground water quality. Impacts were determined to be less than significant.

**Discussion of the Proposed Project:** Development under the proposed project would be of the same type and use as analyzed in the FEIR. Such uses include residential, commercial and office and would not impact groundwater quality or degrade beneficial uses. Therefore, the FEIR adequately addressed this issue area for the proposed project and no new impacts are identified.

**Finding:** No new significant impacts for this issue area and no changes in information that would require preparation of an EIR.

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**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**

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granted?

**FEIR Conclusion:** Less than Significant Impact. The FEIR (page 5-2) noted that some groundwater may be used for irrigation. The FEIR noted that implementation of the Specific Plan would likely increase the amount of impermeable surface area compared to the current condition, but percolation will still occur in areas where grass, permeable pavement and groundcover is proposed. The FEIR concluded that implementation of the UDSP would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge and impacts are anticipated to be less than significant.

**Discussion of the Proposed Project:** The project does not propose an increase in groundwater use. Potable water service would continue to come from Vallecitos Water District (VWD) and some groundwater may be used for irrigation within the larger UDSP planning area. Therefore, the FEIR conclusions remain accurate for the proposed project and no new impacts are identified.

**Finding:** No new impacts for this issue area and no changes in information that would require preparation of an EIR.

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- 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)?**

**FEIR Conclusion:** Less than Significant Impact. The FEIR (page 3.7-16) identified that the UDSP project, upon build-out, is anticipated to increase flow rates in San Marcos Creek by 385.5 cubic feet per second (cfs) to 1,848.3 cfs. The San Marcos Creek flow rate during a 100-year storm event is approximately 12,400 cfs. Based upon a longer 100-year runoff time of concentration of the San Marcos Creek drainage basin, peak flows for the creek will not occur concurrently with peak flows for the project drainage basin. Thus, a less than significant impact was identified in the FEIR.

**Discussion of the Proposed Project:** Development under the proposed project would require site grading and preparation of building pads which could alter the drainage pattern of the site which could contribute to erosion or siltation. Development under the proposed project would be required to comply with the February 2016 Model BMP Design Manual – San Diego Region to comply with Order R9-2013-0001, as amended. The proposed project would incorporate low impact development (LID) design features to addresses the quantity and rate of runoff from the project site. Adherence to these regulatory requirements and LID strategy would ensure that future development within the UDSP planning area, including Block 3 development, would not substantially alter the existing drainage patterns of the site or area. No new impacts are identified for this issue area.

**Finding:** No new impacts for this issue area and no changes in information that would require preparation of an EIR.

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- e) **Create a significant adverse environmental impact to drainage patterns due to changes in runoff flow rates or volumes?**

**FEIR Conclusion:** Less than Significant Impact. The FEIR (page 3.7-16) concluded existing

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drainage points would not be changed by the proposed UDSP project. The FEIR noted that the UDSP would increase flow rates in San Marcos Creek by 385.5 cubic feet per second (cfs) to 1,848.3 cfs. The San Marcos Creek flow rate during a 100-year storm event is approximately 12,400 cfs. Based upon a longer 100-year runoff time of concentration of the San Marcos Creek drainage basin, peak flows for the creek will not occur concurrently with peak flows for the project drainage basin. Thus, a less than significant impact was identified in the FEIR.

**Discussion of the Proposed Project:** Development under the proposed project would require site grading and preparation of building pads which could alter the drainage patterns and change runoff flow rates or volumes. Development under the proposed project would be required to comply with the February 2016 Model BMP Design Manual – San Diego Region to comply with Order R9-2013-0001, as amended. The proposed project would incorporate LID features to address the quantity and rate of runoff from the project site. Adherence to these regulatory requirements and LID strategy would ensure that future development within the UDSP planning area, including Block 3 development, would not substantially alter the existing drainage patterns due to change in runoff flow rates or volumes. No new impacts are identified for this issue area.

**Finding:** No new impacts for this issue area and no changes in information that would require preparation of an EIR.

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- 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?**

**FEIR Conclusion:** Less than Significant Impact. The FEIR (page 3.7-19) concluded that the UDSP project would maintain the same major discharge points as the existing conditions. Flow volume at identified discharge point two during a 100-year storm could not be accommodated by the existing 24-inch storm drain. An overland release would be constructed to route some of the flow volume to discharge point three to directly discharge to San Marcos Creek, which is determined to have adequate capacity.

**Discussion of the Proposed Project:** Development under the proposed project would require site grading and preparation of building pads which could alter the drainage patterns and change runoff flow rates or volumes. Development under the proposed project would be required to comply with the February 2016 Model BMP Design Manual – San Diego Region to comply with Order R9-2013-0001, as amended. The proposed project would incorporate LID features to address the quantity and rate of runoff from the project site. Adherence to these regulatory requirements and LID strategy would ensure that future development within the UDSP planning area, including Block 3 development, would not substantially alter the existing drainage patterns or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site. No new impacts are identified.

**Finding:** No new impacts for this issue area and no changes in information that would require preparation of an EIR.

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- 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?**

**FEIR Conclusion: Less than Significant.** According to the FEIR (page 3.7-19), the UDSP project would maintain the same major discharge points identified under the existing conditions. Thus, the increase in surface runoff would not result in flooding.

**Discussion of the Proposed Project:** Proposed development within the UDSP planning area will construction adequately-size stormwater runoff infrastructure. Therefore, the runoff from proposed development would not exceed the capacity of existing or planned stormwater drainage systems or provide any substantial additional sources of polluted runoff. No new impacts are identified. Further, development under the proposed project would be required to comply with the February 2016 Model BMP Design Manual – San Diego Region to comply with Order R9-2013-0001, as amended. The proposed project does not result in any new impact beyond those identified in the FEIR.

**Finding:** No new impacts for this issue area and no changes in information that would require preparation of an EIR.

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**h) Result in increased impervious surfaces and associated increased runoff?**

**FEIR Conclusion:** Less than Significant Impact. The FEIR (page 3.7-20) noted that implementation of the UDSP would increase the amount of impervious surfaces which could potentially result in increased surface runoff, alteration of the regional drainage pattern, and flooding. The UDSP would increase the 100-year discharge into San Marcos Creek by 385.5 cubic feet per second (cfs) over existing conditions. Hydromodification analysis demonstrated that the project development approach will match flow rates and durations deemed hydraulically significant for the creek and impacts for the UDSP were determined to be less than significant.

**Discussion of the Proposed Project:** Development under the proposed project would result in an increase in impervious surfaces compared to the existing condition, however, development of the type and intensity, and associated impervious surfaces, were considered in the UDSP FEIR. Development within Block 3 will incorporate LID features to capture runoff. The conclusions of the Final EIR are appropriate for the proposed Specific Plan Amendment and no new impacts are identified.

**Findings:** There are no changes or new information associated with this project that would require the preparation of an EIR.

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**i) Result in significant alteration of receiving water quality during or following construction?**

**FEIR Conclusion:** Less than Significant Impact. The FEIR (page 3.7-20) identified the preparation of project-specific SWPPPs per the National Pollutant Discharge Elimination System (NPDES) permit program and implementation of BMPs to prevent construction-related runoff from polluting receiving waters. Additionally, the Specific Plan has been designed to incorporate a variety of BMPs, IMPs, and LID features to limit the potential for water quality impacts to the greatest extent feasible for a less than significant impact. In addition, a Storm Water Management Plan will be implemented to reduce potential impacts to receiving water quality to ensure water quality standards and discharge requirements. In addition, the grading plan will comply with the City Municipal Code Grading Ordinance, Chapter 17.32, San Diego County Code of Regulatory Storm Water Ordinances Sections 67.801 through 67.811, and Statewide General Construction Stormwater Permit No. CAS000002. Should SWPPP requirements change, due to

changes in permit or City SUSMP requirements, the BMPs used during development and construction would reflect the latest requirements.

