

# STAFF REPORT

## PLANNING COMMISSION MEETING

**MEETING DATE:** March 19, 2018

**SUBJECT:** MFSDP 17-003 The MARC (Davia Village) Multifamily Site Development Plan Condition Modification.  
APNs 219-163-63-00, and 219-163-64-00

### **Recommendation**

Recommend to the City Council approval of a modification to the previously approved Multifamily Site Development Plan removing a Condition of Approval limiting resident occupancy on the project site and approval of an Addendum to the previously adopted Mitigated Negative Declaration (MND13-003).

### **Background**

On January 14, 2014, the San Marcos City Council approved (Ordinance No. 2014-1387; No. 2014-1386 and Resolutions No. 2014-7871; No. 2014-7872; NO. 2014-7873 for the Davia Village Specific Plan (DVSP) for development of 416 residential dwelling units including studios, one, two and three bedroom units, 15,000 square feet of retail space, a 60,000 square foot neighborhood park and associated parking and landscaping. Condition "O" of the Multifamily Site Development Plan (MFSDP) approved as part of the DVSP, conditioned the project to allow a maximum of 885 residents. Further Condition "O" required the property owner submit a yearly report and that based on the report the property pay a fee for each resident over the 885 resident cap. Condition "O" reads as follows:

- O. *Davia Village's total occupancy shall be capped at 885 residents. An annual notarized report shall be submitted to the City Manager or his designee by the project owner/operator no later than November 15<sup>th</sup> of each year and shall be based on data collected as of October 15<sup>th</sup> of the same year. Said report shall include copy of leases and any other documentation that supports the annual report's conclusions. The City has the right but not the obligation to audit all leases to verify data within the report. In any year that the number of residents exceeds 885 residents the project owner/operator shall pay the City \$2,000 per resident over the 885 cap for said year. The applicant/developer shall record a deed restriction covering this requirement.*

The owners of The MARC project have submitted an application for revisions to the approved MFSDP condition that would delete condition "O" from the project's entitlement. The project applicant has continued to evaluate market conditions since the January 2014 approval. The applicant asserts that the current occupancy limits place constraints on the project such that potential tenants are being turned away even as there is available space for rent. As a result, limitations to occupancy on the site could raise fair housing concerns. In addition, the applicant contends the occupancy cap condition has only been applied to The MARC project and similar conditions have not been imposed to other multifamily developments in the City.

### **Discussion**

The DVSP project was processed with a General Plan Amendment to change the project site from Mixed-Use - 1 (MU-1) to a Specific Plan land use designation. The amendment resulted in a change to the overall site density from 354 units to 416 units. A Public Benefits Analysis Report prepared for the project by the project applicant argued that either project, (354 du vs. 416 du) could be constructed with 625 bedrooms. As a result the project would have the same population regardless of unit count. To insure that the actual population was based on 625 bedrooms, the City applied an 885 occupancy cap to DVSP. The 885 cap was based an interpretation of the City's Housing Element's definition of overcrowding. The overcrowding interpretation used a limit of 1.49 persons per bedroom standard. In order to stay below this threshold a 0.95% factor was applied to maintain occupancy below the 1.49 standard (625 bedrooms x 1.49 overcrowding standard x 0.95 = 885 occupants).

The proposed modification to the MFSDP would eliminate the occupancy cap requirement of 885 persons. Removing this condition from the MFSDP would be consist with all other multifamily residential project approvals in the City where occupancy caps are not applied. The allowance for site occupancy, based on typical occupancy rates for multifamily uses, would provide greater availability of rental housing for City residents on a site located within a transit corridor thereby providing residents greater mobility opportunities within the region. Having more residents in this area would be consistent with General Plan Goal LU-3 which encourages the development of land use patterns that are compatible with and support a variety of mobility opportunities and choices. Also, the Mitigated Negative Declaration prepared for this project analyzed the project with a 1,256 resident occupancy which is slightly below the household size metric of 3.05 persons identified in the General Plan Housing Element. The proposal to increase occupancy does not include any changes to the project footprint, dwelling unit count, or bedroom count.

Parking for the DVSP remains consistent with the 643 on-site approved parking spaces for the project. Six-hundred twenty-six spaces are required pursuant to the DVSP and complies with Zoning Ordinance

parking requirements for mixed-use development. Parking is based on the amount of bedrooms per unit. The project contains 12 – three bedroom units, 193 – two bedroom units, and 211 – 1 bedroom/studio units. No changes to the approved on-site parking are proposed as part of this action.

### **Environmental Review**

An Addendum to the previously adopted Mitigated Negative Declaration (MND 13-003, SCH# 2013061059) for the DVSP has been prepared. The 2013 CEQA Mitigated Negative Declaration prepared for the project based its analysis on 1,256 residents. This number is approximately based on the California Department of Finance average household occupancy of residential units in San Marcos which is also referenced in the Housing Element. This equates to approximately three (3) persons per unit. The Addendum found that since the number of unit and bedroom count for the project has not changed, that no new significant impacts resulting from removal of the occupancy cap for the project would occur.

