RESOLUTION PC 18-4694

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN MARCOS RECOMMENDING THE CITY COUNCIL CERTIFY THE FINAL ENVIRONMENTAL IMPACT REPORT NO. 16-001 FOR THE GENERAL PLAN AMENDMENT (GPA15-005), SPECIFIC PLAN (SP15-009), TENTATIVE SUBDIVISION MAP (TSM15-007), GRADING VARIANCE (GV15-002), CONDITIONAL USE PERMIT (CUP15-008), AND SITE DEVELOPMENT PLAN (SDP16-002), FOR THE "MURAI SPECIFIC PLAN" LOCATED IN THE COLLEGE AREA NEIGHBORHOOD

FEIR 16-001
(P15-0068)
ColRich California LLC

WHEREAS, on September 16, 2015 the City of San Marcos received an application from ColRich California LLC, the project applicant, requesting approval of a General Plan Amendment (GPA 15-005) to amend the project site's designation in the Land Use and Community Design Element from "Specific Plan Area/Residential (89 lots)/OS/P" to "Specific Plan Area/Open Space" and to remove the designation and description in the Park, Recreation and Community Health Element of the General Plan of a public park on the project site, a Specific Plan (SP 15-009) which will guide the orderly development on the project site, a Tentative Subdivision Map (TSM 15-007) for 89 single-family residential lots, access/ private street lots, open space lots, trails, and private park lots, a Grading Variance (GV15-002) to allow for manufactured slopes to exceed 20 feet in height without benching, a Conditional Use Permit (CUP 15-008) to allow for the temporary use of a rock crusher during grading operations and a Site Development Plan (SDP 16-002) to address the design of residential units and the plotting of floor plans and elevations within the subdivision, and

WHEREAS, the City of San Marcos is the lead agency for the preparation and consideration of environmental documents for the Project, as defined by the California Environmental Quality Act, Public Resources Code Sections 21000-21189.3 ("CEQA") and the California Guidelines for the Implementation of CEQA located at Cal. Code of Regulations, Title 14, Sections 15000-15387 ("State CEQA Guidelines"); and

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

WHEREAS, the City of San Marcos has prepared, or caused to be prepared, an Environmental Impact Report (EIR) to assess the Project's conformance with CEQA and the City Council of the City of San Marcos as lead agency under CEQA is responsible for certification of the

Final Environmental Impact Report; and

WHEREAS, a Notice of Preparation Scoping Meeting and public workshop was held with the general public on October 5 of 2016; and

WHEREAS, the Draft EIR was available for public and agency review and comment from September 26, 2017 to November 10, 2017; and

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

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

WHEREAS, said comments and recommendations received on the Draft EIR, either verbatim or in summary, a list of persons, organizations and public agencies commenting on the Draft EIR, and responses of the City of San Marcos to significant environmental points raised in the review and consultation process have been attached to and made part of the Draft EIR to form the Final EIR (No. 16-001 State Clearinghouse No. 2016091054) for the Project as a whole, as required by Section 15132 of the State CEQA Guidelines; and

WHEREAS, the City of San Marcos desires and intends to use the Murai Specific Plan Final Environmental Impact Report (EIR 16-001) certified pursuant to Section 15090 of the State CEQA Guidelines and the documents incorporated by reference therein ("Final EIR"), as the environmental documentation required by CEQA and the State and Local CEQA Guidelines for each of the above-referenced discretionary actions to the extent authorized by law; and

WHEREAS, the Final EIR evaluates the possible environmental impacts of the proposed General Plan Amendment (GPA15-005), Specific Plan (SP15-009), Tentative Subdivision Map (TSM15-007), Grading Variance (GV15-002), Conditional Use Permit (CUP15-008), and Site Development Plan (SDP16-002); and

WHEREAS, the City of San Marcos has prepared the Findings of Fact in accordance with Public Resources Code 21000-21189.3 and the CEQA Guidelines; and

WHEREAS, a staff report was presented discussing the issues in the matter and the required public hearing held on March 5, 2018 was duly noticed and held in the manner prescribed by law;

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

NOW, THEREFORE, the Planning Commission resolves as follows:

A. The foregoing recitals are true and correct.

B. The Final EIR indicates that the Project would have direct and/or cumulative impacts in the following areas, which can be reduced to less than significant levels with implementation of the mitigation measures in the Final EIR:

1. Biological Resources (impacts to sensitive species/habitats, preservation of Open Space)
2. Cultural Resources (unknown cultural resources during project grading)
3. Greenhouse Gas
4. Hazards and Hazardous Materials (exposure to wildland fires)
5. Noise (noise standards and temporary construction noise)
6. Public Services (fire, police, and schools)
7. Recreation (increased use of existing parks)
8. Transportation/Traffic (increase area's circulation network and sight distance requirements)
9. Tribal Cultural Resources (same as cultural resources)
10. Utilities/Service Systems (water storage, wastewater treatment, and capacity at ocean outfall)

C. The Final EIR indicates the Project will not have significant, direct and/or unavoidable and adverse impacts on the environment after all feasible mitigation measures recommended in the Final EIR are implemented.

D. The Final EIR reflects the independent judgment of the City of San Marcos, as required by Section 21082.1(c)(3) of CEQA; and

E. The Final EIR has been prepared and completed in compliance with CEQA and all applicable requirements, as required by Section 15090 of the State CEQA Guidelines, including the Findings of Facts to be considered, and upon their consideration along with the staff report (copies of which are on file in the Planning Division), public testimony presented at the hearing, and all other oral and written evidence on this project, the Planning Commission recommends certification of the Final EIR by the San Marcos City Council.

PASSED AND ADOPTED by the Planning Commission of the City of San Marcos, State of California, at a regular meeting thereof, this 5th day of March 2018, by the following roll call vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

APPROVED:

_____
Kevin Norris, Chairman
SAN MARCOS CITY PLANNING COMMISSION

ATTEST:

_____
Sandra Gallegos, Senior Office Specialist
SAN MARCOS CITY PLANNING COMMISSION

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

EXHIBIT "A"

CEQA Findings Regarding Significant Effects for the Murai Specific Plan

P15-0068

GPA15-005, SPA15-009, TSM15-007, GV15-002, CUP15-008, SDP16-002, EIR16-001

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

FINAL EIR EVALUATION

The Final EIR evaluated potentially significant effects for the following environmental areas of potential concern: 1) Aesthetics/Viewsheds; 2) Air Quality; 3) Biological Resources; 4) Cultural Resources; 5) Geology/Soils; 6) Greenhouse Gas; 7) Hazards/Hazardous Materials; 8) Hydrology/Water Quality; 9) Land Use; 10) Noise; 11) Population/Housing; 12) Public Services; 13) Recreation; 14) Transportation/Traffic; 15) Tribal Cultural Resources; and 16) Utilities and Service Systems. The issue areas of Agriculture/Forestry Resources and Mineral Resources were analyzed during the Initial Study process for the EIR and were determined to have no impact or less than significant impacts.

The Final EIR identified potentially significant environmental effects related to Biological Resources (sensitive species, sensitive habitat, jurisdictional wetlands, wildlife corridors/linkages); Cultural and Tribal Resources (unknown cultural resources during project grading); Greenhouse Gas (emission per service population exceeds thresholds in the City's Climate Action Plan); Hazards/Hazardous Materials (exposure to wildland fires); Noise (onsite noise levels at select locations and rock crusher noise); Public Services (schools, fire and police services); Recreation (public park space); Transportation/Traffic (impacts to two intersections); Tribal Cultural Resources (unknown tribal cultural resources during project grading), and Utilities and Service Systems (water storage, wastewater treatment and wastewater conveyance).

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

(1) Changes or alterations have been required in, or incorporated into, the project which mitigate, avoid or substantially lessen the significant effects on the environment.

(2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

(3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the Final EIR.

After consideration of an EIR, the lead agency may decide whether or how to approve or carry out the project. Pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1) of the Guidelines, the City finds that for each of the significant effects identified in the Final EIR, changes or alterations (mitigation measures) have been required in, or incorporated into, the Project which will avoid or substantially lessen each of the significant environmental effects identified in the Final EIR. The significant effects (impacts) and mitigation measures are stated fully in the Final EIR. The rationale for this finding for each impact is discussed below.

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

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

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

PROJECT DESCRIPTION

The Murai Specific Plan project (proposed project) is a single-family residential development located west of the northern terminus of Las Posas Road in the northwest part of the City of San Marcos in north-central San Diego County.

The applicant has proposed an 89-unit clustered single-family residential subdivision with private streets, private parks, trails and open space areas on 91.65 acres which is currently undeveloped and is in a natural state with exception of 14.43 acres that are encumbered with easements and Las Posas road right-of-way. The homes will be two stories high and access will be from Las Posas Road and then private streets.

Proposed residential development, including the area associated with Las Posas Road, totals 22.33 acres. The remaining 69.33 acres (76 percent) of the project site will remain in open space. This includes 2.0 acres of private parks, 40.51 acres that will be conserved biological open space, 12.39 acres of fuel modification/fire clearing zones, and 14.43 acres associated with existing easements.

The project is processing the following entitlements:

- General Plan Amendment (GPA 15-005) to amend the project site's designation in the Land Use and Community Design Element from "Specific Plan Area/Residential (89 lots)/OS/P" to "Specific Plan Area/Open Space" and to amend the description in the Park, Recreation and Community Health Element of the General Plan to reflect the proposed private parks, amenities and open space acreage.
- Specific Plan (SP 15-009) which will guide the orderly development on the project site.
- Tentative Subdivision Map (TSM 15-007) for 89 single-family residential lots, access/ private street lots, open space, trails, and private park lots.
- Grading Variance (GV 15-002) to allow manufactured slopes in excess of 20 feet in height without benching within the project area.
- Conditional Use Permit (CUP 15-008) to allow for the temporary use of a rock crusher during grading operations.
- Site Development Plan (SDP 16-002) to address the design of residential units and the plotting of floor plans and elevations within the subdivision.

PROJECT OBJECTIVES

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

1. Provide a variety of housing opportunities through a range of sizes, including 3, 4, 5, and 6 bedroom units, as well as a range of affordability to accommodate a full spectrum of family demographics and the growing housing needs in the region;
2. Create a clustered development to maximize open space preservation within the Specific Plan Area;
3. Provide development standards to regulate the nature and appearance of all construction within the Murai Specific Plan Area through unification of land form use, architectural design, unified landscape theme, and recreation areas;
4. Design a safe and efficient circulation system that supports the traffic in and around the Plan area, including vehicular, bicycle, pedestrian, and equestrian modes of travel;
5. Develop an economically feasible project with a financing plan for required community and citywide infrastructure and public benefits; and
6. Implement a maintenance program which will ensure all common areas are maintained to standards set forth in the City's General Plan.

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

Section I Findings Regarding Certification of Final EIR

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

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

Section II Environmental Effects Found Not to be Significant

Through project scoping and the environmental analysis conducted for and included within the Final EIR, it was determined that the Project would not result in a potential significant effect on the environment with respect to Aesthetics/Viewsheds, Air Quality, Geology/Soils; Hydrology/Water Quality, Land Use, and Population/Housing. A summary of the reasons for this determination can be found in Sections 3.1, 3.2, 3.5, 3.8, 3.9, and 3.11 of the Final EIR. No further findings are required for these subject areas.

Section III Environmental Effects Mitigated to Below a Level of Significance

The following findings supported by substantial evidence in the record, including the Final EIR, and technical appendices, have been made for the significant environmental effects identified in the Final EIR related to Biological Resources, Cultural Resources, Greenhouse Gas, Hazards/Hazardous Materials, Noise, Public Services, Recreation, Transportation/Traffic, Tribal Cultural Resources, and Utilities and Service Systems:

BIOLOGICAL RESOURCES

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

Mitigation Measures: The Project includes mitigation measures in the MMRP that is to be adopted concurrently with these findings.

All biological resource impacts and mitigation measures are detailed in Attachment A at the end of this document. The excerpt below notes where a specific mitigation measure will mitigate more than one identified impact; for example, mitigation measures MM BIO-1a will mitigate Impact

BIO-1 (potential impact to Coastal California *Gnatcatcher*), and will also mitigate Impact BIO-6 (direct impacts to sensitive habitat) to below a level of significance, and Impact Bio-12 (cumulative loss of *Diegan Coastal Sage Scrub*). Similarly, MM BIO-4 will mitigate Impact BIO-4 (*indirect impacts to sensitive habitat*), and will also mitigate Impact BIO-7 (indirect impacts to sensitive habitats during construction) to below a level of significance. MM BIO-5a through MM BIO-5d will mitigate Impact BIO-8 (indirect impacts to sensitive habitats during operation) and Impact BIO-11 (indirect impacts to habitat linkages) to below a level of significance. Mitigation measures MM BIO-1a, MM BIO-1b, and MM BIO-4 will mitigate impact BIO-12 (cumulative Loss of Diegan Coastal Sage Scrub) to below a level of significance.

In order to mitigate potential impacts to Coastal California Gnatcatcher, and direct and cumulative impacts to Diegan Coastal Sage Scrub, implementation of the following mitigation measures will be required:

MM BIO-1a/6/12 Preservation of at least 50 percent of the net site acreage (outside of existing easements) shall be placed into a Biological Conservation Area, as specified in the MHCP and the draft San Marcos Subarea Plan. An endowment shall be created for this acreage that will provide funding for management of the land in perpetuity. Coastal Sage Scrub shall be preserved onsite at a minimum 1:1 ratio. Table 3.3-6 in the Final EIR summarizes the proposed conservation acreages, by habitat type.

MM BIO-1b/12 If project construction activities are necessary during the bird breeding season (February 15th to August 31st), work may occur if a qualified biologist conducts a survey for nesting birds within three days prior to the work in the area, and ensures no nesting birds will be impacted by the project. If an active nest is identified, a buffer will be established between the construction activities and the nest so that nesting activities are not interrupted. The buffer will be a minimum width of 300 feet (500 feet for raptors), will be delineated by temporary fencing, and will remain in effect as long as construction is occurring or until the nest is no longer active. No habitat removal or any other work will occur within the fenced nest zone until the young have fledged, are no longer being fed by the parents, or have left the nest and will no longer be impacted by the project. The pre-construction survey results will be submitted to the Wildlife Agencies for review and approval prior to vegetation removal to ensure full avoidance measures are in place.

In order to mitigate potential impacts to least Bell’s vireo, implementation of the following mitigation measure will be required:

MM BIO-2 A qualified biologist will conduct pre-construction surveys for least Bell's vireo if construction in the wetland area is to occur during breeding season (March 15 through September 30). If vireos are detected, then the applicant

will delay construction activities occurring within 500 feet of active territories until after fledglings have left the active territories.