**Discussion of the Proposed Project:** Development under the proposed project could still have the potential to impact water quality following construction; however, development under the proposed project would be required to comply with the February 2016 Model BMP Design Manual – San Diego Region to comply with Order R9-2013-0001, as amended. The proposed project does not result in any new impact beyond those identified in the FEIR.

**Finding:** No new impact and no changes in information that would require preparation of an EIR.

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- 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).**

**FEIR Conclusion:** Mitigated to Below a Level of Significance. The FEIR prepared for the UDSP concluded that with implementation of BMPs, impacts related to an increase in pollutant discharges to receiving waters would be less than significant (page 3.7-15).

**Discussion of the Proposed Project:** Development under the proposed project could still have the potential to impact water quality; however, development under the proposed project would be required to comply with the February 2016 Model BMP Design Manual – San Diego Region to comply with Order R9-2013-0001, as amended. The proposed project does not result in any new impact beyond those identified in the FEIR.

**Finding:** No new impact and no changes in information that would require preparation of an EIR.

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- 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?**

**FEIR Conclusion:** Less than Significant Impact. The FEIR (page 3.7-15) identified that the San Marcos Creek is listed on the 2008 CWA Section 303(d) List for benthic community effects, benthic-marcoinvertibrate bioassessments, DDE, phosphorus, selenium, total dissolved solids, turbidity and sediment. In addition, Lake San Marcos is impaired for ammonia as nitrogen, foam/scum/oil slicks, nutrients, total dissolved solids, and phosphorus. To avoid potential construction-related impacts to sensitive areas, a site-specific SWPPP would be implemented during construction of the project. Implementation of the SWPPP and appropriate BMPs would reduce construction-related runoff from any riparian areas to prevent potential contamination.

**Discussion of the Proposed Project:** The proposed project would still incorporate BMPs and landscape features to desilt and/or filter runoff before outlet into San Marcos Creek and Lake San Marcos. Please see response 3.3.9(e) for specific information on the proposed LID strategy for the project site. There are no new impacts for this issue area. Therefore, the analysis in the FEIR is adequate for the proposed project and no new impacts are identified.

**Findings:** There are no new impacts for this issue area and no changes in information that would require preparation of an EIR.

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- 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?**

**FEIR Conclusion:** Less than Significant Impact. As noted in the FEIR (page 3.7-15), San Marcos Creek is located to the northwest of the project area. Under existing conditions surface runoff discharges into San Marcos Creek either by sheet flow or through minor drainage facilities. To avoid potential construction-related impacts to sensitive areas, a site-specific SWPPP would be implemented during the construction phase of the proposed project.

**Discussion of the Proposed Project:** Development under the proposed project would still have the potential to impact water quality; however, development under the proposed project would be required to comply with the February 2016 Model BMP Design Manual – San Diego Region to comply with Order R9-2013-0001, as amended. The proposed project does not result in any new impact beyond those identified in the FEIR. A site specific SWPPP will be implemented with the project in conformance with the latest construction general permit to minimize impacts during construction

**Findings:** There are no new impacts for this issue area and no changes in information that would require preparation of an EIR.

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- m) **Have a potentially significant environmental impact on surface water quality, to either marine, fresh or wetland waters?**

**FEIR Conclusion:** Less than Significant Impact. The FEIR (Page 3.7-16) concluded that that upon development and ultimate build-out of the project the site would continue to discharge into San Marcos Creek and Lake San Marcos. The implementation of the SWPPP and applicable BMPs to prevent contaminants from entering storm drains to minimize the amount of uncontrolled runoff to surface waters will prevent potential impact to marine, fresh or wetland waters. The Initial Study prepared for the UDSP project (Appendix A.2 of the FEIR) determined that all onsite drainage would convey runoff through an appropriately designed drainage system prior to outlet into any marine, fresh water or wetland waters, per the requirements of existing regulations and state and local water quality standards.

**Discussion of the Proposed Project:** Development under the proposed project could still have the potential to impact water quality including impacts to surface water quality; however, development under the proposed project would be required to comply with the February 2016 Model BMP Design Manual – San Diego Region to comply with Order R9-2013-0001, as amended. The proposed project does not result in any new impact beyond those identified in the FEIR.

**Finding:** No new impact and no changes in information that would require preparation of an EIR.

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- n) **Otherwise substantially degrade water quality?**

**FEIR Conclusion: Less than Significant.** The FEIR prepared for the UDSP did not identify any other issues related to water quality.

**Discussion of the Proposed Project:** As previously noted, the development under the proposed Specific Plan Amendment would be required to comply with the latest City of San Marcos

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SUSMP and the NPDES permit that is in place at the time of development. Additionally, the future development would incorporate LID strategies which provide a water quality benefit. The FEIR adequately analyzed this issue area, and no new impacts associated with the proposed Specific Plan Amendment are anticipated.

**Finding:** No new impact and no changes in information that would require preparation of an EIR.

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**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?**

**FEIR Conclusion: No Impact.** The Initial Study prepared for the UDSP project (Appendix A.2 of the FEIR) determined that the project is located adjacent to the San Marcos Creek and included in the boundaries of a 100-year flood hazard zone area. No construction of housing was proposed within a 100-year flood hazard area and no impact was identified for this issue area.

**Discussion of the Proposed Project:** Development proposed within Block 3 would be a six-story mixed-use building with office and retail. No residential structures are proposed. The Block 3 area of UDSP is not located within a 100-year flood hazards zone. Therefore, no impact is identified for this issue area and the conclusions of the FEIR are still applicable to the proposed project. No new impacts are identified.

**Findings:** There are no new impacts for this issue area and no changes in information that would require preparation of an EIR.

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**p) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?**

**FEIR Conclusion:** Mitigated to Below a Level of Significance. The FEIR (page 3.7-19) noted that the proposed extension of Grand Avenue and the SR 78 flyover across San Marcos Creek could require development within a 100-year flood hazard area. This was identified as a potentially significant impact. Mitigation measure HW-1 was included in the FEIR to reduce the impact to below a level of significance.

**Discussion of the Proposed Project:** The proposed Administrative Amendment will not result in any increase in impact related to flood hazards. The proposed development in Block 3 is located out of a 100-year flood hazards area. There are no new impacts.

**Findings:** There are no new impacts for this issue area and no changes in information that would require preparation of an EIR.

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**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?**

**FEIR Conclusion: No Impact.** The Initial Study prepared for the UDSP project (Appendix A.2 of the FEIR) determined that the project area is not located in an area susceptible to flooding due to failure of a levee or dam.

**Discussion of the Proposed Project:** The overall UDSP area is still in the same location as considered in the UDSP FEIR and there are no changes with regard to the project site being

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susceptible to flooding due to failure of a levee or dam. No new impacts are identified.

**Findings:** There are no new impacts for this issue area and no changes in information that would require preparation of an EIR.

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**r) Inundation by seiche, tsunami, or mudflow?**

**FEIR Conclusion: No Impact.** The Initial Study prepared for the UDSP (Appendix A.2 of the FEIR) concluded that the project area is located approximately seven miles from the Pacific Ocean and would have a low potential for flooding impacts due to a tsunami. South Lake is located approximately one mile south, over the hill and west of Twin Oaks Valley Road and would not be located within an inundation zone in the event of a dam breach at South Lake. In addition, the project is not located in an area that would be subject to a mudflow.