### **Public Comment**

Two phone inquiries where received from the public regarding this project. No written comments have been submitted from the public.

### **Attachment(s)**

Adopting Resolution:

Resolution PC 18-4698 (MFSDP 17-003)

- A. Vicinity Map
- B. Requested Entitlement
- C. Site & Project Characteristics
- D. Site Plan
- E. MND Addendum

Prepared by:



\_\_\_\_\_  
Joseph Farace, Principal Planner

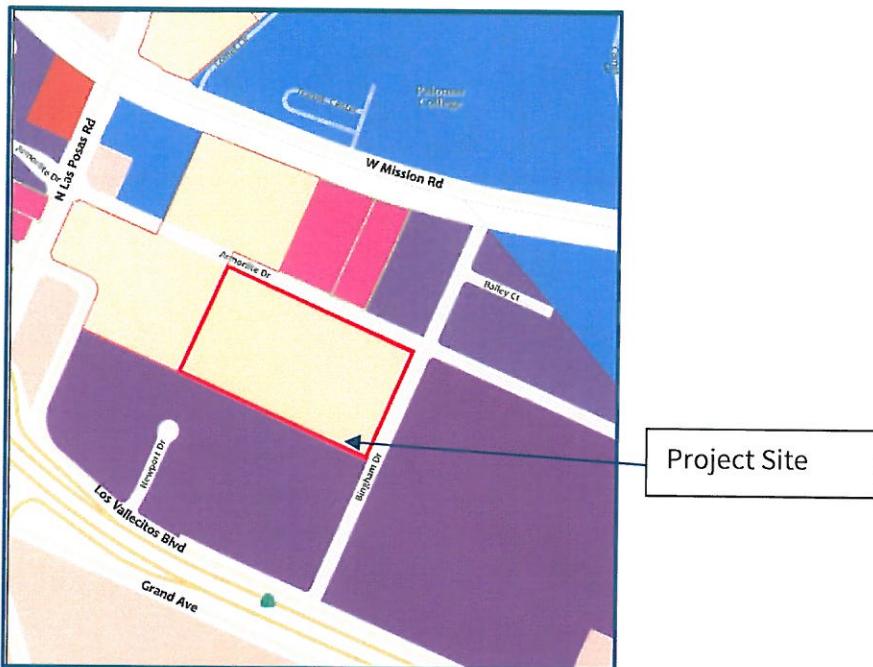


**City of San Marcos**  
1 Civic Center Drive  
San Marcos, CA 92069

Approved and Submitted by:

  
Karen Brindley, Planning Division Manager

## ATTACHMENT A- VICINITY MAP





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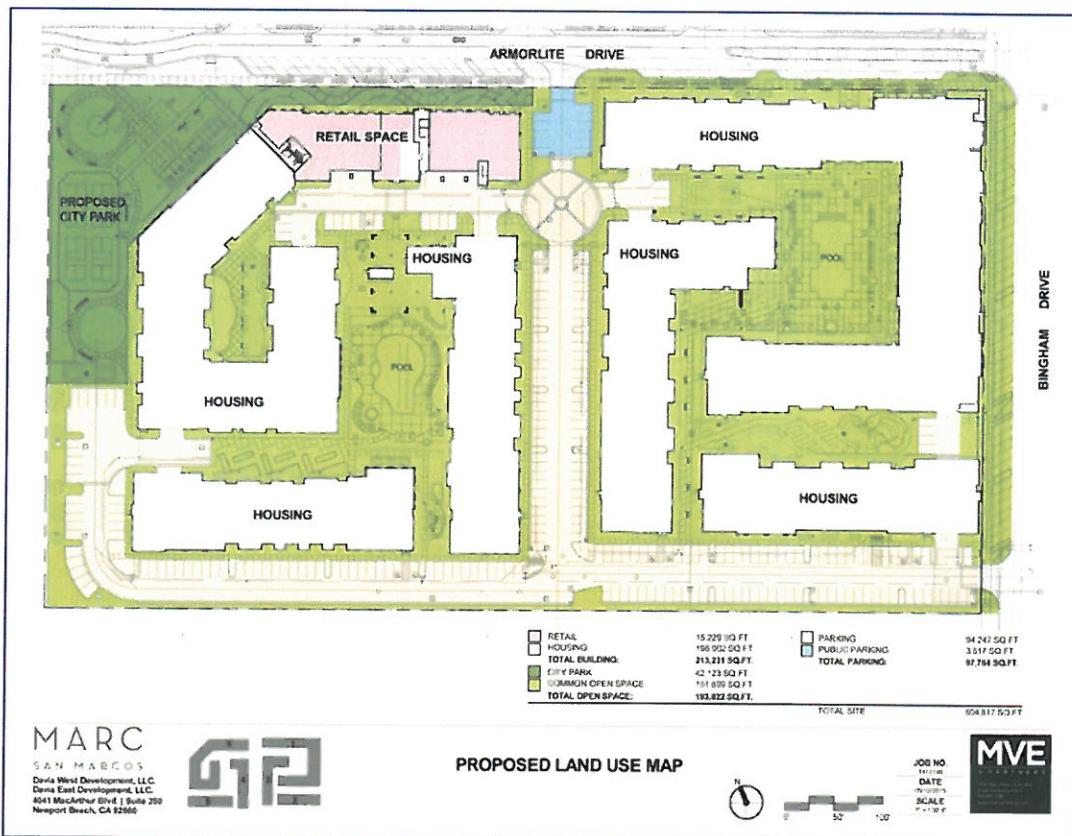
## ATTACHMENT B – Requested Entitlements