In order to mitigate potential impacts to species protected by the Migratory Bird Treaty Act, implementation of the following mitigation measure will be required:

MM BIO-3 In order to avoid and minimize impacts to nesting birds (pursuant to the Migratory Bird Treaty Act), no clearing or grubbing activity will occur during the avian breeding season (February 15 through August 31) within the project area, unless pre-construction surveys indicate that active nests are not present on the site or in surrounding areas. If surveys show that nesting birds are present, a no-work buffer would be placed around the nest. The buffer size would be determined by a qualified biologist and would vary based on site conditions and type of work to be conducted. The no-work buffer would be maintained until the end of the breeding season or until surveys by a qualified biologist confirm that fledglings are no longer dependent on nest. If no nesting birds are detected during pre-construction surveys, no restrictions would be necessary and construction may proceed as planned.

In order to mitigate potential impacts to sensitive species and habitats, implementation of the following mitigation measure will be required:

MM BIO-4/7/12 Indirect impacts shall be minimized during construction by implementation of Standard Best Management Practices (BMPs) as described in the MHCP (Vol. II, Appendix B) as follows:

- The qualified project biologist shall monitor construction activities throughout the duration of the project to ensure that all practicable measures are being employed to avoid incidental disturbance of habitat and any target species of concern outside the project footprint. Construction monitoring reports shall be completed and provided to the jurisdictional City, United States Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW) USFWS and CDFW summarizing how the project is in compliance with applicable conditions. The project biologist should be empowered to halt work activity if necessary and to confer with staff from the applicable city, USFWS and CDFW to ensure the proper implementation of species and habitat protection measures. A summary of construction monitoring activities shall be submitted to the Planning Manager.

- A qualified biologist shall conduct a training session for all project personnel prior to proposed activities. At a minimum, the training shall include a description of the target species of concern and its habitats, the general provisions of the Endangered Species Act (ESA) and the MHCP, the need to adhere to the provisions of the ESA and the MHCP, the penalties associated with violating the provisions of the ESA, the general measures that are being implemented to conserve the target species of concern as they relate to the project, and the access routes to and project site boundaries within which the project activities must be accomplished. A summary of the training session shall be submitted to the Planning Manager.

- A water pollution and erosion control plan shall be developed that describes sediment and hazardous materials control, dewatering or diversion structures, fueling and equipment management practices, and other factors deemed necessary by reviewing agencies. Erosion control measures shall be monitored on a regularly scheduled basis, particularly during times of heavy rainfall. Corrective measures will be implemented in the event erosion control strategies are inadequate. Sediment/erosion control measures will be continued at the project site until such time as the revegetation efforts are successful at soil stabilization. The plan shall be reviewed and approved by the City Engineer.

- The footprint of disturbance shall be minimized to the maximum extent feasible. Access to sites shall be via pre-existing access routes to the greatest extent possible. These requirements shall be noted on the construction plans.

- The upstream and downstream limits of projects disturbance plus lateral limits of disturbance on either side of the stream shall be clearly defined and marked in the field and reviewed by the biologist prior to initiation of work. Photographic documentation of the marked limits shall be provided to the Planning Manager.

- The contractor shall avoid the placement of equipment and personnel within the stream channel or on sand and gravel bars, banks, and adjacent upland habitats used by target species of concern. This requirement shall be noted on construction plans.

- When stream flows must be diverted, the diversions shall be conducted using sandbags or other methods requiring minimal instream impacts. Silt fencing or other sediment trapping materials

shall be installed at the downstream end of construction activity to minimize the transport of sediments off-site. Settling ponds where sediment is collected shall be cleaned out in a manner that prevents the sediment from re-entering the stream. Care shall be exercised when removing silt fences, as feasible, to prevent debris or sediment from returning to the stream.

- Equipment storage, fueling, and staging areas shall be located on upland sites with minimal risks of direct drainage into riparian areas or other sensitive habitats. These designated areas shall be located in such a manner as to prevent any runoff from entering sensitive habitat. All necessary precautions shall be taken to prevent the release of cement or other toxic substances into surface waters. All project related spills of hazardous materials shall be reported to appropriate entities including but not limited to applicable jurisdictional city, USFWS, and CDFW, RWQCB and shall be cleaned up immediately and contaminated soils removed to approved disposal areas. This requirement shall be noted on the construction plans.

- Erodible fill material shall not be deposited into water courses. Brush, loose soils, or other similar debris material shall not be stockpiled within the stream channel or on its banks. This requirement shall be noted on the construction plans.

- The removal of native vegetation shall be avoided and minimized to the maximum extent practicable. Temporary impacts shall be returned to pre-existing contours and revegetated with appropriate native species. All revegetation plans shall be prepared and implemented consistent with Appendix C (Revegetation Guidelines) of the MHCP and shall require written concurrence of the USFWS and CDFW.

- To avoid attracting predators of the target species of concern, the project site shall be kept as clean of debris as possible. All food related trash items shall be enclosed in sealed containers and regularly removed from the site(s). Pets of project personnel shall not be allowed on-site where they may come into contact with any listed species. These requirements shall be noted on the construction plans and periodically reviewed by the construction monitoring biologist.

- Construction employees shall strictly limit their activities, vehicles, equipment, and construction materials to the proposed project

footprint and designated staging areas and routes of travel. The construction area(s) shall be the minimal area necessary to complete the project and shall be specified in the construction plans. Construction limits will be fenced with orange snow screen. Exclusion fencing should be maintained until the completion of all construction activities. All employees shall be instructed that their activities are restricted to the construction areas. Documentation of placement of the orange snow screen shall be submitted to the Planning Manager. The construction monitoring biologist shall confirm the construction fencing is maintained during the course of construction. Documentation of the placement of the orange snow screen shall be submitted to the Planning Manager. The construction monitoring biologist shall confirm construction fencing is maintained during the course of construction.

- Any habitat destroyed that is not in the identified project footprint shall be disclosed immediately to the City, USFWS, and CDFW and shall be compensated at a minimum ratio of 5:1.

- If dead or injured listed species are located, initial notification must be made within three working days, in writing, to the USFWS Division of Law Enforcement in Torrance, California and by telephone and in writing to the City, Carlsbad Field Office of the USFWS, and CDFW.

- The City shall have the right to access and inspect any sites of approved projects including any restoration/enhancement area for compliance with project approval conditions including these BMPs. The USFWS and CDFW may accompany City representatives on this inspection.

- Any planting stock to be brought onto the site for landscaping or ecological restoration shall first be inspected by a qualified pest inspector to ensure it is free of pest species that could invade natural areas, including but not limited to Argentine ants, fire ants, and other insect pests. Any planting stock found to be infested with such pests shall not be allowed on the project site or within 300 feet of natural habitats. The stock shall be quarantined, treated, or disposed of according to best management principles by qualified experts in a manner that precludes invasions into natural habitats. Materials shall be inspected to ensure they are free from disease prior to installation. To the greatest extent possible, container stock will be obtained from nurseries that incorporate the California Native Plant Society's best management practices for managing *Phytophthora.*

- All mitigation sites shall be conserved through fee title acquisition or conservation easement, and proof of recordation shall be provided to the City prior to land disturbance.

In order to mitigate indirect impacts to sensitive habitats during operation and indirect impacts to habitat linkages, implementation of the following mitigation measures is required:

MM BIO-5a/8/11 The applicant would require the Homeowner's Association to implement covenants, conditions, and restrictions (CC&Rs) to regulate property usage, including maintenance of on-site restored habitats, indoor cat policy, and protection of adjacent natural areas of the on-site preserve and the Creek. The applicant would incorporate landscape management practices into the CC&Rs that minimize the use of chemical fertilizers, pesticides, and herbicides. Maintenance of on-site restored habitats and protection of adjacent natural areas of the on-site preserve and the Creek shall be overseen by a conservancy or similar entity with approval by the permitting regulatory agencies. The CC&Rs shall be reviewed by the City Attorney prior to recordation.

MM BIO-5b/8/11 Potential impacts from human and pet intrusion into the on-site open space shall be minimized through a program of education (using that developed by the American Society for the Prevention of Cruelty to Animals), cat control, and habitat fencing with no gates between the development and the open space, along the backyards of residential lots adjacent to the planned open space. These requirements would be identified in the CC&Rs. The CC&Rs shall be reviewed by the City Attorney prior to recordation.

MM BIO-5c/8/11 Use of invasive exotic plant species in landscaped areas adjacent to or near sensitive vegetation communities shall be restricted. The applicant shall encourage the use of native species in landscaping plans and would avoid the use of species listed in Lists A & B of the California Invasive Plant Council's list of Exotic Pest Plants of Greatest Ecological Concern in California. This condition shall be included in the CC&Rs for the project. The CC&Rs shall be reviewed by the City Attorney prior to recordation.

MM BIO-5d/8/11 All night lighting within the proposed development area, including streets and backyards, shall be directed away from the habitat areas, including Agua Hedionda Creek, the stepping stone linkage along the project's northern boundary, and the preserved open space east of the development. This condition shall be included in the CC&Rs for the project and the HOA shall regulate this condition and would not allow any future additional lighting to be installed by private homeowners. The CC&Rs shall be reviewed by the City Attorney prior to recordation.

In order to mitigate the direct impact to jurisdictional wetlands and waters, implementation of the following mitigation measures is required:

MM BIO-9 The permanent impact to 0.02 acres of Southern Cottonwood-Willow Riparian Forest shall be mitigated at a 3:1 ratio for a total of 0.06 acres. This shall be accomplished through either 1) restoration, enhancement and/or creation of wetland habitat and placement of wetland habitat in a biological conservation area either on- or off-site and in coordination with the regulatory agencies or, 2) through purchase of credits in a wetland mitigation bank.

The temporary impact to 0.02 acre of Southern Cottonwood-Willow Riparian Forest shall be mitigated through either 1) purchase of credits in a mitigation bank to mitigate at a 3:1 ratio, or 2) revegetation within the impacted areas once project grading is complete.

Should restoration be selected as the preferred mitigation strategy, a restoration and monitoring plan for the wetland restoration areas shall be developed and submitted to the USACE and USFWS for approval prior to any ground disturbance of wetland habitat. The plan would include salvaging on-site plant materials (if appropriate) prior to initial clearing and the storage of those materials may be used in the revegetation effort. The restoration/monitoring plan shall include specific replacement planting techniques, timing, success criteria, and an As-Built report.

In order to mitigate the indirect impact to jurisdictional wetlands and waters, implementation of the following mitigation measures is required:

MM BIO-10 All equipment maintenance, staging, and dispensing of fuel, oil, or any other such activities, would occur in designated upland areas outside of the proposed preserve. The designated upland areas would be located in such a manner as to prevent any runoff from entering waters of the United States, including wetlands.

Finding

Changes or alterations have been required in, or incorporated into, the Project as mitigation measures MM BIO-1 through MM BIO-10, which are feasible, and would mitigate, avoid or substantially lessen the significant environmental effects as identified in the Final EIR to species identified as a candidate, sensitive or special status species; sensitive natural communities; federally protected wetlands as defined by Section 404 of the Clean Water Act; movement of native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors; and would mitigate, avoid or substantially lessen the cumulative impacts related to habitat.

Facts in Support of Finding:

The Project could result in an impact to California gnatcatcher. Implementation of MM BIO-1a through MM BIO-1b would substantially lessen this impact to below a level of significance. Mitigation measure MM BIO-1a requires preservation of at least 50 percent of the net site acreage (outside of existing easements) and preservation of coastal sage scrub on-site. Mitigation measure MM BIO-1b requires protocol preconstruction surveys prior to Project grading and a biological monitor present during clearing, grading, and construction. Should nesting gnatcatchers be found during these surveys, buffering and avoidance measures would be implemented to avoid impacts to the gnatcatchers.

Construction noise from the Project could temporarily impact nesting activities of the Least Bell's vireo. Mitigation measure MM BIO-2 requires a preconstruction survey for Least Bell's vireo if construction is proposed during the nesting season. If nesting birds are found, construction activities occurring within 500 feet of active territories will be delayed until after fledglings have left.

The Project could impact species that are afforded protection under the Migratory Bird Treaty Act, Implementation of mitigation measure MM BIO-3 would substantially lessen this impact to below a level of significance. Mitigation measure MM BIO-3 requires a preconstruction survey if construction is proposed during the nesting season. If nesting birds are found, a no-work buffer would be placed around the nest to avoid impacts to the nests.

The Project could indirectly impact sensitive species and sensitive habitat during Project construction. Implementation of mitigation measure MM BIO-4 would substantially lessen these impacts to below a level of significance. These measures require implementation of best management practices described in the MHCP, including education and training for construction workers as well as the requirement for good housekeeping on the construction site, with specific requirement related to the construction equipment staging and fueling.

Once the future residences are occupied, there is a potential for indirect impacts to sensitive species through the introduction of people and pets into areas where there are known sensitive wildlife species (e.g., coastal California gnatcatcher). Implementation of mitigation measures MM BIO-5a through MM BIO-5d would substantially lessen this impact to below a level of significance. These measures identify an indoor cat policy, landscape management requirements, limits on the type of landscaping to be permitted on the Project site, and the requirement of lighting to be directed away from habitat areas. These requirements would be enforced by the HOA via the CC&Rs for the Project.

The Project results in direct impact to sensitive upland habitat including 32.11 acres of Diegan CSS and 0.64 acres of CSS-baccharis dominated, 1.39 acres of non-native grassland, and 0.04 acre (0.02 acre permanent and 0.02 acre temporary) of southern cottonwood-willow riparian forest. Implementation of mitigation measure MM BIO-1a would substantially lessen this impact to below a level of significance. Impacts would be addressed through preservation within a Biological Conservation Area and onsite conservation according to the proposed conservation

acreages by habitat type included in Table 3.3-6 of the Final EIR. The long-term preservation and management of this habitat would also provide protected habitat for the coastal California gnatcatcher.

The project would impact 0.04 acres of jurisdictional wetlands (0.02 acre permanent and 0.02 acre temporary) due to grading associated with the entrance to the site at Las Posas Road. Implementation of MM BIO-9 would substantially lessen this impact to below a level of significance. Impacts would be mitigated at a 3:1 ratio. Mitigation measures MM BIO-9 requires restoration, enhancement and/or creation of wetland habitat and placement of wetland habitat in a biological conservation area either on- or off-site in coordination with the regulatory agencies at a ratio of 3:1 for a total of 0.06 acres or purchase of credits in a mitigation bank. The temporary impact to 0.02 acre of Southern Cottonwood-Willow Riparian Forest will be mitigated through revegetation within the impacted areas once grading is complete or through purchase of credits in a mitigation bank.

Potential indirect impacts to jurisdictional wetlands could occur during project construction. MM BIO-10 requires designated areas outside of the proposed reserve for construction activities such as equipment maintenance, staging, and dispensing of fuel and oil, to occur to prevent any runoff from entering waters of the U.S, including wetlands. This mitigation would substantially lessen indirect impacts to wetlands to below a level of significance.

Potential edge effects from intrusion by domestic animals and unauthorized people as well as spill over lighting could indirectly impact habitat linkages and wildlife corridors. Implementation of MM BIO-5a through MM BIO-5d are also applicable to this impact. These measures will minimize the potential for edge effects to impact habitat linkages and wildlife corridors.

The cumulative impact analysis for the Project determined that the Project would contribute towards a cumulative impact related to region wide loss of CSS habitat. Implementation of mitigation measures MM BIO-1a through MM BIO-1b, and MM BIO-4 would substantially lessen this impact to below a level of significance. The long-term preservation and management of this habitat would also provide protected habitat for the gnatcatcher.