**Discussion of the Proposed Project:** The project site remains in an inland location, away from a coastal area or an enclosed water body. Therefore, the conclusions of the FEIR are still applicable to the proposed project and no new impact is identified.

**Findings:** There are no new impacts for this issue area and no changes in information that would require preparation of an EIR.

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**10. LAND USE AND PLANNING – Would the project:**

**a) Physically divide an established community?**

**FEIR Conclusion: No Impact.** The Initial Study (FEIR Appendix A.2) determined that the project would not divide an established community because the development either exists or is planned along the majority of the project boundaries. The UDSP project proposed internal circulation networks that will enhance vehicular, bicycle, and pedestrian movement to better connect to offsite areas.

**Discussion of the Proposed Project:** Development under the proposed project would still occur within the footprint analyzed in the FEIR. The proposed Administrative Amendment would not result in any increase in the potential for impacts related to division of an established community. The proposed pedestrian facility will provide a connection between the future EL building to the adjacent CSUSM campus, thus enhancing movement and connections within the project vicinity. Therefore, the conclusions in the FEIR are still applicable the proposed project and no impact is identified.

**Findings:** There are no new impacts for this issue area and no changes in information that would require preparation of an EIR.

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**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?**

**FEIR Conclusion:** Less than Significant Impact. The FEIR prepared for the UDSP did not identify

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any conflicts with applicable land use plan, policy or regulation of an agency with jurisdiction over the project adopted for the purposes of avoiding or mitigating an environmental effect (page 3.8-21).

**Discussion of the Proposed Project:** The proposed Administrative Amendment modifies the Building Height Regulating Plan and the Street Type components for some streets in the Block 3 vicinity. Such administrative amendments are permitted within the UDSP and would not result in and 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. The proposed EL building would be consistent with the UDSP upon approval of the Administrative Amendment. No new impacts are identified.

**Findings:** There are no new impacts for this issue area and no changes in information that would require preparation of an EIR.

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c) **Conflict with any applicable habitat conservation plan or natural community conservation plan?**

**FEIR Conclusion: Less than Significant.** The FEIR (page 3.3-25) identified that the UDSP project area is located within the City's Subarea Plan (not adopted) and is part of the adopted MHCP. The FEIR concluded that mitigation proposed for impacts to sensitive habitat and sensitive species is consistent with the recommendation of the MHCP. The FEIR did not identify any impacts for this issue area.

**Discussion of the Proposed Project:** Development under the proposed project would still occur within the footprint analyzed in the FEIR. The proposed Administrative Amendment would not result in any increase in the potential for impacts related to biological resources or conflict with an adopted habitat conservation plan or natural community conservation plan. Mitigation identified for impacts to biological resources would remain the same and still be required to be implemented, as applicable. Therefore, the conclusions for the FEIR remain applicable to the proposed project and no additional analysis is required.

**Finding:** No new impacts for this issue area and no changes in information that would require preparation of an EIR.

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**11. 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?**

**FEIR Conclusion: No Impact.** The FEIR (page 5-4) identified that according to the City's General Plan, the State's Mineral Land Classification Maps identifies the City as unsuitable as a source of sand and gravel resources.

**Discussion of the Proposed Project:** Development under the proposed would still occur within the footprint analyzed in the FEIR. The proposed Administrative Amendment would not result in the loss of mineral resources that would be of value to the region or residential of the State. Therefore, the FEIR conclusion of no impact to mineral resources would still be applicable to the

proposed project. Therefore, no new impacts are identified for this issue area.

**Finding:** No new impacts for this issue area and no changes in information that would require preparation of an EIR.

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**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?**

**FEIR Conclusion: No Impact.** The FEIR (page 5-4) identified that according to the City's General Plan, the State's Mineral Land Classification Maps identifies the City as unsuitable as a source of sand and gravel resources.

**Discussion of the Proposed Project:** Development under the proposed would still occur within the footprint analyzed in the FEIR. The proposed Administrative Amendment would not result in the loss of important mineral resources. Therefore, the FEIR conclusion of no impact to mineral resources would still be applicable to the proposed project. Therefore, no new impacts are identified for this issue area.

**Finding:** No new impacts for this issue area and no changes in information that would require preparation of an EIR.

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**12. NOISE – Would the project:**

**a) Result in 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?**

**FEIR Conclusion:** Mitigated to Below a Level of Significance. The FEIR prepared for the UDSP identified noise impacts related to the placement of residential and commercial uses in proximity to each other as part of a mixed-use project (page 3.9-12). Mitigation measures were identified (N-4 and N-5) to reduce the impacts to below a level of significance.

**Discussion of the Proposed Project:** The development under the proposed project would be similar to the uses analyzed in the FEIR, and the same potential for noise conflicts at the interface of commercial and residential uses exists. Noise mitigation identified in the FEIR would be applicable to the proposed project and would reduce impacts to below a level of significance. The proposed Administrative Amendment does not result in any changes within the UDSP that would result in an additional increase in exposure of persons to or generation of noise levels in excess of standards established by the City. No new impacts are identified.

**Finding:** No new impacts for this issue area and no changes in information that would require preparation of an EIR.

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**b) Result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?**

**FEIR Conclusion:** Less than Significant Impact. The FEIR (page 3.9-10) identified potential construction-related vibration impacts due to proposed blasting. Mitigation was identified (N-3)

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to reduce the impact. The mitigation measure required a distance separation between blasting activities and nearby sensitive receptors.

**Discussion of the Proposed Project:** Uses proposed under the project would be similar to those analyzed in the FEIR. Any construction-related vibration would be of a similar nature that identified in the FEIR. No new uses, which would be characterized as capable of causing excessive groundborne vibration or groundborne noise, would occur. The proposed EL building would be mixed-use with office and retail and would not contain uses that would expose person to or generation of excessive groundbourne vibration or groundbourne noise level. Therefore, the FEIR conclusions are still applicable to the proposed project and no new impacts are identified.

**Finding:** No new impacts for this issue area and no changes in information that would require preparation of an EIR.

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**c) Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?**

**FEIR Conclusion:** Mitigated to Below a Level of Significance. The FEIR prepared for the UDSP identified noise impacts to offsite sensitive receptors due to vehicular noise (page 3.9-10). The FEIR also identified impacts to residences on Westlake Drive, north of San Marcos Boulevard. Mitigation measures were identified (N-4 through N-6) to reduce the impacts to below a level of significance.

**Discussion of the Proposed Project:** The proposed Administrative Amendment modifies building height and street types in the Block 3 area of the UDSP. It does not result in any changes that would result in greater noise levels than previously identified in the UDSP FEIR. The proposed development within Block 3 would be of a type and intensity that was considered in the UDSP FEIR and 2014 Addendum. Traffic generation within the USDP would still fall within the overall amount identified in the UDSP FEIR. Therefore, there are no new impacts associated with noise.

**Finding:** No new impacts for this issue area and no changes in information that would require preparation of an EIR.

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**d) Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?**

**FEIR Conclusion:** Mitigated to Below a Level of Significance. The FEIR (pages 3.9-9 and 3.9-10) identified significant impacts related to construction noise and vibration. Mitigation requiring buffering of construction activity and distance separation of blasting activities from adjacent residential uses was identified for the project. The FEIR concluded that this mitigation would reduce the impacts to below a level of significance.