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

CULTURAL RESOURCES

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

Mitigation Measures: The Project includes mitigation measures in the MMRP that is to be adopted concurrently with these findings.

All cultural resources impacts and mitigation measures are detailed in Attachment A at the end of this document. Mitigation measures MM-CR-1a through MM-CR-1g will mitigate Impact CR-1 (potential impact to unidentified cultural resources), MM-CR-2 will mitigate Impact CR-2 (potential impact to paleontological resources), and MM-CR3 will mitigate Impact CR-3 (potential impact to human remains). Mitigation measures MM CR-1a through MM CR-1g would also substantially lessen impacts to tribal cultural resources which are discussed later in this document.

In order to mitigate potential impacts to unidentified subsurface cultural resources, implementation of the following mitigation measures will be required:

MM CR-1a An archeological monitor and a Luiseño Native American monitor shall be present during all earth moving and grading activities to assure that any potential cultural resources, including tribal, found during project grading are protected.

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

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

MM CR-1d Prior to beginning project construction, the project archaeologist shall file a pre-grading report with the City to document the proposed methodology for grading activity observation, which would be determined in consultation with the contracted Luiseño Tribe referenced in MM CR-1c. Said methodology shall include the requirement for a qualified archaeological monitor to be present and to have the authority to stop and redirect grading activities. In accordance with the Agreement required in MM CR-1c, the archaeological monitor's authority to stop and redirect grading would be exercised in consultation the Luiseño Native American monitor in order to

evaluate the significance of any archaeological resources discovered on the property. Tribal and archaeological monitors shall be allowed to monitor all grading, excavation, and groundbreaking activities, and shall also have the authority to stop and redirect grading activities. The Luiseño Native American monitor shall be present at any pre-construction meetings that address earth and/or ground disturbing activities. If agreed upon by the Native American Most Likely Descendant at the time of discovery, discovered tribal cultural resources analysis and documentation of the found items may be permitted.

MM CR-1e The Project Applicant/Land Owner shall relinquish ownership of all cultural resources collected during the grading monitoring program and, if appropriate, from any previous archaeological studies or excavations on the project site to the appropriate Tribe for proper treatment and disposition per the Cultural Resources Treatment and Monitoring Agreement referenced in MM CR-1c. Such treatment may include, but does not require, curation at a facility that meets the criteria contained in 36 C.F.R. Part 79, or if requested by the appropriate Tribe, re-burial on-site, i.e., a non-curation alternative. All cultural materials that are deemed by the Tribe to be associated with burial and/or funerary goods would be repatriated to the "Most Likely Descendant" as determined by the NAHC per California Public Resources Code Section 5097.98.

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

MM CR-1g If inadvertent discoveries of subsurface archaeological/cultural resources, not including human remains or associated burial goods which are addressed in MM CR-3, are discovered during grading, the Project Applicant/Land Owner, the project archaeologist, and the Luiseño Tribe under agreement with the landowner described in MM CR-1c shall assess the significance of such resources and shall meet and confer regarding the mitigation for such resources. Pursuant to California Public Resources Code Section 21083.2(b) avoidance is the preferred method of preservation for archaeological resources. If the Project Applicant/Land Owner, the project archaeologist and the Tribe cannot agree on the significance of mitigation for such resources, these issues would be presented to the Planning Division Manager for decision. The Planning Division Manager shall make a determination based upon the provisions of CEQA with respect to archaeological resources and shall take into account the religious beliefs, customs, and practices of the Tribe. Notwithstanding any other rights available under law, the decision of the Planning Division Manager shall be appealable to the Planning Commission and/or City Council.

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

In order to mitigate potential impacts to paleontological resources, implementation of the following mitigation measure will be required:

MM CR-2 A qualified paleontologist shall be retained by the Project Applicant/Land Owner to implement an appropriate paleontological mitigation program which includes the following measures:

- The paleontologist shall monitor construction excavations which impact previously undisturbed sediments of the Santiago Peak Volcanics, as well as deposits of colluviums and alluvium. The paleontologist would initially monitor the excavation on a part time basis, which may be reduced depending on the sediments excavation and if any fossils are being encountered. If the paleontologist encounters any significant fossils, they would be salvaged.

- The paleontologist would be allowed to divert or direct grading activity in the area of an exposed fossil to prevent the fossil from being destroyed.

- Because of the small nature of some fossils present in these rock units, it may be necessary for matrix samples to be collected for processing through fine mesh screens.

- If found, fossils shall be prepared to the point of identification, stabilized, mapped on a USGS topographic map, and cataloged before they are donated to their final repository.

- All significant fossils collected would be donated to a public, non-profit institution with a research interest in the materials, such as the San Diego Natural History Museum. The institution selected must be capable of curating specimens, field notes, geologic maps, and stratigraphic sections, as well as allows for retrieval of specific specimens by researchers in the future.

- On the completion of all laboratory and field work, a final paleontological mitigation report shall be prepared and filed with the client, the fossil repository and the lead agency. A qualified paleontologist shall be retained by the applicant to implement an appropriate paleontological mitigation program which includes the following measures:

In order to mitigate potential impacts to human remains, implementation of the following mitigation measure will be required:

MM CR-3 If human remains and associated burial goods are encountered, the Project Applicant/Land Owner shall conform to California Health and Safety Code Section 7050.5 which states that no further disturbance shall occur until the San Diego County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b), the Project Applicant/Land Owner shall leave in place and free from disturbance remains until a final decision as to the treatment and disposition has been made. Suspected Native American remains shall be examined in the field and the location of the find shall be kept secure. If the San Diego County Coroner determines the remains to be Native American, the NAHC must be contacted within 24 hours. The NAHC shall then immediately notify the "most likely descendant(s)" of the discovery. The most likely descendants(s) shall then make recommendations within 48 hours after being allowed access to the site, and engage in consultation concerning treatment of remains as provided in Public Resources Code 5097.98.

Finding

Changes or alterations have been required in, or incorporated into, the Project as mitigation measures MM CR-1a through MM CR-3, which are feasible, and will mitigate, avoid or substantially lessen the significant environmental effects as identified in the Final EIR to archaeological resources, paleontological resources or sites or unique geologic features, and human remains.

Facts in Support of Finding:

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

Specifically, implementation of mitigation measures MM CR-1 provides for the presence of archaeological and Native American monitors that would be able to identify any previously

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

Greenhouse Gas

Greenhouse gas emissions resulting from the proposed Project would exceed service area population thresholds within, and therefore be inconsistent with, the City's Climate Action Plan.

Mitigation Measures: The Project includes mitigation measures in the MMRP that is to be adopted concurrently with these findings.

All greenhouse gas impacts and mitigation measures are detailed in Attachment A at the end of this document. Mitigation measures MM-GHG-1a and MM-GHG-1b will reduce impact GHG-1 (GHG emissions below service area population thresholds).

In order to mitigate impacts related to greenhouse gas emissions, implementation of the following mitigation measure will be required:

MM GHG-1a The project applicant shall coordinate with San Diego Gas & Electric (SDG&E) to ensure that Smart Meters are installed for each residential unit. This requirement shall be identified on the project plans and shall be reviewed and approved by the Planning Manager.

MM GHG-1b The proposed project shall provide separate waste containers to allow for simpler material separations or shall pay for a waste collection service that recycles the materials in accordance with AB341 to achieve a 75 percent waste diversion. All green waste will be diverted from landfills and recycled as mulch. This requirement shall be identified on the project plans and shall be reviewed and approved by the Planning Manager.

Finding

Changes or alterations have been required in, or incorporated into, the Project as mitigation measures MM GHG-1a and GHG-1b, which are feasible, and will mitigate, avoid or substantially lessen the significant environmental effects as identified in the Final EIR, resulting from the project's greenhouse gas emissions.

Facts in Support of Finding:

The project's operational GHG emissions would exceed the City's Climate Action Plan threshold for significance, which makes the project inconsistent with the City's Climate Action Plan. Mitigation measure MM GHG-1a requires installation of Smart Meters for each residential unit lowering GHG emissions resulting from energy usage. Smart Meters give customers greater control over their energy use by allowing SDG&E to provide customers with detailed information about the energy usage at different times of the day, which, in turn enables customers to manage their energy use more proactively. Reduced energy use corresponds to a reduction in GHG emissions. Mitigation measure MM GHG-1b would require measures ensuring waste materials are recycled to achieve a 75 percent waste diversion. Increased recycling and diversion rates decreases the amount of material going to landfills which has a corresponding reduction in emission of methane, air toxics, and criteria pollutants from landfills.

With the incorporation of MM GHG-1a and GHG-1b, operational GHG emissions would be below the City's threshold and significant environmental effects would be reduced to below a level of significance.

HAZARDS/HAZARDOUS MATERIALS

The proposed Project would result in potentially significant impacts related to exposure of people or structures to wildland fires. Mitigation measures MM-HAZ-1a through MM-HAZ-1c will reduce impact MM-HAZ-1 (wildlife fire hazards) to below a level of significance.

Mitigation Measures: The Project includes mitigation measures in the MMRP that is to be adopted concurrently with these findings.

All hazards impacts and mitigation measures are detailed in Attachment A at the end of this document. Implementation of mitigation measures MM HAZ-1a through MM-HAZ-1c will reduce impact HAZ-1 (wildlife fire hazards).

In order to mitigate potential wildland fire hazard impacts, implementation of the following mitigation measures will be required:

MM HAZ-1a The proposed project shall use ignition-resistive construction, residential fire sprinkler systems, and structure setbacks, among other requirements as applicable, in compliance with the City's Municipal Code (which

incorporates fire and building code standards in effect at the time of building plan submittal). These requirements shall be identified on building plans and subject to review and approval by the Building and Code Compliance Department and Fire Marshal concurrent with the submittal of building plans.

MM HAZ-1b The following enhanced construction requirements shall be incorporated into future development on Lots 7, 8 and 9 to provide functional equivalency of full fuel modification. These requirements shall be identified on building and landscaping plans and subject to review and approval by the Building and Code Compliance Department and Fire Marshal concurrent with the submittal of building plans.

- Installation of a six-foot high heat deflecting view wall of masonry construction with fire-rated glazing. The wall will extend 5 feet on each side of property line of Lots 7 and 9.
- Installation of dual-pane tempered windows.

MM HAZ-1c The following safety measures shall be implemented prior to the delivery of combustible construction materials to the project site, and shall be completed to the satisfaction of the San Marcos Fire Department concurrent with the submittal of building plans.

- Fire hydrants shall be installed, approved and be usable.
- Access roads shall be in place and provide a permanent all-weather surface for emergency vehicles that support weight of fire apparatus of 75,000 pounds.
- A construction phasing plan shall be submitted and approved by the San Marcos Fire Department. Updates of the phasing plan shall be submitted when deemed necessary.

Additionally, the following fire safety measures shall be implemented prior to the beginning of construction on the project site:

- Perimeter fuel modification areas will be implemented and approved by the San Marcos Fire Department prior to combustible materials being brought on site.
- Existing flammable vegetation will be reduced by 50 percent on vacant lots upon commencement of construction. The fuel reduction shall be reviewed and approved by the San Marcos Fire Department prior to the commencement of construction.
- Dead fuel, ladder fuel, and downed fuel will be removed and trees/shrubs shall be properly limbed, pruned, and spaced in

accordance with the Murai Subdivision Fire Protection Plan Prepared by Dudek (April 2017). This fuel modification shall be reviewed and approved by the San Marcos Fire Department prior to commencement of construction.

Finding

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

Facts in Support of Finding:

Potential wildland fire hazards would be reduced through implementation of mitigation measures MM HAZ-1a through MM HAZ-1c. MM HAZ-1a calls for the use of ignition-restrictive building materials, fire sprinkler systems, structure setbacks and other applicable requirements within the City's Municipal Code for the future residences. Because Lots 7, 8 and 9 would not meet the minimum 150-foot fuel modification zone requirements, MM HAZ-1b identifies enhanced construction requirements such as installation of a heat deflecting view wall and dual-pane tempered windows. To reduce the wildland fire risk during construction, MM HAZ-1c identifies safety measures to be implemented prior to the delivery of combustible construction materials.

With the incorporation of these mitigation measures, significant environmental effects related to exposing people or structures to a significant risk of loss, injury, or death involving wildland fires would be reduced to below a level of significance.

NOISE

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

Mitigation Measures: The Project includes mitigation measures in the MMRP that is to be adopted concurrently with these findings.

All noise impacts and mitigation measures are detailed in Attachment A at the end of this document. Mitigation measures MM-N-1a and MM-N-1b will reduce impact N-1 (exterior noise levels). Mitigation measure MM-N-2 will reduce impact N-2 (rock crushing noise).

To mitigate potential noise impacts related to elevated exterior noise levels, implementation of the following mitigation measures will be required:

MM N-1a To minimize on-site exterior noise levels and to comply with the City of San Marcos noise standards, 5- to 7-foot barriers shall be constructed along the lots adjacent to Las Posas Road. The barriers shall be in place prior to project occupancy and may be constructed of a combination of landscaped berms and sound walls. The locations of barriers are presented in Figure 3.10-4 of the Final EIR. The design of the barriers, including materials and color for any sound walls, shall be subject to review and approval by the Planning Division Manager.

MM N-1b To ensure compliance with the CCR Title 24 interior noise threshold of 45 dBA CNEL, a final noise assessment shall be performed prior to the issuance of building permits for any of the lots located adjacent to Las Posas Road. This final report shall identify the interior noise requirements based on architectural and building plans to meet the City's established interior noise limit. The identified interior noise requirements shall also be in place prior to occupancy of the residences adjacent to Las Posas Road.

To mitigate potential noise impacts related to proposed rock crushing activities, implementation of the following mitigation measure will be required:

MM N-2 If rock crushing activities are proposed within 900 feet of residences, noise measurements of the rock crushing facilities shall be conducted during the first week of operations to ensure compliance with the City's threshold of 60 dBA. If noise levels are found to be above the recommended threshold of 60 dBA at any existing single-family residential use, then mitigation would be required to reduce the sound level to 60 dBA or below at the residential uses. Mitigation could include, but is not limited to: earthen berms, temporary walls (5/8-inch plywood), 1-inch acoustic blankets, modified crusher orientation, or relocation of the rock crusher. The final mitigation design shall be reviewed and approved by the Planning Division Manager concurrent with the issuance of grading permit.

Finding

Changes or alterations have been required in, or incorporated into, the Project as mitigation measures MM N-1 through MM N-2, which are feasible, and will mitigate, avoid or substantially lessen the significant effects as identified in the Final EIR resulting from exposure of persons to or generation of noise levels in excess of standards established in the General Plan or Noise Ordinance.

Facts in Support of Finding:

Implementation of the Project would increase ambient noise levels in the Project vicinity both temporarily and permanently. Operational noise impacts at the Project site could exceed stated

noise thresholds. Incorporation of mitigation measure MM N-1a would ensure exterior noise levels at the Project site are compliant with the City's thresholds by constructing noise barriers to substantially lessen on-site noise to less than significant. Additionally, as required in mitigation measure MM N-1b, a final noise study is required prior to issuance of first building permit for any of the lots located adjacent to Las Posas Road to ensure interior noise levels would meet the City's threshold and significant environmental effects to noise would be reduced to less than significant.

Potential noise impacts could occur during Project construction if a rock crusher operates less than 900 feet from the nearest residence. Implementation of mitigation measure MM N-2 would require noise monitoring during the first week of rock crusher operations to ensure compliance with the City's thresholds. If noise levels are above thresholds then mitigation would be required to reduce the sound level below City thresholds. Mitigation could include but is not limited to earthen berms, temporary walls, modified crusher orientation, or relocation of the rock crusher. Implementation of MM N-2 would ensure impacts related to rock crusher noise would be reduced to below a level of significance.

Additionally, biological resources mitigation measures (MM-BIO-1b, MM-BIO-2, and MM-BIO-3) require preconstruction surveys for avian species if construction is to occur during the nesting season. If nesting birds are found during the preconstruction surveys, buffers would be established so that construction activities, including construction noise, do not impacts the nesting birds.

PUBLIC SERVICES

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

Mitigation Measures: The Project includes mitigation measures in the MMRP that is to be adopted concurrently with these findings.

All public services impacts and mitigation measures are detailed in Attachment A at the end of this document. Implementation of mitigation measure MM-PS-1 will reduce impact PS-1 (school services), mitigation measure MM-PS-2 will reduce impact PS-2 (fire services) and mitigation measure MM-PS-3 will reduce impact PS-3 (police services).

In order to mitigate school service impacts, implementation of the following mitigation measure will be required:

MM PS-1 The project applicant shall pay school mitigation fees pursuant to California Education Code Section 17620 et seq. and Government Code Sections 65995(h) and 65996(b). The applicant shall pay the school mitigation fees that are in effect at the time of building permit issuance. Consistent with General Plan Policy LU-11.2, the applicant shall provide a letter from the school district(s) to the City prior to the issuance of building permits confirming these fees have been paid. The current school fees for residential

development are $4.61/square foot for SMUSD and $3.20/square foot for VUSD.

In order to mitigate fire protection service impacts, implementation of the following mitigation measure will be required:

MM PS-2 The proposed project shall annex into San Marcos Fire Protection District Community Facilities District No. 2001-01 (CFD 2001-01) for fire protection services. The project shall contribute toward the future resources needed by SMFD through participation in CFD 2001-01 and payment of mitigation fees. Such payments would go towards providing the additional staff and equipment that would be needed by SMFD in the future to provide fire protection services to the proposed project. Specifically, CFD 2001-01 authorizes fire stations, fire training facilities, fire dispatch centers, fire communication systems and fire equipment.

In order to mitigate police protection service impacts, implementation of the following mitigation measure will be required:

MM PS-3 The project shall contribute toward the future police protection resources through the payment of fees to CFD 98-01 Improvement Area #1. These fees would provide for additional staff and equipment to assist in the provision of law enforcement services. As it relates to police protection, CFD 98-01 Improvement Area #1 covers police facilities, police communication systems and police equipment.

Finding

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

Facts in Support of Finding:

To mitigate Project-level impacts related to schools as well as the Project's contribution toward a cumulative impact to VUSD and SMUSD schools, the project applicant/developer shall be required to pay school fees at the time the building permit is obtained, as identified in mitigation measure MM PS-1 (currently $3.20 per s.f. for single-family residential within VUSD and $4.61 per s.f. for single-family residential within SMUSD). SB 50 states that the fees imposed by school districts shall constitute the exclusive method of considering and mitigating impacts on school facilities caused by a development Project. Such payment shall provide "full and complete mitigation of the impacts of any legislative or adjudicative act...on the provision of adequate

school facilities" (Government Code Section 65995(h)).

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

The Project's incremental effects on fire protection services would be avoided by the City requirement for payment of fees to the preexisting CFD No. 2001-01 as required by mitigation measure MM PS-2. Such payments would go towards providing the additional staff and equipment that would be needed by the Fire Department in the future to provide fire protection services to the Project. Specifically, this CFD 2001-01 covers authorized facilities including: fire stations, fire training facilities, fire dispatch center, fire community system and fire equipment. It also covers the following authorized services: fire protection, ambulance and paramedic services.

The Project's incremental effects on police protection services would be avoided offset by the City requirement for the payment of fees to CFD No. 98-01 Improvement Area #1 as required by mitigation measure MM PS-2. As it relates to police protection, this CFD covers police communication systems and police equipment and police services.

With the incorporation of MM PS-1 through MM PS-3, significant environmental effects to public services would be substantially lessened to less than significant.

RECREATION

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

Mitigation Measures: The Project includes mitigation measures in the MMRP that is to be adopted concurrently with these findings.

All recreation impacts and mitigation measures are detailed in Attachment A at the end of this document. Implementation of mitigation measure MM-REC-1 will reduce impact REC-1 (increase in park use).

In order to mitigate the increase in demand for public parks, implementation of the following mitigation measure will be required:

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

throughout the City. Payment of the PFF shall be made prior to project occupancy.

Finding

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

Facts in Support of Finding:

The proposed project would result in an increase in the City of San Marcos population by approximately 280 residents. The additional residents would require approximately 1.4 acres of new park space to fulfill the City's General Plan requirement of five acres of park space per every 1,000 residents. While the proposed project would develop two acres of private park space, it would not provide any public park space. To make up for the deficiency in public park space, the proposed project would be required to pay the City's PFF, as required by mitigation measures MM REC-1. A portion of the PFF is designated for parks, with the money going towards the acquisition and development of local and community park facilities throughout the City in addition to what is provided on-site.

Additionally, the proposed project would annex into the City of San Marcos Community Facilities District No. 98-02 (Lighting, Landscape, Open Space and Preserve Maintenance), into which residents would pay, which would offset the cost for the ongoing maintenance of the multi-use trail. With the incorporation of MM REC-1, significant environmental effects to recreation would be reduced to less than significant.

TRANSPORTATION/TRAFFIC

The proposed Project would result in potentially significant impacts related to conflicts with applicable plans, ordinances, or policies by contributing significant traffic to the area's circulation network and by failing to meet corner sight distance requirements at the project access intersection.

Mitigation Measures: The Project includes mitigation measures in the MMRP that is to be adopted concurrently with these findings.

All transportation/traffic impacts and mitigation measures are detailed in Attachment A at the end of this document. Implementation of mitigation measure MM-TR-1 and MM-TR-2 will reduce impacts TR-1 and TR-2 (cumulative impact to Las Posas Road/Camino del Sol). MM-TR-3 will reduce impact TR-3 (impact to Las Posas Road/Mission Road). MM-TR-4 will reduce impact TR-4 (sight distance issues).

In order to mitigate impacts to the intersection of Las Posas Road/Camino del Sol in the Existing Plus Project and the Existing Plus Cumulative condition, implementation of the following mitigation measure will be required:

MM TR-1 Prior to project occupancy, the project shall interconnect the signals at the intersections of Las Posas Road/Borden Road and Las Posas Road/Avenida Azul. Interconnecting the two signals would require trenching approximately 0.5 mile of fiber optic cable between the two intersections and installing utility pullboxes every few hundred feet where appropriate. The project shall also develop the signal coordination timing plans for the segment of Las Posas Road from Mission Road to Borden Road.

In order to mitigate impacts to the intersection of Las Posas Road/Camino del Sol in the Horizon Year 2035 condition, implementation of the following mitigation measure will be required:

MM TR-2 The project shall contribute a fair share toward the cost of installing a traffic signal at the intersection of Las Posas Road/Camino del Sol (ultimate improvement for this intersection). Fair share payments shall be made prior to project occupancy.

In order to mitigate impacts to the intersection of Las Posas Road/Mission Road in the Horizon Year 2035 condition, implementation of the following mitigation measure will be required:

MM TR-3 The project shall contribute a fair share toward the cost of constructing a dedicated right-turn lane on the westbound approach of the intersection of Las Posas Road/Mission Road. Fair share payments shall be made prior to project occupancy.

In order to mitigate impacts related to sight distance, implementation of the following mitigation measure will be required:

MM TR-4 The existing tree located approximately 100 feet south of the primary project access intersection shall be removed prior to project occupancy to provide the minimum required intersection corner sight distance looking south from the project access intersection. The area within the sight triangle adjacent to the south side of the project access intersection as shown on Figure 3.14-2 shall also remain free from any object exceeding 36 inches in height. Additionally, plantings within the future Las Posas Road median proposed as part of the proposed project shall emphasize low plants that will not exceed 36 inches in height at maturity.

<u>Finding</u>

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

Facts in Support of Finding:

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

- During the Existing Plus Project condition, traffic from the proposed Project would increase delay during the AM and PM peak hour at the deficient Las Posas Road/Camino Del Sol intersection by 6.8 and 7.1 seconds, respectively.
- During the Existing Plus Cumulative condition, traffic from the proposed Project would increase delay during the AM and PM peak hour at the deficient Las Posas Road/Camino Del Sol intersection by 9.3 and 14.5 seconds, respectively.
- During the Horizon Year 2035 condition, traffic from the proposed project would increase delay during the AM and PM peak hours at the deficient Las Posas Road/Camino Del Sol intersection by 7.6 and 68.2 seconds, respectively. Traffic from the proposed project would also increase delay during the PM peak hour at the deficient Las Posas Road/Mission Road intersection by 3.3 seconds.

Impacts resulting to Las Posas Road/Camino Del Sol, and Las Posas Road/Mission Road intersections would be mitigated through implementing signal coordination between intersections upstream and downstream of Las Posas Road/Camino Del Sol (Existing Plus Project Conditions and Existing Plus Cumulative Plus Project Conditions) (mitigation measure MM TR-1) and fair share payment towards roadway improvements, including installation of a traffic signal, provision of additional lanes, and modified signal phasing (mitigation measures MM TR-2, and MM TR-3). Implementation of the identified roadway improvements would improve conditions at the impacted intersections to acceptable LOS, as shown in Table 3.14-15 of the Final EIR, and substantially lessen impacts to transportation and traffic to below a level of significance under Existing Plus Project, Existing Plus Cumulative, and Horizon Year 2035 conditions.

For impacts resulting from reduced sight distance at the project entrance at Las Posas Road, the minimum required intersection corner sight distance of 500 feet will be accomplished with the tree removal south of the intersection (mitigation measure MM TR-4), as shown in Figure 3.14-2 of the Final EIR. Additionally, there will be a limit on the height of plantings within the future median within Las Posas Road proposed as part of the project.

With the incorporation of MM TR-1 through MM TR-4, significant environmental effects to traffic and transportation would be avoided and reduced to less than significant.

TRIBAL CULTURAL RESOURCES

The proposed Project would result in potentially significant impacts related to tribal cultural resources.

Mitigation Measures: The Project includes mitigation measures in the MMRP that is to be adopted concurrently with these findings.

All tribal cultural resources impacts and mitigation measures are detailed in Attachment A at the end of this document. Implementation of mitigation measures MM CR-1a through MM CR-1g discussed above under cultural resources would also substantially lessen impacts to tribal cultural resources.

In order to mitigate potential impacts to tribal cultural resources, implementation of the following mitigation measures will be required:

MM CR-1a An archeological monitor and a Luiseño Native American monitor shall be present during all earth moving and grading activities to assure that any potential cultural resources, including tribal, found during project grading are protected.

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

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

MM CR-1d Prior to beginning project construction, the project archaeologist shall file a pre-grading report with the City to document the proposed methodology for grading activity observation, which would be determined in consultation with the contracted Luiseño Tribe referenced in MM CR-1c. Said

methodology shall include the requirement for a qualified archaeological monitor to be present and to have the authority to stop and redirect grading activities. In accordance with the Agreement required in MM CR-1c, the archaeological monitor's authority to stop and redirect grading would be exercised in consultation the Luiseño Native American monitor in order to evaluate the significance of any archaeological resources discovered on the property. Tribal and archaeological monitors shall be allowed to monitor all grading, excavation, and groundbreaking activities, and shall also have the authority to stop and redirect grading activities. The Luiseño Native American monitor shall be present at any pre-construction meetings that address earth and/or ground disturbing activities. If agreed upon by the Native American Most Likely Descendant at the time of discovery, discovered tribal cultural resources analysis and documentation of the found items may be permitted.

MM CR-1e The Project Applicant/Land Owner shall relinquish ownership of all cultural resources collected during the grading monitoring program and, if appropriate, from any previous archaeological studies or excavations on the project site to the appropriate Tribe for proper treatment and disposition per the Cultural Resources Treatment and Monitoring Agreement referenced in MM CR-1c. Such treatment may include, but does not require, curation at a facility that meets the criteria contained in 36 C.F.R. Part 79, or if requested by the appropriate Tribe, re-burial on-site, i.e., a non-curation alternative. All cultural materials that are deemed by the Tribe to be associated with burial and/or funerary goods would be repatriated to the "Most Likely Descendant" as determined by the NAHC per California Public Resources Code Section 5097.98.

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

MM CR-1g If inadvertent discoveries of subsurface archaeological/cultural resources, not including human remains or associated burial goods which are addressed in MM CR-3, are discovered during grading, the Project Applicant/Land Owner, the project archaeologist, and the Luiseño Tribe under agreement with the landowner described in MM CR-1c shall assess the significance of such resources and shall meet and confer regarding the mitigation for such resources. Pursuant to California Public Resources Code Section 21083.2(b) avoidance is the preferred method of preservation for archaeological resources. If the Project Applicant/Land Owner, the project archaeologist and the Tribe cannot agree on the significance of mitigation for such resources, these issues would be presented to the Planning Division Manager for decision. The Planning Division Manager shall make a determination based upon the provisions of CEQA with respect to

archaeological resources and shall take into account the religious beliefs, customs, and practices of the Tribe. Notwithstanding any other rights available under law, the decision of the Planning Division Manager shall be appealable to the Planning Commission and/or City Council.

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

Finding

Changes or alterations have been required in, or incorporated into, the Project as mitigation measures MM CR-1a through MM CR-1g, which are feasible, and will mitigate, avoid or substantially lessen the significant environmental effects as identified in the Final EIR to tribal cultural resources.

Facts in Support of Finding:

Based upon the cultural resources study prepared for the project (ASM 2017) and consultation with local tribes pursuant to SB 18 and AB 52, the project site does not contain any known tribal cultural resource that are listed or eligible for listing in the CRHR or in a local register of historical resources. However, impacts to unknown subsurface tribal cultural resources may occur on the project site. Therefore, the proposed project has the potential to disturb unidentified archeological resources during project grading. These potentially significant impacts to Tribal cultural resources during Project grading. These potentially significant impacts to Tribal resources would be mitigated to below a level of significance through implementation of MM-CR-1a through MM-CR-1g.