**Discussion of the Proposed Project:** Construction of the proposed EL building, parking structure and pedestrian facilities would result in temporary noise increases associate with project construction. This type of construction and noise generation is within the scope of what was considered in the UDSP FEIR. Noise mitigation identified in the UDSP related to buffering construction activities from adjacent residential development through distance separation of noise attenuation strategies would be applicable to the proposed project. No new impacts

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would occur.

**Finding:** No new impacts for this issue area and no changes in information that would require preparation of an EIR.

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- 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?

**FEIR Conclusion: Less than Significant.** The FEIR (page 3.9-13) identified that the closest public airport to the project area is McClellan-Palomar Airport, located approximately 5.5 miles west of the project site. According to the Airport Land Use Compatibility Plan (ALUCP) for the McClellan-Palomar Airport, the proposed project site is not located within the 60 dB CNEL noise contour of the airport; therefore, impacts related to airport noise are considered less than significant.

**Discussion of the Proposed Project:** The UDSP planning area is in the same location and remains at an adequate distance from any operating airports to avoid any type of noise impact from operating aircraft. Therefore, the conclusions in the FEIR are still applicable to the proposed project and no new impacts are identified.

**Finding:** No new impacts for this issue area and no changes in information that would require preparation of an EIR.

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- 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?

**FEIR Conclusion: No Impact.** The Initial Study prepared as part of the scoping for the FEIR concluded that the project was not in the vicinity of a private airstrip. Therefore, no impact was identified and this issue was not discussed further in the FEIR.

**Discussion of the Proposed Project:** The UDSP planning area is in the same location and remains at an adequate distance from any operating airports to avoid any type of noise impact from operating aircraft. Therefore, the conclusions in the FEIR are still applicable to the proposed project and no new impacts are identified.

**Finding:** No new impacts for this issue area and no changes in information that would require preparation of an EIR.

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### 13. POPULATION AND HOUSING – Would the project:

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

**FEIR Conclusion:** Less than Significant Impact. The FEIR (page 3.10-5) concluded that the UDSP would increase population by the addition of 2,600 mixed-use residential units and would create additional infrastructure; however, impacts were determined to be less than significant.

**Discussion of the Proposed Project:** Development under the proposed project is consistent with the type of use and intensity contemplated in the UDSP. The proposed EL building would not

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result in population growth not already considered in the UDSP FEIR. Therefore, no new impacts are identified.

**Finding:** No new impacts for this issue area and no changes in information that would require preparation of an EIR.

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

**FEIR Conclusion: Less than Significant.** The FEIR (page 3.10-5) noted that the existing residents could stay in their current locations until parcels are acquired by the developer. Until that time, none of the residences with the UDSP area would be required to be vacated. Full build-out of the UDSP would require approximately 75 existing residences would be removed. Impacts were determined to be less than significant. The FEIR concluded this was a less than significant impact since 2,600 residential units would be construction on the site.

**Discussion of the Proposed Project:** Development under the proposed project would not result in any additional loss of residence not already considered in the UDSP FEIR. There are no existing residences on the site of the proposed EL building and parking structure. The proposed Administrative Amendment does not result in any additional loss of existing residences. Therefore, the conclusion of less than significant is still applicable to the proposed project and no new impacts are identified.

**Finding:** No new impacts for this issue area and no changes in information that would require preparation of an EIR.

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

**FEIR Conclusion: Less than Significant.** The FEIR (page 3.10-5) noted that the existing residents could stay in their current locations until parcels are acquired by the developer. Until that time, none of the residences with the UDSP area would be required to be vacated. Full build-out of the UDSP would require approximately 75 existing residences would be removed. Impacts were determined to be less than significant. The FEIR concluded this was a less than significant impact since 2,600 residential units would be construction on the site.

**Discussion of the Proposed Project:** Development under the proposed project would not result in any additional loss of residence not already considered in the UDSP FEIR. There are no existing residences on the site of the proposed EL building and parking structure. The proposed Administrative Amendment does not result in any additional displacement of people. Therefore, the conclusion of less than significant is still applicable to the proposed project and no new impacts are identified.

**Finding:** No new impacts for this issue area and no changes in information that would require preparation of an EIR.

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**14. PUBLIC SERVICES – Would the project:**

- a) 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 objectives for any of the public services:

i) Fire protection?

**FEIR Conclusion: Less than Significant.** The FEIR (page 3.11-8) concluded that the UDSP project would affect the City Fire Department due to the addition of residents and businesses. The FEIR concluded that the City Fire Department would be capable of handling an increase in services. The proposed project is expected to result in minimal response needs from the fire department. Any incremental effects would be offset by the City requirement for payment of fees in CFD 98-01 for fire protection to make the impact less than significant.

**Discussion of the Proposed Project:** The proposed Administrative Amendment addresses building height and street types related to Block 3 within the UDSP planning area. The amendment would not result in any changes related to fire protection services. Development proposed under the project within Block 3 would result in an incremental demand in fire protection services, but is within the demand increase considered in the FEIR. As noted in the FEIR, future development would pay fees into a CFD to offset the increase in demand. The project would annex into CFD 2001-01 to offset the increase in demand. This improvement would improve LOS from E to D at the intersection (see Table 6.1A of the USA traffic report). The proposed project does not result in any new impacts related to fire protection services and the conclusions of the FEIR are still applicable.

**Finding:** No new impacts for this issue area are identified and there are no changes in information that would require preparation of an EIR.

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ii) Police protection?

**FEIR Conclusion: Less than Significant.** The FEIR (page 3.11-9), identified that the UDSP project would result in an increase in demand to police protective services from the San Diego County Sheriff's Department due to the increase in area residents and businesses. The proposed project is expected to result in minimal response needs from the Sheriff's department. Any incremental effects of the proposed project's demand on police protection were determined to be offset by the City requirement for the payment of fees to CFD 98-01 for police protection to make the impact less than significant.

**Discussion of the Proposed Project:** The proposed Administrative Amendment addresses building height and street types related to Block 3 within the UDSP planning area. The amendment would not result in any changes related to police protection services. Development proposed under the project within Block 3 would result in an incremental demand in police protection services, but is within the demand increase considered in the FEIR. As noted in the FEIR, future development would pay fees into CFD 98-01 (Improvement Area 1) to offset the increase in demand. The proposed project does not result in any new impacts related to fire protection services and the conclusions of the FEIR

are still applicable.

**Finding:** No new impacts for this issue area are identified and there are no changes in information that would require preparation of an EIR.

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### iii) Schools?

**FEIR Conclusion: Less than Significant.** The FEIR (page 3.11-10) identified that the UDSP project would generate an additional 1,167 students which would need to be served by the San Marcos Unified School District. To offset the additional facilities and service that will be needed, future development would be required to pay Level II Statutory School Fees at the time the building permit is obtained to make the impact less than significant.

**Discussion of the Proposed Project:** Development of the proposed project and approval of the Administrative Amendment would not result in any additional demand on school services not already identified in the FEIR. The project is a mixed-use building and would not create any additional residential units. Therefore, the conclusions in the FEIR are still applicable. At the time development is proposed, payment of school fees in effect at the time of building would still be required to be paid to the San Marcos Unified School District. Therefore, no new impacts are identified due to the implementation of the proposed project and the conclusions of the FEIR are still applicable.

**Finding:** No new impacts for this issue area are identified and there are no changes in information that would require preparation of an EIR.

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### iv) Parks?