These measures provide for the presence of archaeological and Native American monitors during ground disturbing activities that would be able to identify any previously unidentified cultural resources, to prevent inadvertent disturbance of any intact cultural deposits that may be present. Should any resources be identified, implementation of MM-CR-1a through MM-CR-1g would ensure proper handling and treatment of such resources by providing for a proper evaluation to determine whether additional archaeological work is necessary. To further ensure Native American archaeological resources are preserved, implementation of MM-CR-1a through MM-CR-1g provides additional protections for significant resources, and describes the process for proper treatment and handling to ensure impacts are minimized. Implementation of this mitigation would

significantly lessen potential project-level impacts to tribal cultural resources to below a level of significance.

UTILITIES AND SERVICE SYSTEMS

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

Mitigation Measures: The Project includes mitigation measures in the MMRP that is to be adopted concurrently with these findings.

All utilities and service system impacts and mitigation measures are detailed in Attachment A at the end of this document. Mitigation measure MM-UTIL-1 would reduce impact UTIL-1 and UTIL-3 (project level and cumulative water storage impact). Mitigation measure MM-UTIL-2 would reduce impacts UTIL-2a, UTIL-2b, UTIL-4a, and UTIL-4b (project level and cumulative level impacts related to wastewater treatment and conveyance).

In order to mitigate project level and cumulative level storage impacts, implementation of the following mitigation measure will be required:

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

In order to mitigate project level and cumulative level wastewater treatment and conveyance impacts, implementation of the following mitigation measure will be required:

MM UTIL-2 Prior to the issuance of any occupancy permit, the project applicant shall pay Wastewater Capital Facility Fees per Vallecitos Water District Ordinance 176. The purpose of the fee is to provide adequate wastewater conveyance and treatment to serve new development within VWD's service area and to provide adequate funding for future financing and construction of facilities described in VWD's 2008 CIP. Proof of fee payment shall be provided to the City of San Marcos Planning Division.

<u>Finding</u>

Changes or alterations have been required in, or incorporated into, the Project as mitigation measures MM UTIL-1 and MM UTIL-2, which are feasible, and will mitigate, avoid or

substantially lessen significant effects as identified in the Final EIR related to water storage and total parallel land outfall conveyance needs and the requirement to construct new water facilities or expand existing facilities, and cumulative impacts to water storage, parallel land outfall capacity, wastewater solids treatment, wastewater liquids treatment, and capacity at the ocean outfall.

Facts in Support of Finding:

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

Water storage impacts would be significant at the Project- and cumulative-level. Implementation of mitigation measure MM UTIL-1 would reduce the impact to below a level of significance. MM UTIL-1 requires the payment of Water Capital Facility Fees per VWD Ordinance 175 prior to the issuance of occupancy permits. These fees would go towards water infrastructure improvements identified in VWD's 2008 CIP including Project R-10. Implementation of mitigation measure MM UTIL-1 would substantially lessen the Project- and cumulative-level impacts related to water storage to below a level of significance.

The proposed project results in project- and cumulative-level impacts related to increases in wastewater flows beyond those that were originally anticipated in the 2008 VWD Master Plan. This results in increased demand for solids treatment, liquids treatment, ocean outfall disposal capacity, and in the parallel land outfall. Implementation of mitigation measure MM UTIL-2 would substantially lessen the impacts to below a level of significance. MM UTIL-2 requires the payment of Wastewater Capital Facility Fees per VWD Ordinance 176. The purpose of the fee is to provide adequate wastewater conveyance and treatment to serve new development within VWD's service area and to provide adequate funding for future financing and construction of facilities described in VWD's 2008 CIP. Projects LOA-1 through LOA-6 in the CIP are specific to the parallel land outfall. Mitigation measure MM UTIL-2 would also substantially lessen the cumulative impacts identified related to wastewater treatment (solids and liquids) and ocean outfall capacity.

The Project will pay fees to VWD via implementation of mitigation measures MM UTIL-1 and MM UTIL-2 that will be used to mitigate the infrastructure deficits resulting from the Project's demands. The 2014 VWD Master Plan, which is slated for approval in fall 2017, will include the proposed project demands and the updated CIP will address the identified infrastructure deficits with future capital improvements. With the incorporation of MM UTIL-1 and MM UTIL-2, significant environmental effects to utilities and service systems would be reduced to less than significant.

Section IV Findings Regarding Project Alternatives

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

- No Project/No Development Alternative
- Existing Land Use Designation Alternative
- Reduced Project Alternative

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

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

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

No Project/No Development Alternative

CEQA requires a No Project Alternative to be addressed in an EIR. Under the No Project/No Development Alternative, the Murai Specific Plan would not be implemented and the project site would remain undeveloped. The project site is currently vacant and has not been subject to a development application. Although the General Plan allows 89 residential lots, this alternative assumed the site would stay in its current, undeveloped condition. The Existing Land Use Designation Alternative, which contemplates 89 units in accordance with the current General Plan designation was also analyzed in Section 4.4 of the Final EIR. The project site supports upland habitat types including Diegan coastal sage scrub. There is also limited riparian habitat associated with Agua Hedionda Creek, which passes through the site. The existing trails on the site would remain and would not be subject to any improvements or ongoing maintenance. Habitat on the project site would not be impacted nor would it be protected in perpetuity through a conservation easement.

Feasibility of Alternative

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

are some benefits of the Project that would not be realized under this alternative, including the additional housing units as identified in the General Plan, implementation of a FPP to reduce and/or manage fire fuel loads, the improvement of public trails and the long-term preservation of 40.51 acres of biological open space in perpetuity within the biological conservation areas consistent with the MHCP requirements.
The No Project/No Development Alternative was rejected in favor of the proposed Project, because the No Project/No Development Alternative does not meet any of the Project objectives.

Existing Land Use Designation Alternative

CEQA Guidelines Section 15126.6(e)(3), states that when the project is a revision of an existing land use plan, the no project alternative will be the continuation of the existing plan in the future. Under the Existing Land Use Designation Alternative, the project site would be developed per the current General Plan, which identifies the project site as "Specific Plan Area/Residential (89 lots)/Open Space/Park" (SPA/RES (89Lots)/OS/P) and as Focus Area 29 on the Land Use Plan.

The City's General Plan comprehensive update assumed a development yield of 89 single-family dwelling units for the project site; per Table D-2 of Appendix D of the City's General Plan, the project site is limited to up to 89 residential dwelling units through clustered development while retaining the Agua Hedionda Creek and related water bodies in natural open space contingent on approval of a Specific Plan. The Parks, Recreation and Community Health Element of the City's General Plan identifies a 20-acre park on the project site and describes park amenities to include a playground, tot lot, picnic tables, barbeque facility, trail staging area, fishing, wilderness area, on-site caretaker, concessions and a restroom. Additionally, the project site is identified to provide a wildlife linkage in the Conservation and Open Space Element of the City's General Plan.

Feasibility of Alternative

This alternative would meet all of the project objectives (see Table 1). However, compared to the proposed project, the Existing Land Use Designation Alternative would result in greater impacts related to construction and operational emissions, including traffic generation, noise, air quality and GHG emissions. This alternative would also result in an increase in demand for public services and utilities. This is due to the development of a 20-acre park in addition to 89 residential units and the associated impacts that would go with an increased development intensity associated with the park. The 20-acre part would result in a 45 percent increase in trips and would the associated air quality/GHG emissions and vehicular noise. Compared to the proposed project, this alternative would afford the long-term protection of sensitive habitats through a conservation easement over less acreage as the development footprint would be larger and would result in a greater level of impact to biological resources overall. Park and recreation impacts would be avoided as this alternative provides for a 20-acre park. It is unlikely that this alternative could meet the 50 percent on-site habitat conservation requirement identified in the MHCP. Compared to the proposed project, this alternative is, overall, more impactful. This alternative would meet the majority of the project objectives but it would not maximize open space preservation within the project area.

Therefore, the No Project/Existing Specific Plan Alternative was rejected in favor of the proposed Project.

Reduced Project Alternative

The Reduced Project Alternative was developed to reduce the overall development footprint in order to retain a 400-foot wide linkage along the San Diego County Water Authority (SDCWA) Aqueduct easement. The City's MHCP Draft Subarea Plan identifies a 400-foot wide linkage along the Aqueduct easement as a preferred width. While the analysis for the proposed project determined that a narrower linkage would still function appropriately given the amount of wildlife activity on site, this alternative was still considered. Under this alternative, the project would be revised to remove the 21 lots and two park areas proposed east of the SDCWA Aqueduct easement resulting in a 24 percent reduction in units (68 units instead of 89 units). Infrastructure improvements would bisect the linkage, including access from Las Posas, internal roadways, adequate emergency access, fire clearing, multi-use trail, water quality basins, and utility improvements would still be required under this alternative. Figure 4-1 in the Final EIR presents this alternative.

Feasibility of Alternative

This alternative would fully meet objectives 2, 3, and 4, and partially meet objectives 1, 5 and 6 (see Table 1). This alternative would decrease the number of residential lots from 89 to 68, a 24 percent reduction. This results in a corresponding decrease in operational-related impacts, including trip generation, vehicular emissions and vehicular noise, and the need for public services and utilities. Construction related impacts would also be reduced, as construction-related noise, traffic, and air/GHG emissions would be reduced. This alternative would meet the majority of the project objectives, however, since this alternative develops a reduced number of units, the project may not be able to meet the financial obligations such as maintenance of Open Space in perpetuity, cost of constructing infrastructure (water, sewer, electricity) payment of off-site traffic improvements, and construction of access roads inclusive of primary and two fire access roads. Therefore, the Reduced Project Alternative was rejected in favor of the proposed Project.

Table 1. Summary of Project Objectives and Alternatives

Objective	No Project/No Development Alternative (Section 4.3.3 of Final EIR)	Existing Land Use Designation Alternative (Section 4.3.4 of Final EIR)	Reduced Project Alternative (Section 4.3.5 of Final EIR)
	Meets objectives?		
1. Provide a variety of housing opportunities through a range of sizes, including 3, 4, 5, and 6 bedroom units, as well as a range of affordability to accommodate a full spectrum of family demographics and the growing housing needs in the region.	No / N/A	Yes	Partially
2. Create a clustered development to maximize open space preservation within the Specific Plan Area.	No / N/A	Yes	Yes
3. Provide development standards to regulate the nature and appearance of all construction within the Murai Specific Plan Area through unification of land form use, architectural design, unified landscape theme, and recreation areas.	No / N/A	Yes	Yes
4. Design a safe and efficient circulation system that supports the traffic in and around the Plan area, including vehicular, bicycle, pedestrian, and equestrian modes of travel.	No / N/A	Yes	Yes
5. Develop an economically feasible project with a financing plan for required community and city-wide infrastructure and public benefits.	No / N/A	Yes	Partially
6. Implement a maintenance program which will ensure all common areas are maintained to standards set forth in the City's General Plan.	No / N/A	Yes	Partially

ATTACHMENT A

MITIGATION MONITORING AND REPORTING PROGRAM

Murai Specific Plan Mitigation Monitoring and Reporting Program

Impact	Mitigation Measure	Action	Timing	Responsibility
BIOLOGICAL RESOURCES				
BIO-1 The project has the potential to directly impact California gnatcatcher due to site clearing and grading.	**MM-BIO-1a** Preservation of at least 50 percent of the net site acreage (outside of existing easements) shall be placed into a Biological Conservation Area, as specified in the MHCP and the draft San Marcos Subarea Plan. An endowment shall be created for this acreage that will provide funding for management of the land in perpetuity. Coastal Sage Scrub shall be preserved onsite at a minimum 1:1 ratio. Table 3.3-6 of the EIR summarizes the proposed conservation acreages, by habitat type.	Habitat preservation.	Prior to issuance of grading permit for impact to habitat and concurrent with the Final Map recordation. that impacts t habitats listed in Table 3.3-6 of the Final EIR.	Applicant
	MM-BIO-1b If project construction activities are necessary during the bird breeding season (February 15th to August 31st), work may occur if a qualified biologist conducts a survey for nesting birds within three days prior to the work in the area, and ensures no nesting birds will be impacted by the project. If an active nest is identified, a buffer will be established between the construction activities and the nest so that nesting activities are not interrupted. The buffer will be a minimum width of 300 feet (500 feet for raptors), will be delineated by temporary fencing, and will remain in effect as long as construction is occurring or until the nest is no longer active. No habitat removal or any other work will occur within the fenced nest zone until the young have fledged, are no longer being fed by the parents, or have left the nest and will no longer be impacted by the project. The pre-construction survey results will be submitted to the Wildlife Agencies for review and	If construction is proposed during the breeding season, conduct a pre-construction survey. Install no-work buffer if nesting birds are present.	For construction activities proposed for the period of February 15 through August 31, conduct survey no more than three days prior to construction activities. No-work buffer to be maintained until the end of the breeding season.	Applicant, Project Biologist, Contractor

Impact	Mitigation Measure	Action	Timing	Responsibility
	approval prior to vegetation removal to ensure full avoidance measures are in place.			
BIO-2 Construction noise could temporarily impact nesting activities if Bell's vireo use the site in the future for breeding.	**MM-BIO-2** A qualified biologist will conduct pre-construction surveys for least Bell's vireo if construction in the wetland area is to occur during breeding season (March 15 through September 30). If vireos are detected, then the applicant will delay construction activities occurring within 500 feet of active territories until after fledglings have left the active territories.	If construction is proposed during the breeding season, conduct a pre-construction survey. Install no-work buffer if nesting birds are present.	For construction activities proposed for the period of March 15 through September 30, conduct survey no more than three days prior to construction activities. No-work buffer to be maintained until the end of the breeding season.	Applicant, Project Biologist

Impact	Mitigation Measure	Action	Timing	Responsibility
BIO-3 Potential to impact avian species protected under the Migratory Bird Treaty Act if tree removal, vegetation removal, or other construction activities occur during the nesting season.	**MM-BIO-3** In order to avoid and minimize impacts to nesting birds (pursuant to the Migratory Bird Treaty Act), no clearing or grubbing activity will occur during the avian breeding season (February 15 through August 31) within the project area, unless pre-construction surveys indicate that active nests are not present on the site or in surrounding areas. If surveys show that nesting birds are present, a no-work buffer would be placed around the nest. The buffer size would be determined by a qualified biologist and would vary based on site conditions and type of work to be conducted. The no-work buffer would be maintained until the end of the breeding season or until surveys by a qualified biologist confirm that fledglings are no longer dependent on nest. If no nesting birds are detected during pre-construction surveys, no restrictions would be necessary and construction may proceed as planned.	If construction is proposed during the breeding season, conduct a pre-construction survey. Install no-work buffer if nesting birds are present.	For construction activities proposed for the period of February 15 through August 31, conduct survey no more than three days prior to construction activities. No-work buffer to be maintained until the end of the breeding season.	Applicant, Project Biologist, Contractor
BIO-4 Potential for indirect impacts to sensitive wildlife species during project construction.	**MM-BIO-4** Indirect impacts shall be minimized during construction by implementation of Standard Best Management Practices (BMPs) as described in the MHCP (Vol. II, Appendix B) as follows: - The qualified project biologist shall monitor construction activities throughout the duration of the project to ensure that all practicable measures are being employed to avoid incidental disturbance of habitat and any target species of concern outside the project footprint. Construction monitoring reports shall be completed and provided to the jurisdictional City, USFWS and CDFW	Implementation of listed BMPs.	Prior to and during construction	Applicant, Project Biologist, Contractor

Impact	Mitigation Measure	Action	Timing	Responsibility
	summarizing how the project is in compliance with applicable conditions. The project biologist should be empowered to halt work activity if necessary and to confer with staff from the applicable city, USFWS and CDFW to ensure the proper implementation of species and habitat protection measures. A summary of construction monitoring activities shall be submitted to the Planning Manager. - A qualified biologist shall conduct a training session for all project personnel prior to proposed activities. At a minimum, the training shall include a description of the target species of concern and its habitats, the general provisions of the Endangered Species Act (ESA) and the MHCP, the need to adhere to the provisions of the ESA and the MHCP, the penalties associated with violating the provisions of the ESA, the general measures that are being implemented to conserve the target species of concern as they relate to the project, and the access routes to and project site boundaries within which the project activities must be accomplished. A summary of the training session shall be submitted to the Planning Manager. - A water pollution and erosion control plan shall be developed that describes sediment and hazardous materials control, dewatering			

Impact	Mitigation Measure	Action	Timing	Responsibility
	or diversion structures, fueling and equipment management practices, and other factors deemed necessary by reviewing agencies. Erosion control measures shall be monitored on a regularly scheduled basis, particularly during times of heavy rainfall. Corrective measures will be implemented in the event erosion control strategies are inadequate. Sediment/erosion control measures will be continued at the project site until such time as the revegetation efforts are successful at soil stabilization. The plan shall be reviewed and approved by the City Engineer. - The footprint of disturbance shall be minimized to the maximum extent feasible. Access to sites shall be via pre-existing access routes to the greatest extent possible. These requirements shall be noted on the construction plans. - The upstream and downstream limits of the project's disturbance plus lateral limits of disturbance on either side of the stream shall be clearly defined and marked in the field and reviewed by the biologist prior to initiation of work. Photographic documentation of the marked limits shall be provided to the Planning Manager. - The project contractor shall avoid the			

Impact	Mitigation Measure	Action	Timing	Responsibility
	placement of equipment and personnel within the stream channel or on sand and gravel bars, banks, and adjacent upland habitats used by target species of concern. This requirement shall be noted on construction plans. - When stream flows must be diverted, the diversions shall be conducted using sandbags or other methods requiring minimal instream impacts. Silt fencing or other sediment trapping materials shall be installed at the downstream end of construction activity to minimize the transport of sediments off-site. Settling ponds where sediment is collected shall be cleaned out in a manner that prevents the sediment from re-entering the stream. Care shall be exercised when removing silt fences, as feasible, to prevent debris or sediment from returning to the stream. - Equipment storage, fueling, and staging areas shall be located on upland sites with minimal risks of direct drainage into riparian areas or other sensitive habitats. These designated areas shall be located in such a manner as to prevent any runoff from entering sensitive habitat. All necessary precautions shall be taken to prevent the release of cement or other toxic substances into surface waters. All project related spills of hazardous materials shall be reported to appropriate entities			

Impact	Mitigation Measure	Action	Timing	Responsibility
	including but not limited to applicable jurisdictional city, USFWS, CDFW and RWQCB and shall be cleaned up immediately and contaminated soils removed to approved disposal areas. This requirement shall be noted on the construction plans. - Erodible fill material shall not be deposited into water courses. Brush, loose soils, or other similar debris material shall not be stockpiled within the stream channel or on its banks. This requirement shall be noted on the construction plans. - The removal of native vegetation shall be avoided and minimized to the maximum extent practicable. Temporary impacts shall be returned to pre-existing contours and revegetated with appropriate native species. All revegetation plans shall be prepared and implemented consistent with Appendix C (Revegetation Guidelines) of the MHCP and shall require written concurrence of the USFWS and CDFW. - To avoid attracting predators of the target species of concern, the project site shall be kept as clean of debris as possible. All food related trash items shall be enclosed in sealed containers and regularly removed from the site(s). Pets of project personnel shall not be allowed on-site where they may come into			

Impact	Mitigation Measure	Action	Timing	Responsibility
	contact with any listed species. These requirements shall be noted on the construction plans and periodically reviewed by the construction monitoring biologist. - Construction employees shall strictly limit their activities, vehicles, equipment, and construction materials to the proposed project footprint and designated staging areas and routes of travel. The construction area(s) shall be the minimal area necessary to complete the project and shall be specified in the construction plans. Construction limits will be fenced with orange snow screen. Exclusion fencing should be maintained until the completion of all construction activities. All employees shall be instructed that their activities are restricted to the construction areas. Documentation of the placement of the orange snow screen shall be submitted to the Planning Manager. The construction monitoring biologist shall confirm the construction fencing is maintained during the course of construction. - Any habitat destroyed that is not in the identified project footprint shall be disclosed immediately to the City, USFWS, and CDFW and shall be compensated at a minimum ratio of 5:1. - If dead or injured listed species are located,			

Impact	Mitigation Measure	Action	Timing	Responsibility
	initial notification must be made within three working days, in writing, to the USFWS Division of Law Enforcement in Torrance, California and by telephone and in writing to the City, Carlsbad Field Office of the USFWS, and CDFW. - The City shall have the right to access and inspect any sites of approved projects including any restoration/enhancement area for compliance with project approval conditions including these BMPs. The USFWS and CDFW may accompany City representatives on this inspection. - Any planting stock to be brought onto the site for landscaping or ecological restoration shall first be inspected by a qualified pest inspector to ensure it is free of pest species that could invade natural areas, including but not limited to Argentine ants, fire ants, and other insect pests. Any planting stock found to be infested with such pests shall not be allowed on the project site or within 300 feet of natural habitats. The stock shall be quarantined, treated, or disposed of according to best management principles by qualified experts in a manner that precludes invasions into natural habitats. Materials shall also be inspected to ensure they are free from disease prior to installation. To the greatest extent possible container stock will be obtained			

Impact	Mitigation Measure	Action	Timing	Responsibility
	from nurseries that incorporate the California Native Plant Society's best management practices for managing *Phytophthora.* - All mitigation sites shall be conserved through fee title acquisition or conservation easement, and proof of recordation shall be provided to the City prior to land disturbance.			
BIO-5 Potential for indirect impacts to sensitive wildlife species during project operation.	**MM-BIO-5a** The applicant would require the Homeowner's Association to implement covenants, conditions, and restrictions (CC&Rs) to regulate property usage, including maintenance of on-site restored habitats, indoor cat policy, and protection of adjacent natural areas of the on-site preserve and the Creek. The applicant would incorporate landscape management practices into the CC&Rs that minimize the use of chemical fertilizers, pesticides, and herbicides. Maintenance of on-site restored habitats and protection of adjacent natural areas of the on-site preserve and the Creek shall be overseen by a conservancy or similar entity with approval by the permitting regulatory agencies. The CC&Rs shall be reviewed by the City Attorney prior to recordation.	Maintenance of habitat and enforcement of other protective measures through CC&Rs.	CC&Rs shall be established prior to project occupancy and reviewed by the City Attorney. Maintenance shall be ongoing.	Applicant, HOA, City Attorney
	MM-BIO-5b Potential impacts from human and pet intrusion into the on-site open space shall be minimized through a program of education (using that developed by the American Society for the Prevention of Cruelty to Animals), cat control, and habitat fencing with no gates between the development and the open space, along the backyards of residential lots adjacent to the planned	Indoor cat policy and owner education for cat control. Enforcement shall be through CC&Rs.	Education will be ongoing.	Applicant, HOA, City Attorney

Impact	Mitigation Measure	Action	Timing	Responsibility
	open space. These requirements would be identified in the CC&Rs. The CC&Rs shall be reviewed by the City Attorney prior to recordation.			
	MM-BIO-5c Use of invasive exotic plant species in landscaped areas adjacent to or near sensitive vegetation communities shall be restricted. The applicant shall encourage the use of native species in landscaping plans and would avoid the use of species listed in Lists A & B of the California Invasive Plant Council's list of Exotic Pest Plants of Greatest Ecological Concern in California. This condition shall be included in the CC&Rs for the project. The CC&Rs shall be reviewed by the City Attorney prior to recordation.	The planting palette shall avoid the use of species listed in Lists A & B of the California Invasive Plant Council's list of Exotic Pest Plants of Greatest Ecological Concern in California.	During initial project landscaping and project operation.	Applicant, HOA, City Attorney
	MM-BIO-5d All night lighting within the proposed development area, including streets and backyards, shall be directed away from the habitat areas, including Agua Hedionda Creek, the stepping stone linkage along the project's northern boundary, and the preserved open space east of the development. This condition shall be included in the CC&Rs for the project and the HOA shall regulate this condition and would not allow any future additional lighting to be installed by private homeowners. The CC&Rs shall be reviewed by the City Attorney prior to recordation.	Restrictions on night lighting through CC&Rs.	CC&Rs shall be established prior to project occupancy and reviewed by the City Attorney. Maintenance shall be ongoing.	Applicant, HOA, City Attorney

Impact	Mitigation Measure	Action	Timing	Responsibility
BIO-6 The project would directly impact 32.11 acres of Diegan coastal sage Scrub, 0.64 acres of coastal sage scrub-Baccharis dominated, 1.39 acres of non-native grassland, and 0.04 acre (0.02 acre permanent and 0.02 acre temporary) of southern cottonwood-willow riparian forest.	See MM-BIO-1a	See MM-BIO-1a	See MM-BIO-1a	See MM-BIO-1a
BIO-7 Potential for indirect impacts to sensitive habitats during project construction.	See MM-BIO-4	See MM-BIO-4	See MM-BIO-4	See MM-BIO-4
BIO-8 Potential for indirect impacts to sensitive habitats during project operation.	See MM-BIO-5a through MM-BIO-5d	See MM-BIO-5a through MM-BIO-5d	See MM-BIO-5a through MM-BIO-5d	See MM-BIO-5a through MM-BIO-5d
BIO-9 The project would impact 0.04 acres of jurisdictional wetlands (0.02 acre permanent and 0.02 acre temporary) due to grading associated with the entrance to	**MM-BIO-9** The permanent impact to 0.02 acres of Southern Cottonwood-Willow Riparian Forest shall be mitigated at a 3:1 ratio for a total of 0.06 acres. This shall be accomplished through either 1) restoration, enhancement and/or creation of wetland habitat and placement of wetland habitat in a biological conservation area either on- or off-site and in coordination with the regulatory agencies or,	Preparation of a restoration and monitoring plan and wetland habitat mitigation and/or purchase of mitigation credits.	The restoration and monitoring plan for the wetland restoration areas shall be developed and submitted to the USACE and	Applicant

Impact	Mitigation Measure	Action	Timing	Responsibility
the project site off Las Posas Road.	2) through purchase of credits in a wetland mitigation bank. The temporary impact to 0.02 acre of Southern Cottonwood-Willow Riparian Forest shall be mitigated through either 1) purchase of credits in a mitigation bank to mitigate at a 3:1 ratio, or 2) revegetation within the impacted areas once project grading is complete. Should restoration be selected as the preferred mitigation strategy, a restoration and monitoring plan for the wetland restoration areas shall be developed and submitted to the USACE and USFWS for approval prior to any ground disturbance of wetland habitat. The plan would include salvaging on-site plant materials (if appropriate) prior to initial clearing and the storage of those materials may be used in the revegetation effort. The restoration/monitoring plan shall include specific replacement planting techniques, timing, success criteria, and an As-Built report.		USFWS for approval prior and/or the proof of purchase of mitigation credits shall be submitted to the Planning Manager. This shall occur prior to any ground disturbance of wetland habitat.	
BIO-10 Potential for indirect impacts to jurisdictional wetlands during project construction.	**MM-BIO-10** All equipment maintenance, staging, and dispensing of fuel, oil, or any other such activities, would occur in designated upland areas outside of the proposed preserve. The designated upland areas would be located in such a manner as to prevent any runoff from entering waters of the United States, including wetlands.	Submit construction monitoring reports to RWQCB.	Monthly during project grading.	Applicant, Contractor
BIO-11 Edge effects including intrusion by domestic animals and	See MM-BIO-5a through MM-BIO-5d.	See MM-BIO-5a through MM-BIO-5d.	See MM-BIO-5a through MM-BIO-5d.	See MM-BIO-5a through MM-BIO-5d.

Impact	Mitigation Measure	Action	Timing	Responsibility
unauthorized people and spill over lighting could indirectly impact habitat linkages				
BIO-12 The project would contribute to a significant cumulative impact related to habitat loss of CSS.	See MM-BIO-1a through MM-BIO-1b, and MM-BIO-4.	See MM-BIO-1a through MM-BIO-1b, and MM-BIO-4.	See MM-BIO-1a through MM-BIO-1b, and MM-BIO-4.	See MM-BIO-1a through MM-BIO-1b, and MM-BIO-4.
CULTURAL RESOURCES				
CR-1 Unknown archaeological resources may occur on the project site, and the proposed project has the potential to disturb such unidentified resources during project grading.	**MM-CR-1a** An archeological monitor and a Luiseño Native American monitor shall be present during all earth moving and grading activities to assure that any potential cultural resources, including tribal, found during project grading are protected.	Monitoring of earth moving and ground disturbing activities.	During all earth moving and ground disturbing activity.	Archaeologist, Tribal Monitor
	MM-CR-1b Prior to beginning project construction, the Project Applicant/Land Owner shall retain a San Diego County qualified archaeological monitor to monitor all ground-disturbing activities in an effort to identify any unknown archaeological resources. Any newly discovered cultural resource deposits shall be subject to cultural resources evaluation, which shall include archaeological documentation, analysis and report generation and take into account tribal customs and traditions.	Monitoring of earth moving and ground disturbing activities.	During all earth moving and ground disturbing activity.	Archaeologist
	MM-CR-1c At least 30 days prior to beginning project construction, the Project Applicant/Land Owner shall enter into a Cultural Resource Treatment and Monitoring Agreement (also known	Enter into Cultural Resource Treatment and Monitoring	At least 30 days before project construction.	Applicant/Land Owner, Luiseño Tribe

Impact	Mitigation Measure	Action	Timing	Responsibility
	as a pre-excavation agreement, or Agreement) with a Luiseño Tribe. A Luiseño Tribe shall provide input into the scope and content of the Agreement. At a minimum, the Agreement shall address the treatment of known cultural resources; the designation, responsibilities, and participation of professional Native American Tribal monitors during grading, excavation and ground disturbing activities; project grading and development scheduling; terms of compensation for the monitors; and treatment and final disposition of any cultural resources, sacred sites, and human remains discovered on site.	Agreement.		
	MM-CR-1d Prior to beginning project construction, the project archaeologist shall file a pre-grading report with the City to document the proposed methodology for grading activity observation, which would be determined in consultation with the contracted Luiseño Tribe referenced in MM-CR-1c. Said methodology shall include the requirement for a qualified archaeological monitor to be present and to have the authority to stop and redirect grading activities. In accordance with the Agreement required in MM-CR-1c, the archaeological monitor's authority to stop and redirect grading would be exercised in consultation the Luiseño Native American monitor in order to evaluate the significance of any archaeological resources discovered on the property. Tribal and archaeological monitors shall be allowed to monitor all grading, excavation, and groundbreaking activities, and shall also have the authority to stop and redirect grading activities. The Luiseño Native	File a pre-grading report with City.	Before project construction.	Archaeologist, Luiseño representative