**FEIR Conclusion: Less than Significant Impact.** The FEIR (page 3.12-9) identified that the UDSP would construct 17.37 acres of park space, 7.96 acres of plazas and paseos, and 1.38 acres of trails. Even with the additional park space and trails proposed under the UDSP, impacts would occur to recreational facilities and parks due to the additional 10,500 residents that the UDSP would add to the City population. This would result in a deficiency in park space. The FEIR concluded that this deficiency would be made up through the payment of fees as required by City Ordinance 88-799 (Municipal Code, Chapter 20.12, Growth Management). Park, plaza, paseo and trail acreage were modified via a 2014 SPA.

**Discussion of the Proposed Project:** Development under the proposed project would not result in additional residents to the area, nor would it put an increased demand on park facilities. The proposed Administrative Amendment does not change any of the planned parks within the UDSP planning area. Therefore, the proposed project does not result in any increase in park impacts. This is consistent with the conclusion in the FEIR. No new impacts would be realized from the proposed project.

**Finding:** No new impacts for this issue area and no changes in information that would require preparation of an EIR.

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### v) Other public facilities?

**FEIR Conclusion: Less than Significant.** The FEIR (page 3.11-10) identified that the UDSP

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would result in additional residents that would increase demands on library services and resources, although additional library services were identified through the California State University San Marcos and Palomar College campuses. The additional library facilities would reduce impacts to a level of less than significant impact.

**Discussion of the Proposed Project:** The proposed project does results in any changes to the amount of residential development within the overall UDSP planning area, thus the demand for library service would be the same. Impacts to libraries would be less than significant under the proposed project This is consistent with the conclusion in the FEIR. No new impacts would be realized from the proposed project.

**Finding:** No new impacts for this issue area and no changes in information that would require preparation of an EIR.

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**15. RECREATION – Would the project:**

- a) **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?**

**FEIR Conclusion: No Impact.** The UDSP project proposes the construction of 17.37 acres of park space, 7.96 acres of plazas and paseos, and 1.38 acres of trails. The FEIR (page 3.12-9) identified impacts to recreational facilities and parks even with the additional park space and trails due to the additional 10,500 residents that the UDSP would add to the City population, which would result in a deficiency in park space. This deficiency would be made up through the payment of fees as required by City Ordinance 88-799 (Municipal Code, Chapter 20.12, Growth Management) as part of the project design for future development of parks and recreation. Park, plaza, paseo and trail acreage were modified via a 2014 SPA.

**Discussion of the Proposed Project:** Development under the proposed project would not result in additional residents to the area, nor would it put an increased demand on the use of existing neighborhood or regional park facilities. The proposed Administrative Amendment does not change any of the planned parks within the UDSP planning area. Therefore, the proposed project does not result in any increase in park impacts. This is consistent with the conclusion in the FEIR. No new impacts would be realized from the proposed project.

**Finding:** No new impacts for this issue area and no changes in information that would require preparation of an EIR.

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- b) **Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?**

**No Impact.** Please refer to Section 15.a above.

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**16. 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 circulation systems, including but not limited to intersections, streets, highways and freeways, pedestrian, bicycle paths and mass transit?

**FEIR Conclusion: Significant** and Unmitigated Impacts. The FEIR analyzed trip generation due to the following land uses: mixed use multi-family residential, mixed use community commercial, mixed use office, mixed use medical office, hotel, community center, and elementary school, in addition to construction related traffic over a 20-year time period for future development. The FEIR (page 3.13-64 through 3.13-67) concluded that the project would not impact roadway segments for the Year 2015-time frame, would be considered less than significant impact for the 2020-time frame with the completion of the SR 78 flyover at Westlake Drive bridge, and would have a significant and unmitigated impact SR 78 ramps for the 2030 timeframe scenario. The FEIR, in mitigation measure TR-1 noted that based upon the focused traffic studies that demonstrate compliance with the performance criteria set forth herein, the City Manager may modify the transportation phasing plan for the Specific Plan area. The FEIR identified a traffic phasing plan on a year basis, with specific improvements needing to be in by Year 2015, Year 2020 and Year 2030.

In the 2014 FEIR Addendum for an amendment to the Specific Plan, a new traffic study was prepared and identified a traffic mitigation phasing plan that triggered improvements based upon peak hour trip generation for development within the UDSP project area instead of a specific year trigger. This was a more realistic mitigation phasing approach since development had not occurred at the rate originally anticipated in the FEIR. Specific intersection and roadway improvements were triggered at 760 PM peak hour trips, 1,760 PM peak hour trips and, 2,855 PM peak hour trips (see Tables 8 and 9 of RBF's University District Specific Plan Amendment Traffic Impact Assessment, April 17, 2014). These thresholds were also set based upon assumptions of certain Capital Improvement Projects (CIP) would be constructed, including the extension of Discovery Street from Bent Avenue-Craven Road and Rush Drive.

**Discussion of the Proposed Project:** A focused traffic study was prepared for the proposed EL building by Urban Systems Associates (USA) (2017). The complete report is included as **Appendix C** of this document.

A summary of the traffic report results is provided below.

#### **Eastside Street System Analysis**

The eastside street system analysis was to determine if the street system to be constructed concurrent with the EL building would be sufficient to support full build out of the approved UDSP. Based upon the analysis, and as shown in Table 4.6 of the USA traffic study, all eastside UDSP buildout internal street segments will operate at acceptable levels of services (LOS), ranging from LOS A to LOS D and no impacts were identified related to the eastside street system performance.

A garage queueing analysis was performed to determine queue lengths during the AM and PM peak hour at the North City drive access point and the Street E access point to the garage. The analysis considered not only the EL building, but also the future uses that would be served by the parking structure. The average queue length was 5 to 33 feet (1 to 2 vehicles) for the North City Drive access point and 15 to 143 feet (1 to 5 vehicles) for the Street E access point. The USA traffic study concluded that there is adequate queueing distance available at each garage

entrance (page 24). No impacts were identified related to garage access queueing.

An operations analysis for Block 3 was also performed at Barham/Street E and Barham/Campus Way. The operations analysis was performed to evaluate the adequacy of turn pocket storage to determine if cars waiting to turn at a traffic signal would back out into a through lane. The USA traffic study concluded that for the expected lane configuration, turn pocket length and signal timing, there would be adequate capacity for queueing and no impacts were expected (page 24).

#### **Near Term Cumulative (2019) and University District Threshold Trigger Analysis**

To conduct a near-term cumulative analysis, cumulative projects that would contribute traffic to analyzed intersections and segments at the time the EL building was open (mid 2019) were considered in the analysis. In some cases, 100 percent build out of some of the cumulative projects is not expected by mid-2019. In those cases, the extent of build out (e.g., numbers of units or square footage) expected to be occupied by mid-2019 were considered. An additional 2.5 percent traffic growth was assumed to account for any unexpected or unidentified other project traffic for this analysis. Analysis results are summarized in **Table 1**.