Impact	Mitigation Measure	Action	Timing	Responsibility
	American monitor shall be present at any pre-construction meetings that address earth and/or ground disturbing activities. If agreed upon by the Native American Most Likely Descendant, at the time of discovery, discovered tribal cultural resources analysis and documentation of the found items may be permitted.			
	MM-CR-1e The Project Applicant/Land Owner shall relinquish ownership of all cultural resources collected during the grading monitoring program and, if appropriate, from any previous archaeological studies or excavations on the project site to the appropriate Tribe for proper treatment and disposition per the Cultural Resources Treatment and Monitoring Agreement referenced in MM-CR-1c. Such treatment may include, but does not require, curation at a facility that meets the criteria contained in 36 C.F.R. Part 79, or if requested by the appropriate Tribe, re-burial on-site, i.e., a non-curation alternative. All cultural materials that are deemed by the Tribe to be associated with burial and/or funerary goods would be repatriated to the "Most Likely Descendant" as determined by the NAHC per California Public Resources Code Section 5097.98.	Relinquish all cultural resources.	Before, during, and after project construction.	Applicant/Land Owner
	MM-CR-1f All sacred sites, should they be encountered within the project area, shall be avoided and preserved as the preferred mitigation, if feasible.	Avoidance of sacred sites.	Before, during, and after project construction.	Applicant/ Land Owner, Contractor

Impact	Mitigation Measure	Action	Timing	Responsibility
	MM-CR-1g If inadvertent discoveries of subsurface archaeological/cultural resources, not including human remains or associated burial goods which are addressed in MM-CR-3, are discovered during grading, the Project Applicant/Land Owner, the project archaeologist, and the Luiseño Tribe under agreement with the land owner described in MM-CR-1c shall assess the significance of such resources and shall meet and confer regarding the mitigation for such resources. Pursuant to California Public Resources Code Section 21083.2(b) avoidance is the preferred method of preservation for archaeological resources. If the Project Applicant/Land Owner, the project archaeologist and the Tribe cannot agree on the significance of mitigation for such resources, these issues would be presented to the Planning Division Manager for decision. The Planning Division Manager shall make a determination based upon the provisions of CEQA with respect to archaeological resources and shall take into account the religious beliefs, customs, and practices of the Tribe. Notwithstanding any other rights available under law, the decision of the Planning Division Manager shall be appealable to the Planning Commission and/or City Council. If cultural resources are inadvertently discovered during the project's earth and/or ground disturbing activities, a controlled grade may be required. A controlled grade procedure would require that earth and/or ground disturbing equipment operate at a deliberate pace, in a specialized manner and work in controlled increments as determined by the Native	Evaluation of cultural resources if they are identified during project construction.	During project grading.	Applicant/ Land Owner, Archaeologist, Tribal Monitor

Impact	Mitigation Measure	Action	Timing	Responsibility
	American monitor and project archaeologist. Equipment would need to meet specific requirements regarding weight, attachments and type of wheels, as determined by the project archaeologist.			
CR-2 The project has the potential to disturb unidentified paleontological resources during	**MM-CR-2** A qualified paleontologist shall be retained by the Project Applicant/Land Owner to implement an appropriate paleontological mitigation program which includes the following measures:	Monitoring of construction activities and filing of mitigation report.	During and after all ground disturbing activity.	Paleontologist

Impact	Mitigation Measure	Action	Timing	Responsibility
project grading.	- The paleontologist shall monitor construction excavations which impact previously undisturbed sediments of the Santiago Peak Volcanics, as well as deposits of colluviums and alluvium. - The paleontologist would initially monitor the excavation on a part time basis, which may be reduced depending on the sediments excavation and if any fossils are being encountered. If the paleontologist encounters any significant fossils, they would be salvaged. - The paleontologist would be allowed to divert or direct grading activity in the area of an exposed fossil to prevent the fossil from being destroyed. - Because of the small nature of some fossils present in these rock units, it may be necessary for matrix samples to be collected for processing through fine mesh screens. - If found, fossils shall be prepared to the point of identification, stabilized, mapped on a USGS topographic map, and cataloged before they are donated to their final repository. - All significant fossils collected would be donated to a public, non-profit institution with a research interest in the materials, such			

Impact	Mitigation Measure	Action	Timing	Responsibility
	as the San Diego Natural History Museum. The institution selected must be capable of curating specimens, field notes, geologic maps, and stratigraphic sections, as well as allows for retrieval of specific specimens by researchers in the future. On the completion of all laboratory and field work, a final paleontological mitigation report shall be prepared and filed with the client, the fossil repository and the lead agency.			
CR-3 There is a potential for project construction activities to disturb previously unidentified human remains on the project site.	**MM-CR-3** If human remains and associated burial goods are encountered, the Project Applicant/Land Owner shall conform to California Health and Safety Code Section 7050.5 which states that no further disturbance shall occur until the San Diego County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b), the Project Applicant/Land Owner shall leave in place and free from disturbance remains until a final decision as to the treatment and disposition has been made. Suspected Native American remains shall be examined in the field and the location of the find shall be kept secure. If the San Diego County Coroner determines the remains to be Native American, the NAHC must be contacted within 24 hours. The NAHC shall then immediately notify the "most likely descendant(s)" of the discovery. The most likely descendants(s) shall then make	Do not disturb human remains.	During project construction.	Applicant/Land Owner, Archaeologist

Impact	Mitigation Measure	Action	Timing	Responsibility
	recommendations within 48 hours after being allowed access to the site, and engage in consultation concerning treatment of remains as provided in Public Resources Code 5097.98.			
Greenhouse Gas				
GHG-1 The project's operational GHG emissions would exceed the City's Climate Action Plan threshold for emissions per service are population.	**MM GHG-1a** The project applicant shall coordinate with SDG&E to ensure that Smart Meters are installed for each residential unit. This requirement shall be identified on the project plans and shall be reviewed and approved by the Planning Manager.	Coordinate and identify placement of Smart Meters on project plans.	Prior to project occupancy.	Applicant, Contractor
	MM GHG-1b The proposed project shall provide separate waste containers to allow for simpler material separations or shall pay for a waste collection service that recycles the materials in accordance with AB341 to achieve a 75 percent waste diversion. All green waste will be diverted from landfills and recycled as mulch. This requirement shall be identified on the project plans and shall be reviewed and approved by the Planning Manager.	Identify provision of separate waste containers on project plans.	Prior to project occupancy.	Applicant, Contractor
GHG-2 The project's operational GHG emissions is inconsistent with the City's Climate Action Plan.	See MM-GHG-1a and MM-GHG-1b.	See MM-GHG-1a through MM-GHG-1b.	See MM-GHG-1a through MM-GHG-1b.	See MM-GHG-1a through MM-GHG-1b.
HAZARDS/HAZARDOUS MATERIALS				

Impact	Mitigation Measure	Action	Timing	Responsibility
HAZ-1a The project site is located within a Very High fire hazard severity zone.	**MM HAZ-1a** The proposed project shall use ignition-resistive construction, residential fire sprinkler systems, and structure setbacks, among other requirements as applicable, in compliance with the City's Municipal Code (which incorporates fire and building code standards in effect at the time of building plan submittal). These requirements shall be identified on building plans and subject to review and approval by the Building and Code Compliance Department and Fire Marshal concurrent with the submittal of building plans.	Use of ignition-resistive building materials, sprinkler systems, setbacks and other municipal code requirements.	This requirement shall be noted on building plans and implemented during construction.	Applicant, Contractor, City (Building and Code Compliance Department and Fire Marshal)
HAZ-1b Lots 7, 8 and 9 do not meet the minimum 150-foot fuel modification zone requirements.	**MM HAZ-1b** The following enhanced construction requirements shall be incorporated into future development on Lots 7, 8 and 9 to provide functional equivalency of full fuel modification. These requirements shall be identified on building and landscaping plans and subject to review and approval by the Building and Code Compliance Department and Fire Marshal concurrent with the submittal of building plans. • Installation of a six-foot high heat deflecting view wall of masonry construction with fire-rated glazing. The wall will extend 5 feet on each side of property line of Lots 7 and 9. • Installation of dual-pane tempered windows.	Installation of wall and dual-pane tempered windows.	This requirement shall be noted on building plans and implemented during construction.	Applicant, Contractor, City (Building and Code Compliance Department and Fire Marshal)
HAZ-1c Wildland fire risk could be increased during project construction.	**MM HAZ-1c** The following safety measures shall be implemented prior to the delivery of combustible construction materials to the project site the following shall be completed to the satisfaction of the San Marcos Fire Department concurrent with the submittal of building plans:	Implementation of listed safety measures.	Prior to the delivery of combustible construction materials to the project site.	Applicant, Contractor, City (Fire Marshal)

Impact	Mitigation Measure	Action	Timing	Responsibility
	- Fire hydrants shall be installed, approved and be usable. - Access roads shall be in place and provide a permanent all-weather surface for emergency vehicles that support weight of fire apparatus of 75,000 pounds. - A construction phasing plan shall be submitted and approved by the San Marcos Fire Department. Updates of the phasing plan shall be submitted when deemed necessary. Additionally, the following fire safety measures shall be implemented prior to the beginning of construction on the project site: - Perimeter fuel modification areas will be implemented and approved by the San Marcos Fire Department prior to combustible materials being brought on site. - Existing flammable vegetation will be reduced by 50 percent on vacant lots upon commencement of construction. The fuel reduction shall be reviewed and approved by the San Marcos Fire Department prior to the commencement of construction. - Dead fuel, ladder fuel, and downed fuel will be removed and trees/shrubs shall be properly limbed, pruned, and spaced in accordance			

Impact	Mitigation Measure	Action	Timing	Responsibility
	with the Murai Subdivision Fire Protection Plan Prepared by Dudek (April 2017). This fuel modification shall be reviewed and approved by the San Marcos Fire Department prior to commencement of construction.			
NOISE				
N-1 Noise levels at six receptors are modeled to exceed the City's General Plan Noise Element 60 dBA exterior threshold.	**MM-N-1a** To minimize on-site exterior noise levels and to comply with the City of San Marcos noise standards, 5- to 7-foot barriers shall be constructed along the lots adjacent to Las Posas Road. The barriers shall be in place prior to project occupancy and may be constructed of a combination of landscape berms and sound walls. The locations of barriers are presented in Figure 3.10-4 of the Final EIR. The design of the barriers, including materials and color for any sound walls shall be subject to review and approval by the Planning Division Manager.	Construction of noise attenuation barriers.	Prior to occupancy of homes adjacent to Las Posas Road within the project area.	Applicant, City (Planning Division Manager)
	MM-N-1b To ensure compliance with the CCR Title 24 interior noise threshold of 45 dBA CNEL, a final noise assessment shall be performed prior to the issuance of building permits for any of the lots located adjacent to Las Posas Road. This final report shall identify the interior noise requirements based on architectural and building plans to meet the City's established interior noise limit. The identified interior noise requirements shall also be in place prior to occupancy of the residences adjacent to Las Posas Road.	Conduct final noise assessment and mitigate noise conditions to acceptable levels if an exceedance is identified.	Prior to issuance of first building permit for any of the lots located adjacent to Las Posas Road.	Applicant
N-2 Rock crusher noise may impact nearby residential	**MM-N-2** If rock crushing activities are proposed within 900 feet of residences, noise measurements of the rock crushing facilities shall be	Take noise measurements if rock crushers will	Noise measurements are during rock	Applicant, City (Planning Division

Impact	Mitigation Measure	Action	Timing	Responsibility
uses if the crusher operates less than 900 feet from the nearest residence.	conducted during the first week of operations to ensure compliance with the City's threshold of 60 dBA. If noise levels are found to be above the recommended threshold of 60 dBA at any existing single-family residential use, then mitigation would be required to reduce the sound level to 60 dBA or below at the residential uses. Mitigation could include, but is not limited to: earthen berms, temporary walls (5/8-inch plywood), 1-inch acoustic blankets, modified crusher orientation, or relocation of the rock crusher. The final mitigation design shall be reviewed and approved by the Planning Division Manager concurrent with the issuance of grading permit.	be operated within 900 feet of residences. If noise levels exceed thresholds, implement noise reduction measures to meet noise standards.	crushing phase. Final mitigation design is reviewed and approved concurrent with issuance of the grading permit.	Manager)
PUBLIC SERVICES				
PS-1 Students generated by the project would contribute to a district-wide shortage in capacity in VUSD and SMUSD.	**MM PS-1** The project applicant shall pay school mitigation fees pursuant to California Education Code Section 17620 et seq. and Government Code Sections 65995(h) and 65996(b). The applicant shall pay the school mitigation fees that are in effect at the time of building permit issuance. Consistent with General Plan Policy LU-11.2, the applicant shall provide a letter from the school district(s) to the City prior to the issuance of building permits confirming these fees have been paid. The current school fees for residential development are $4.61/square foot for SMUSD and $3.20/square foot for VUSD.	Payment of school fees to the school district(s) serving the project.	Prior to project occupancy.	Applicant
PS-2 The project would contribute to an increase in emergency and non-emergency demands	**MM PS-2** The proposed project shall annex into San Marcos Fire Protection District Community Facilities District No. 2001-01 (CFD 2001-01) for fire protection services. The project shall contribute toward the future resources needed by SMFD	Payment of mitigation fees to the fire protection CFD.	Prior to project occupancy.	Applicant

Impact	Mitigation Measure	Action	Timing	Responsibility
on the San Marcos Fire Department that require additional resources.	through participation in CFD 2001-01 and payment of mitigation fees. Such payments would go towards providing the additional staff and equipment that would be needed by SMFD in the future to provide fire protection services to the proposed project. Specifically, CFD 2001-01 authorizes fire stations, fire training facilities, fire dispatch centers, fire communication systems and fire equipment.			
PS-3 The project would contribute to an increase in demand on police protection services.	**MM PS-3** The project shall contribute toward the future police protection resources through the payment of fees to CFD 98-01 Improvement Area #1.1 These fees would provide for additional staff and equipment to assist in the provision of law enforcement services. As it relates to police protection, CFD 98-01 Improvement Area #1 covers police facilities, police communication systems and police equipment.	Payment of mitigation fees to the law enforcement CFD.	Prior to project occupancy.	Applicant
RECREATION				
REC-1 The project provides insufficient public park acreage to accommodate new residents.	**MM-REC-1** The project applicant shall pay the City's Public Facility Fee (PFF), a portion of which is designated for parks. The PFF money would go towards the acquisition and development of local and community park facilities throughout the City. Payment of the PFF shall be made prior to project occupancy.	Payment of PFF.	Prior to project occupancy.	Applicant
TRANSPORTATION/TRAFFIC				
TR-1a Project-related traffic results in a significant increase in	**MM-TR-1** Prior to project occupancy, the project shall interconnect the signals at the intersections of Las Posas Road/Borden Road and Las Posas	Installation of signal interconnect and	Prior to project occupancy.	Applicant

[1] http://www.san-marcos.net/home/showdocument?id=2559

Impact	Mitigation Measure	Action	Timing	Responsibility
delay at the intersection of Las Posas Road/Camino Del Sol in the Existing Plus Project condition during the AM and PM peak hours.	Road/Avenida Azul. Interconnecting the two signals would require trenching approximately 0.5 mile of fiber optic cable between the two intersections and installing utility pullboxes every few hundred feet where appropriate. The project shall also develop the signal coordination timing plans for the segment of Las Posas Road from Mission Road to Borden Road.	development of signal coordination timing plans.		
TR-1b The addition of project traffic results in a significant increase in delay at the intersection of Las Posas Road/Camino Del Sol in the AM and PM peak hours in the Existing Plus Cumulative condition.	See MM-TR-1	See MM-TR-1	See MM-TR-1	See MM-TR-1
TR-2 The addition of project traffic results in a significant increase in delay at the intersection of Las Posas Road/Camino Del Sol in the AM and PM peak hours in the Horizon Year 2035 condition.	**MM TR-2** The project shall contribute a fair share toward the cost of installing a traffic signal at the intersection of Las Posas Road/Camino del Sol (ultimate improvement for this intersection). Fair share payments shall be made prior to project occupancy.	Payment of a fair share contribution for future improvements at this intersection.	Prior to project occupancy.	Applicant
TR-3 The addition of project traffic results in a significant increase in delay at	**MM-TR-3** The project shall contribute a fair share toward the cost of constructing a dedicated right-turn lane on the westbound approach of the intersection of Las Posas Road/Mission Road. Fair	Payment of a fair share contribution for future improvements at	Prior to project occupancy.	Applicant

Impact	Mitigation Measure	Action	Timing	Responsibility
the intersection of Las Posas Road/ Mission Road in the PM peak hour in the Horizon Year 2035 condition.	share payments shall be made prior to project occupancy.	this intersection.		
Impact TR-4 The available line of sight looking south from the project access intersection with Las Posas Road would be less than the required sight distance.	**MM-TR-4** The existing tree located approximately 100 feet south of the primary project access intersection shall be removed prior to project occupancy to provide the minimum required intersection corner sight distance looking south from the project access intersection. The area within the sight triangle adjacent to the south side of the project access intersection as shown on Figure 3.14-2 of the Final EIR shall also remain free from any object exceeding 36 inches in height. Additionally, plantings within the future Las Posas Road median proposed as part of the proposed project shall emphasize low plants that will not exceed 36 inches in height at maturity.	Tree removal, prevention of objects/plantings exceeding 36 inches in height at the primary project access intersection and Las Posas Road median.	Prior to project occupancy.	Applicant
UTILITIES AND SERVICE SYSTEMS				
UTIL-1 The proposed project could result in an impact to water storage within the VWD water service area through an increase in storage demand of 105,470 gallons.	**MM-UTIL-1** Prior to the issuance of any occupancy permit, the project applicant shall pay Water Capital Facility Fees per VWD Ordinance 175. These fees would go towards water infrastructure improvements identified in VWD's 2008 CIP. Proof of fee payment shall be provided to the City of San Marcos Planning Division.	Payment of Capital Facility Fees to VWD and provide proof of payment to the City.	Prior to project occupancy.	Applicant, City (Planning Division Manager)
UTIL-2a The proposed project	**MM-UTIL-2** Prior to the issuance of any occupancy permit, the project applicant shall pay	Payment of Wastewater	Prior to project occupancy.	Applicant, City (Planning

Impact	Mitigation Measure	Action	Timing	Responsibility
results in a potentially significant impact related to wastewater treatment by increasing solids treatment capacity, liquids treatment capacity, and ocean outfall disposal capacity by 15,111 gpd over what was anticipated in the 2008 Master Plan.	Wastewater Capital Facility Fees per Vallecitos Water District Ordinance 176. The purpose of the fee is to provide adequate wastewater conveyance and treatment to serve new development within VWD's service area and to provide adequate funding for future financing and construction of facilities described in VWD's 2008 CIP. Proof of fee payment shall be provided to the City of San Marcos Planning Division.	Capital Facility Fees to VWD and provide proof of payment to the City.		Division Manager)
UTIL-2b The proposed project results in a potentially significant impact related to wastewater conveyance by increasing flows in the parallel land outfall by 15,111 gpd over what was anticipated in the 2008 Master Plan.	See MM-UTIL-2.	See MM-UTIL-2.	See MM-UTIL-2.	See MM-UTIL-2.
UTIL-3 The proposed project contributes to a cumulative impact to water storage within the VWD water service area through	See MM-UTIL-1.	See MM-UTIL-1.	See MM-UTIL-1.	See MM-UTIL-1.

Impact	Mitigation Measure	Action	Timing	Responsibility
an increase in storage demand of 105,470 gallons.				
UTIL-4a The proposed project contributes to a cumulative impact to wastewater treatment by increasing solids treatment capacity, liquids treatment capacity, and ocean outfall disposal capacity by 15,111 gpd over what was anticipated in the 2008 Master Plan.	See MM-UTIL-2.	See MM-UTIL-2.	See MM-UTIL-2.	See MM-UTIL-2.
UTIL-4b The proposed project contributes to a cumulative impact to wastewater treatment by increasing flows in the parallel land outfall by 15,111 gpd over what was anticipated in the 2008 Master Plan.	See MM-UTIL-2.	See MM-UTIL-2.	See MM-UTIL-2.	See MM-UTIL-2.

Design Considerations for the Project

Aesthetics/Visual Quality

- Project will be a clustered design which minimizes the project footprint and preserves large blocks of habitat.
- Implementation of the Conceptual Landscape Plan to provide a cohesive and visually-appealing planting scheme.
- Annex into Community Facilities District No. 98-02, Lighting, Landscaping, Open Space and Preserve Maintenance to provide funding for ongoing maintenance.
- Incorporation of architectural treatments and architectural design features to provide a visually-pleasing and cohesive housing product.
- Compliance with the City of San Marcos Street Lighting Standards and Specifications and San Marcos Municipal Code Title 20, Section 20.300.080, Light and Glare Standards.

Air Quality

- The project would utilize Tier IV or better construction equipment, which include diesel particulate filters.
- Prior to drilling for blasting purposes, the project will remove overburden to reduce the potential of fine particulates becoming airborne.
- Per Federal Mine Safety and Health Administration rules, water injection will be used during drilling the blasting holes in order to control drilling dust.
- All blast areas will be thoroughly watered prior to blasting pursuant to South Coast Air Quality Management District Rule 403.
- Nearby neighbors will be notified of all blasts before each occurrence pursuant to San Marcos Municipal Code Chapter 17.60.060, Blasting Operations Procedures.
- Project will comply with the San Diego Air Pollution Control District's (SDAPCD's) fugitive dust rules and fugitive dust control measures outlined in Section 87.426 of the City's Grading Ordinance.
- In accordance with SDAPCD Rule 67.0 (Architectural Coatings), the project would utilize low-volatile organic compound (VOC) paint that does not exceed 100 grams of VOC per liter for interior surfaces and 150 grams of VOC per liter for exterior surfaces.

Biological Resources

- Fencing is provided between the residential lots and preserved open space to reduce human intrusion into preserved open space.

Geology and Soils

- Structures will be designed in accordance with the current California Building Code for resistance to seismic shaking and other criteria, current seismic design specifications of the Structural Engineers Association of California, other applicable regulations, and all applicable requirements of the State of California Occupational Safety and Health

Administration.

- Incorporate all recommendations contained within the preliminary geotechnical investigation.
- In areas where boulders could be dislodged during project construction, the contract will identify any issue areas and remove them during grading. There will also be a dedicated impact zones at the toe of slope. Additionally, catchment fencing; and/or other restraints to minimize risk of damage from dislodging boulders.
- All finish cut and fill slopes will be protected from erosion and/or planted in accordance with the project specifications and/or landscape architect's recommendations. Such measures to protect the slope face will be undertaken after completion of grading.
- During construction, the contractor will maintain proper drainage and prevent the ponding of water. The contractor will take remedial measures to prevent the erosion of graded areas until permanent drainage and erosion control measures have been installed.
- All disturbed slopes will be revegetated using a mix of regionally appropriate native and non-native trees, shrubs, and groundcovers to prevent erosion.

Greenhouse Gases

- All homes shall be built with low-flow plumbing fixtures (e.g., hybrid waterless urinals, low-flow toilets, low-flow sinks, and low-flow showers) in accordance with the requirements of Title 24 as of 2016 in all units.
- All homes shall be built to incorporate of photovoltaic solar panels in the project design to provide at a minimum, 85 percent of the yearly project power demand.

Hazards and Hazardous Materials

- Future residents shall be notified of potential annoyances commonly associated with proximity to airports (e.g., noise, vibrations, and overflights) through the recording of overflight notification documents as outlined in the McClellan-Palomar Airport Land Use Compatibility Plan and Chapter 20.265 of the City's Municipal Code.
- Require 150-foot fuel modification as provided in the FPP.
- Locate all fire hydrants, each capable of 1,500 gallons per minute fire flow for at least three hours at 20 pounds per square inch residual pressure, as per San Marcos Fire Code requirements (Chapter 17.64 of the San Marcos Municipal Code).
- Require drought-tolerant, fire-resistive trees, shrubs, and groundcovers.
- Adhere to all requirements related to construction and demolition activities as provided in Chapter 33 of the 2013 California Fire Code (California Code of Regulations, Title 24, Part 9) and Section 3318.1 of the 2014 County of San Diego Consolidated Fire Code (San Diego County Code, Title 9, Division 6, Chapter 1).

Hydrology/Water Quality

- Implementation of permanent biofiltration features.
- Enter into a storm water management and discharge control maintenance agreement for the installation and maintenance of permanent best management practices (BMPs) prior to issuance of permits pursuant to the City's Municipal Code Section 14.15 and the BMP Design Manual.
- Incorporate source control BMPs as identified in the preliminary Storm Water Quality Management Plan. Source control BMPs include preventing illicit discharges into the municipal separate storm sewer system; stenciling the future on-site public road storm drain inlets; and protecting trash storage areas from rainfall, run-on, runoff, and wind dispersal.
- Incorporate site design BMPs as identified in the preliminary Storm Water Quality Management Plan. Site design BMPs include maintaining natural drainage pathways and hydrologic features; conserving natural areas, soils, and vegetation; minimizing impervious areas; minimizing soil compaction; dispersion of impervious areas; runoff collection; and landscaping with native or drought tolerant species.
- Prepare and implement a project-specific Storm Water Pollution Prevention Plan and implement BMPs, including construction-related erosion and sediment control and non-stormwater management measures.

Noise and Vibration

- Grading, extraction, and other earth moving activities would occur between 7:00 AM and 4:30 PM, Monday through Friday, and no grading, extraction, or other earth moving activities would occur on the weekends or holidays in accordance with the City's Municipal Code, Section 17.32.180.
- Rock crushing would occur between the hours of 9:00 AM and 4:00 PM, Monday through Friday.
- The project will comply with blasting procedures identified in the City's Municipal Code Section 17.60.060, including:
- The blaster will notify the Building Division and the Fire Department no less than 12 hours prior to any blasting at the location or locations of the blasting, number of blasts or explosions, type of explosives to be used, and scheduled time blasting will begin, and name of contractor and Certificate of Authorization date.
- The general contractor or property owner/developer shall give reasonable notice in writing at the time of issuance of a building permit, grading permit or encroachment license to all residences or businesses within 600 feet of any potential blast location. The notice will be in a form approved by the Building Director. Any resident or business receiving such notice may request of the Building Director that a notice of impending blasting be given by the blaster at the time of the 12-hour advance notice given to the Building Director. The general contractor or property owner/developer will make all reasonable efforts to contact any and all parties requesting the second notice.
- The blaster will file a written certification with the Building Director certifying that the general notice required by Section 17.60.060(b) has been given. The certificate will

include addresses and date(s) of notification. A copy will be retained on file at the Building Division.

- Inspections of all structures within 300 feet of the blast site will be made before blasting
- operations. The persons inspecting will obtain the permission of the building owner to conduct an inspection. The inspections will be done by a registered structural engineer employed by the blaster or project contractor. The inspection will be only for the purpose of determining the existence of any visible or reasonably recognizable pre-existing defects or damages in any structure. Inspection refusal will be at the discretion of the property owner.
- The structural engineer will file a written report identifying all findings of the inspections with the Building Division. The report will be signed by the engineer and countersigned by the contractor/developer or his agent receiving the report.
- The blaster will confirm with the Building Division and Fire Department scheduled blasts no less than one hour prior to the scheduled blast.
- The blaster will permit Fire Department personnel to inspect the blast site and blast materials or explosives at any reasonable time prior to any blasting. The general contractor and blaster will request and arrange 12 hours in advance of the blast to have a Fire Department official present during the blast. The Fire Department will, whenever possible and practicable, assign a Department member to be present to observe the blast.
- Blasting will only be permitted between the hours of 9:00 AM and 4:00 PM during any
- weekday, Monday through Friday, exclusive of City recognized holidays unless special circumstances warrant another time or day and special approval is granted by the Building Director and Fire Chief.
- Possession, storage, transportation and use of explosives and blasting agents will be in accordance with the Uniform Fire Code as adopted by Ordinance of the San Marcos Fire Protection District.

Public Services

- Roadways serving the project shall have a minimum improved paved width of 24 feet with an additional 8 feet to each side for parking. Access drives separated by medians shall provide a minimum of 12-foot drive lanes on each side of the median. Roadway cul-de-sacs shall provide 50-foot radius in compliance with SMFD's minimum 36-foot radius standard;
- Any access gates shall comply with the San Marcos Fire Code. Gates on emergency access roads shall comply with SMFD standards and the California Fire Code Section 503.5 for electric gates and shall include am Opticom sensor and Knox gate key switch for emergency access;
- Fire hydrants with adequate water supply and proper spacing must be installed at locations approved by SMFD. Hydrant spacing shall be 600 feet apart for single-family residences pursuant to the San Marcos Fire Code (Section 17.64.140). The project

applicant shall provide a Form 399F or letters from the Vallecitos Water District confirming the water districts can provide 1,500 gallons per minute from all on-site fire hydrants for a minimum duration of three hours at 20 psi residual pressure;

- Residential structures shall be outfitted with automatic fire sprinklers and constructed to the enhanced ignition-resistant construction standards of the California Building Code 2016 edition and City Ordinance;
- Structures shall utilize ember resistant vents with baffles (type manufactured by BrandGuard, O'Hagin, or equivalent) and non-combustible eaves;
- Foot access to the rear of each residential structure shall be provided;
- Provide emergency access to the project site; and
- Preparation and implementation of a Fire Protection Plan.

Utilities and Services Systems

- Upsize a 112-foot length of the existing main the Las Posas Road from 8 inches to 10 inches.
- Comply with VWD's design criteria for wastewater infrastructure.