**Table 1. Cumulative Project Impact Analysis**

| Intersection                                                                               | 2019 Near Term |       | 2019 Near Term + Project |       | Requires Mitigation? |
|--------------------------------------------------------------------------------------------|----------------|-------|--------------------------|-------|----------------------|
|                                                                                            | LOS            | Delay | LOS                      | Delay |                      |
| 760 Peak Hour Intersections                                                                |                |       |                          |       |                      |
| San Marcos Blvd, at Las Posas Road                                                         | C              | 29.3  | C                        | 29.3  | No                   |
| San Marcos Blvd at Via Vera Cruz                                                           | F              | 102.6 | F                        | 103.0 | Yes                  |
| San Marcos Blvd at Bent Ave.                                                               | E              | 72.6  | E                        | 73.4  | Yes                  |
| Twin Oaks Valley Rd at SR 78 WB Ramps                                                      | D              | 40.4  | D                        | 41.2  | No                   |
| Barham Dr. at La Moree Rd.                                                                 | C              | 30.5  | C                        | 30.6  | No                   |
| Additional Offsite Intersections Analyzed Due to Delay in Discovery Extension Construction |                |       |                          |       |                      |
| San Marcos Blvd at Twin Oaks Valley Rd.                                                    | F              | 108.5 | E                        | 72.3  | Yes                  |
| Twin Oaks Valley Rd at SR 78 EB Ramps                                                      | B              | 15.1  | B                        | 15.2  | No                   |
| Twin Oaks Valley Rd. at Carmel St.                                                         | B              | 10.5  | B                        | 10.9  | No                   |
| Twin Oaks Valley Rd. at Barham Dr.                                                         | E              | 76.3  | D                        | 52.7  | Yes                  |
| Twin Oaks Valley Rd. at Craven Rd.                                                         | D              | 52.1  | D                        | 52.8  | No                   |
| Craven Rd. at Rush Dr.                                                                     | D              | 54.6  | D                        | 54.6  | No                   |

As shown in Table 1, three of the intersections identified as needing improvements at the 760-peak hour ADT trigger in the 2014 traffic report are still operating at acceptable levels of service (LOS D or better). This is because development (and corresponding trip generation) has not occurred at the pace anticipated in the 2014 traffic report.

Based upon the ability of the City Manager to modify the phasing of traffic mitigation, intersection improvements identified in the 2014 traffic report at San Marcos Boulevard/Las Posas Road and Barham Drive /La Moree are not required at this time. These intersections will be reanalyzed when the next focused traffic study for a development project within the USDP is proposed to determine if LOS has declined to a level requiring the mitigation. The improvements identified for Twin Oaks Valley Road/SR 78 EB Ramps at the 760-peak hour trigger have already been completed.

For the intersection of San Marcos Boulevard/Via Vera Cruz, the following intersection improvements, consistent with the requirements of the 2014 FEIR Addendum traffic report and these improvements shall be in place prior to occupancy of the EL building:

- San Marcos Boulevard/Via Vera Cruz
  - Southbound: restripe approach to provide one left turn lane, one through lane, and one shared through/right turn lane.
  - Eastbound: provide a dedicated right-turn lane.

For the intersection of San Marcos Boulevard and Bent Avenue, operations are expected to be at LOS E. Typically this would require mitigation; however, the Mobility Element of the City's General Plan provides for flexibility with LOS where warranted (pg. 3-32 and Table 3-4). Such locations include those within the urban core where widening is infeasible, either financially or environmentally. San Marcos Boulevard between Discovery and Grand is one of the areas where a flexible LOS is permitted (LOS E). Therefore, the identification of an LOS E at the intersection of San Marcos Boulevard/Bent Avenue is not considered a significant and improvements are not needed at this time.

For the other six offsite intersections that were analyzed, two will operate at an unacceptable level of service: San Marcos Boulevard/Twin Oaks Valley Road and Twin Oaks Valley Road/Barham-Discovery (Table 1).

For the intersection of San Marcos Boulevard/Twin Oaks Valley Road the project applicant will construct the following intersection improvement, consistent with the requirements of the 2014 FEIR Addendum. This improvement shall be in place prior to occupancy of the EL building:

- Twin Oaks Valley Road/San Marcos Boulevard
  - Implement a triple left turn at the westbound San Marcos Boulevard approach.

Improvements the Twin Oaks Valley Road/San Marcos Boulevard intersection were identified in the 2014 FEIR Addendum as being needed at the 1,760-peak hour trip trigger, however, since the Discovery Street extension has been delayed, this portion of the improvement will be brought online sooner, concurrent with the EL building. This improvement would improve LOS from E to D at the intersection (see Table 6.1A of the USA traffic report).

Additionally, as part of the project design, the project applicant will provide the following improvement:

- Twin Oaks Valley Road/Barham Drive

- o Addition of a second left turn lane at westbound Barham Drive approach

This improvement, which is at the south-central boundary of the UDSP planning area, would improve LOS from E to D at the intersection (see Table 6.1A of the USA traffic report). This improvement ensures LOS remains adequate at the Twin Oaks Valley/Barham Drive intersection with the delay of the Discovery Drive extension.

Two roadway segments were also identified as needing improvements at the 760-peak hour trigger. However, based upon the analysis presented in the USA traffic study (2017), these segments will operate at an acceptable LOS. Based upon the ability of the City Manager to modify the phasing of traffic mitigation, improvements identified in the 2014 traffic report for two segments of Bent Avenue (San Marcos Boulevard to Main Street and Main to Discover Street) are not required at this time. These segments will be reanalyzed when the next focused traffic study for a development project within the USDP is proposed to determine if LOS has declined to a level requiring the improvements.

In addition to the specific improvements noted above, the project applicant will provide fair share contributions to future intersection and roadway segment improvements that are identified in the UDSP FEIR for cumulative impacts. Please see Tables 7.2A and 7.2B of the USA traffic report (2017) for fair share contributions. Fair share payments shall be made prior to issuance of building permit for the EL building.

In summary, the proposed project will not result in any new traffic impacts. The project applicant will construct intersection improvements already identified in the FEIR, construct improvements as project design features, and also contribute fair share contributions to future improvements identified in the FEIR.

**Finding:** No new impacts for this issue area and no changes in information that would require preparation of an EIR.

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- b) **Conflict with an applicable congestion management program, including but not limited to level of service standards and travel demand measures, other standards established by the county congestion management agency for designation roads or highways?**

**FEIR Conclusion: Less than Significant.** The UDSP was determined to be consistent with the applicable transportation and traffic related goals, policies, and implementing strategies (FEIR Page 3.13-49).

**Discussion of the Proposed Project:** See analysis presented in Section 3.3.16(a), above. The proposed project would not result in any new traffic impacts that were not already identified in the FEIR. The project applicant for the Block 3 development would construct intersection improvements as part of the project design, provide intersection improvements identified in the 2014 FEIR Addendum, and contribute fair share contributions for future improvements, also identified in the 2014 FEIR Addendum. Thus, the conclusions of the FEIR are still appropriate and no new impacts are identified. The project site is also within CFD 2011-01 (Congestion Management) which funds local transportation and parking services and transportation facilities.

**Finding:** No new impacts for this issue area and no changes in information that would require preparation of an EIR.

- 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?

**FEIR Conclusion: No Impact.** McClellan-Palomar Airport is the nearest airport and is located approximately five miles west of the proposed project. As discussed in the FEIR (page 3.6.5) the project site is located outside the over-flight notification area, but is located within the Review Area 2 of the airport influence area. The influence area is regulated by the ALUC, which regulates land uses in the area to be compatibility with airport-related noise, safety, airspace protection, and over-flight factors. Review Area 2 consists of limits on heights of structures in areas of high terrain. The UDSP project site would not be characterized as high terrain, as it is situated in a valley, with higher topography to the south. No impact was identified in the FEIR and no mitigation was proposed.

**Discussion of the Proposed Project:** Development under the proposed project would still occur within the footprint analyzed in the FEIR. The proposed Administrative Amendment would not allow for a greater area of Block 3 within the UDSP to be constructed up to six stories in height/90-foot max and a higher height may be permitted with Planning Director approval. The project would not result in any changes in air traffic patterns. The previous conclusion of less than significant impact for this issue area is still applicable to the proposed project and no new impacts are identified for this issue area.

**Finding:** No new impacts for this issue area and no changes in information that would require preparation of an EIR.

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- d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

**FEIR Conclusion:** Less than Significant Impact. The Initial Study for the FEIR (Appendix A.2 of the FEIR) did not identify any hazards related to design features or incompatible uses. Impacts were determined to be less than significant.

**Discussion of the Proposed Project:** The project does not propose any incompatible uses that could result in hazards. The proposed mixed-use building would not be characterized as a use that would create a hazardous condition related to traffic.

Excessive queues can cause vehicles to back up into adjacent through lanes or intersections resulting in unsafe conditions. As part of the traffic study (USA 2017) a queueing analysis was also performed to determine queue lengths during the AM and PM peak hour at the North City drive access point and the Street E access point. The average queue length was 5 to 33 feet (1 to 2 vehicles) for the North City Drive access point and 15 to 143 feet (1 to 5 vehicles) for the Street E access point. The USA traffic study concluded that there is adequate queueing distance available at each garage entrance (page 24). An operations analysis for Block 3 was also performed at Barham/Street E and Barham/Campus Way. The operations analysis was performed to evaluate the adequacy of turn pocket storage to determine if cars waiting to turn at a traffic signal would back out into a through lane. The USA traffic study concluded that for the expected lane configuration, turn pocket length and signal timing, there would be adequate capacity for queueing and no impacts were expected (page 24). In summary, the proposed project would not introduce any new design hazards or incompatible use issues. Therefore, no

impacts are identified for the proposed project for this issue area.

**Finding:** No new impacts for this issue area and no changes in information that would require preparation of an EIR.

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**e) Result in inadequate emergency access?**

**FEIR Conclusion: No Impact.** The Initial Study of the FEIR (Appendix A.2 of the FEIR) did not identify any impacts related to emergency access.

**Discussion of the Proposed Project:** The proposed Administrative Amendment results in minor modifications to streets types adjacent to Block 3, but adequate lane widths and turning radii are still maintained for emergency vehicles. The development proposed within Block 3 (EL building and parking structure) has adequate emergency access and the San Marcos Fire Department has reviewed the plans. Therefore, no impacts are identified for the proposed project for this issue area.

**Finding:** No new impacts for this issue area and no changes in information that would require preparation of an EIR.

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**f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease performance of safety of such facilities?**

**FEIR Conclusion: No Impact.** The Initial Study of the FEIR (Appendix A.2 of the FEIR) did not identify any conflicts with policies, plans, or programs to support alternative transportation.

**Discussion of the Proposed Project:** The proposed Administrative Amendment makes some changes to street types within the vicinity of Block C. These changes would not result in any conflict with adopted policies, plans or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance of safety of such facilities. As part of the EL building facility construction, an above grade pedestrian crossing will be provided to connect the EL building to the CSUSM campus. An additional pedestrian connection is provided between the proposed parking structure and the EL building. Therefore, no impact is identified for this issue area and the conclusion of the FEIR are still applicable for the proposed project.

**Finding:** No new impacts for this issue area and no changes in information that would require preparation of an EIR.

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**17. TRIBAL CULTURAL RESOURCES – Would the project:**

- a) Cause a substantial adverse change in the significance of a tribal cultural resources, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is listed or eligible for listing in the California Register of Historic Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?

**FEIR Conclusion:** Not Analyzed. The requirement to analyze a project's potential impact to tribal

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cultural resources became a requirement after certification of the FEIR. The FEIR did analyze potential impacts to cultural resources, and those conclusions are summarized in Section V. of this document.

**Discussion of the Proposed Project:** The City has sent letters to tribes requesting to be notified of projects consistent with the requirements of AB 52. At this time, no responses have been received. Mitigation measures identified for cultural resources would still be applicable under the proposed project. The proposed Administrative Amendment does not result in any increase in potential for impact to tribal cultural resources.

**Finding:** No new impacts for this issue area and no changes in information that would require preparation of an EIR.

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- b) **Cause a substantial adverse change in the significance of a tribal cultural resource that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of the Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.**

**FEIR Conclusion:** Not Analyzed. The requirement to analyze a project's potential impact to tribal cultural resources became a requirement after certification of the FEIR. The FEIR did analyze potential impacts to cultural resources, and those conclusions are summarized in Section V. of this document.

**Discussion of the Proposed Project:** The City has sent letters to tribes requesting to be notified of projects consistent with the requirements of AB 52. At this time, no responses have been received. Mitigation measures identified for cultural resources would still be applicable under the proposed project. The proposed Administrative Amendment does not result in any increase in potential for impact to tribal cultural resources.

**Finding:** No new impacts for this issue area and no changes in information that would require preparation of an EIR.

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#### 18. UTILITIES/SERVICE SYSTEMS – Would the project:

- a) **Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?**

**FEIR Conclusion: No Impact.** The FEIR (page 3.14-6) concluded that Vallecitos Water District (VWD) would service the future development within the UDSP area for wastewater and reclamation services. The UDSP would increase wastewater flow by 791,116 gallons per day (gpd) over the existing land uses. As part of mitigation measure US-6, the future developer of the site is required to pay a fair share contribution for the Encina Water Pollution Control Facility and Meadowlark Water Reclamation Facility (MWRF). The FEIR concluded that there was no impact for this issue area.

**Discussion of the Specific Plan Amendment:** Development of the proposed project would be consistent with the type and intensity considered in the UDSP FEIR. The development of Block 3

does not result in any additional impact related to wastewater treatment requirements that were not already considered in the UDSP FEIR. The conclusions of the FEIR are adequate for the proposed project and no new impacts are identified.

**Finding:** No new impacts for this issue area and no changes in information that would require preparation of an EIR.

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**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?**

**FEIR Conclusion:** Mitigated to Below a Level of Significance. The FEIR (pages 3.14-8 through 3.14-18) analyzed the potential for the UDSP project to impact water and wastewater infrastructure due to additional residential, student housing, hotel and commercial business development. The FEIR concluded that additional development would increase demands on water and wastewater treatment facilities and require regional infrastructure improvements to accommodate the increases. Mitigation measures US-4 through US-6 were identified in the FEIR to reduce the impact to below a level of significance.

**Discussion of the Specific Plan Amendment:** Development of the proposed project would be consistent with the type and intensity considered in the UDSP FEIR. The development of Block 3 does not result in any additional impact to wastewater facilities that were not already considered in the UDSP FEIR. The conclusions of the FEIR are adequate for the proposed project and no new impacts are identified. VWD has indicated that a site-specific water/sewer study will be required for the EL Building and that study is currently under preparation. The project applicant would be required to comply with all requirements identified in the water/sewer study in order to service from VWD.

**Finding:** No new impacts for this issue area and no changes in information that would require preparation of an EIR.

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**c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?**

**FEIR Conclusion: Less than Significant.** The FEIR prepared for the UDSP did not identify any impacts related to stormwater drainage facilities. The Final EIR concluded that the combination of project infrastructure and onsite detention features from future Specific Plan development would ensure that impacts are less than significant.

**Discussion of the Specific Plan Amendment:** The overall drainage concept for the UDPS planning area remains the same. The FEIR adequately analyzed this issue area, and no new impacts associated with the proposed project. Please see Section 3.2.9 of this document, which addresses the hydrology and water quality aspects of the proposed project.

**Finding:** No new impacts for this issue area and no changes in information that would require preparation of an EIR.

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**d) Have sufficient water supplies available to serve the project from existing entitlements and**

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**resources, or are new or expanded entitlements needed?**

**FEIR Conclusion:** Mitigated to Below a Level of Significance. The FEIR (page 3.14-28) determined that water impacts would be significant, and improvements are required for water storage and water infrastructure to accommodate the increase in demand due to the proposed project. Mitigation measures US-1 through US-3 would provide water pipeline improvements and payment of fees towards the provision of additional water storage. Improving infrastructure and increasing storage would reduce impacts to below a level of significance.

**Discussion of the Specific Plan Amendment:** Development of the proposed project would be consistent with the type and intensity considered in the UDSP FEIR. The development of Block 3 does not result in any additional impact to water supply that were not already considered in the UDSP FEIR. The conclusions of the FEIR are adequate for the proposed project and no new impacts are identified. Since preparation of the EIR, water efficiency requirements through building standards and water efficient landscaping requirements will further decrease water demand than what was considered in the UDSP FEIR. Additionally, VWD has indicated that a site-specific water/sewer study will be required for the EL Building and that study is currently under preparation. The project applicant would be required to comply with all requirements identified in the water/sewer study in order to service from VWD.

**Finding:** No new impacts for this issue area and no changes in information that would require preparation of an EIR.

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- e) **Result in a determination by the wastewater treatment provider that 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?**

**FEIR Conclusion:** Mitigated to Below a Level of Significance. The FEIR (page 3.14-28) determined that wastewater impacts would be significant and infrastructure and treatment facility improvements are required for the UDSP project. Mitigation measures US-4 through US-6 require the future developer to participate in regional infrastructure improvements to accommodate the increase in wastewater flows. Additionally, payment of fees towards increased wastewater treatment capacity would ensure that adequate services are available for the proposed project. The future developers within the site will be required to enter into future water and sewer service agreements. These agreements will further detail the extent and timing of the water and sewer mitigation and define how these improvements relate to other fees to be paid to VWD. By implementing these mitigation measures, impacts to wastewater would be reduced to below a level of significance for the UDSP.

**Discussion of the Specific Plan Amendment:** Development of the proposed project would be consistent with the type and intensity considered in the UDSP FEIR. The development of Block 3 does not result in any additional impact to wastewater treatment capacity that was not already considered in the UDSP FEIR. The conclusions of the FEIR are adequate for the proposed project and no new impacts are identified. VWD has indicated that a site-specific water/sewer study will be required for the EL Building and that study is currently under preparation. The project applicant for the EL building would be required to comply with all requirements identified in the water/sewer study in order to service from VWD.

**Finding:** No new impacts for this issue area and no changes in information that would require

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preparation of an EIR.

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- f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

**FEIR Conclusion: Less than Significant.** The FEIR (page 3.14-19) identified that the Sycamore Sanitary Landfill would have sufficient capacity for the UDSP project assuming a 50 percent diversion rate and with the implementation of a construction waste management program to divert materials. The FEIR analysis included waste generated due to the demolition of structures on the project site.

**Discussion of the Specific Plan Amendment:** Development under the proposed project would still be of the type and intensity considered in the UDSP FEIR and would not result in any additional generation of solid waste that was not already considered. Since certification of the FEIR, there have been additional regulatory requirements related to recycling and landfill diversion. Thus, the amount of solid waste to be generated by the UDSP planning area, as a whole, is likely to be less than was anticipated in the FEIR. Therefore, no impacts are identified for this issue area.

**Finding:** No changes or new information associated with this project that would require the preparation of an EIR.

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- g) Comply with Federal, State, and local statutes and regulations related to solid waste?

**FEIR Conclusion: No Impact.** The FEIR (page 3.14-3) addresses AB 939, the Integrated Waste Management Act, which identifies the diversion rate of 50 percent of solid waste through reduction, recycling, and composting activities and the mandate that all California cities and counties achieve a 75 percent diversion rate by the year 2010. According to the FEIR, the City was at a 50 percent reduction rate as of 2009 and is compliant with AB 939.

**Discussion of the Specific Plan Amendment:** Development under the proposed project would still be of the type and intensity considered in the UDSP FEIR and would not result in any additional generation of solid waste that was not already considered. Since certification of the FEIR, there have been additional regulatory requirements related to recycling and landfill diversion. Thus, the amount of solid waste to be generated by the UDSP planning area, as a whole, is likely to be less than was anticipated in the FEIR. Therefore, no impacts are identified for this issue area. The proposed project would comply with federal, state and local statutes and regulations related to solid waste.

**Finding:** No changes or new information associated with this project that would require the preparation of an EIR

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## 19. 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?**

**FEIR Conclusion:** The Final EIR for the UDSP concluded that all biological resource impacts would be mitigated to below a level of significance (FEIR Section 3.3). Additionally, the FEIR concluded that that impact to cultural resources would be mitigated to below a level of significance (FEIR Section 3.4).

**Discussion of the Proposed Project:** Development under the proposed project would still occur within the same footprint. Biological resources and cultural resources mitigation identified in the FEIR will still be applicable to future development under the proposed project. The proposed project does not result in any increase in impacts to biological resources or cultural resources compared to what was analyzed in the FEIR.

**Finding:** Therefore, there are no changes or new information associated with this project that would require the preparation of an EIR.

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- 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.)**

**FEIR Conclusion:** The FEIR prepared for the UDSP concluded that the project would have significant and unmitigated cumulative impacts related to air quality (CO, NOx, and ROG), greenhouse gas emissions, and traffic in the 2030-time frame (SR 78 ramps/segments and the intersection of San Marcos Boulevard/Rancho Santa Fe Road). All other issues areas were determined to have cumulative impacts that were less than significant.

**Discussion of the Proposed Project:** Implementation of the proposed project would result in a type and intensity of development that was considered in the UDSP FEIR. As part of this analysis, a project-specific traffic study, including a near term cumulative analysis was prepared (USA 2017). The analysis did not identify any new cumulative impacts and the transportation improvements identified in the UDSP FEIR and 2014 FEIR Addendum will be implemented, as appropriate based upon the Block 3 trip generation and additional development in the project vicinity that will come online by the opening of the EL building. No new cumulative impacts are identified for the proposed project.

**Finding:** Therefore, there are no changes or new information associated with this project that would require the preparation of an EIR.

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

**FEIR Conclusion:** The FEIR prepared for the UDSP did not identify any project impacts that would have environmental effects on human beings either directly or indirectly with the exception of unmitigated project- and cumulative-level air quality and greenhouse gas impacts, as discussed in 18(b), above.

**Discussion of the Proposed Project:** Development proposed under the project would still be of the type and intensity contemplated in the UDSP FIER. There are no new impacts or issues

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identified that would have environmental effects on human being either directly or indirectly. Therefore, the FEIR adequately disclosed the potential impacts of the proposed project.

**Finding:** Therefore, there are no changes or new information associated with this project that would require the preparation of an EIR.

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## 20. EARLIER ANALYSES

Earlier analyses may be used where, pursuant to tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or Negative Declaration (Section 15063(c)(3)(D)). These documents are on file with the City of San Marcos Planning Division.

- University District Specific Plan Final Environmental Impact Report. 2009. (SCH No. 2008101083)
  - University District Rock Crusher Conditional Use Permit. 2011. (SCH No. 2011081083)
  - University District Specific Plan Final Environmental Impact Report Addendum. 2014.
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