- Multifamily Site Development Plan – Condition Modification

## ATTACHMENT C – Site and Project Characteristics

	<b>Existing</b>	<b>Zoning Designation</b>	<b>Land Use Designation</b>
Property	Developed - Multifamily	SPA	SPA
North	Industrial	L-I/MU1 & Industrial	MU1 & Industrial
South	Light Industrial	Light Industrial	Light Industrial
East	UPS	Light Industrial	Light Industrial
West	Palomar Station	SPA	SPA
Flood hazard zone	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
Sewer	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
Water	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
General Plan Conformance	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
Land Use Compatibility	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	

**ATTACHMENT D – Site Plan**





**City of San Marcos**  
1 Civic Center Drive  
San Marcos, CA 92069

## ATTACHMENT E – Addendum to Mitigated Negative Declaration

# The MARC Project- San Marcos

## Addendum to the Davia Village Specific Plan

### Initial Study/Mitigated Negative Declaration

February 2018

## BACKGROUND AND ACTION TRIGGERING THE ADDENDUM

This document serves as an Addendum to the Initial Study/Mitigated Negative Declaration ND 13-003 (IS/MND) (State Clearinghouse No. 2013061059) for the Davia Village Specific Plan (Specific Plan). The Specific Plan area is in the City of San Marcos in northern San Diego County, south of Mission Road and west of Las Posas Road. The Specific Plan was approved for development by the San Marcos City Council on January 14, 2014. Davia Village was approved for the construction of 416 residential units, 15,000 square feet (sq/ft) of retail space, a 60,000 sq/ft neighborhood park, and approximately 170,000 sq/ft of landscaping.

The Davia Village IS/MND evaluated the environmental impacts resulting from the construction and operation of a mixed-use development that included 416 residential units with 625 bedrooms. The IS/MND concluded that the construction of the Specific Plan's proposed 416 residential units would "result in approximately 1,256 new residents," which is slightly below the household size metric of 3.05 persons identified in the City of San Marcos, General Plan Housing Element (City of San Marcos 2013). However, during the final hearings for the project, an occupancy limit was placed upon the project as a condition of development which established a limit of 885 residents (Condition "O"). Davia Village has been renamed The MARC Project (MARC Project) and the project applicants are requesting the removal of the condition to limit occupancy. This Addendum evaluates the potential environmental impacts related to the removal of the occupancy limit and describes the extent of environmental coverage provided by the Davia Village IS/MND.

As the lead agency under the California Environmental Quality Act (CEQA), the City of San Marcos has determined that, in accordance with Section 15164 of the State CEQA Guidelines, the proposed changes to the MARC Project warrant the preparation of an Addendum to the Davia Village IS/MND. Based upon the analysis and conclusions of this Addendum, none of the conditions in Section 15162 of the CEQA Guidelines calling for the preparation of a subsequent EIR or negative declaration have occurred and no new or substantially more severe environmental impacts would result from the removal of the condition to limit occupancy.

## PREVIOUS ENVIRONMENTAL ANALYSES

The environmental process for the Davia Village Specific Plan involved the preparation of the following documents that are relevant to the consideration of the project.

- ▲ Davia Village Specific Plan IS/MND (Consultants Collaborative 2013)
- ▲ Global Climate Change Evaluation for the Davia Village Mixed Use Project (SRA 2013)
- ▲ Davia Village Traffic Impact Analysis Report (RBF Consulting 2013)

# CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES REGARDING AN ADDENDUM TO AN IS/MND

Altered conditions, changes, or additions to the description of a project that occur after certification of an IS/MND may require additional analysis under CEQA. The legal principles that guide decisions regarding whether additional environmental documentation is required are provided in the State CEQA Guidelines, which establish a mechanism to address this issue: an addendum to a negative declaration.

Section 15164(b) of the State CEQA Guidelines provides that:

“An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred”.

With respect to the preparation of an addendum to an adopted mitigated negative declaration, Section 15162(a) provides that a Subsequent EIR shall be prepared only if *the lead agency determines, on the basis of substantial evidence in the record, that one or more of the following conditions are present:*

1. Substantial changes are proposed in the project which will require major revisions of the previous mitigated negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous mitigated negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous mitigated negative declaration was adopted, shows that, as applicable to a *mitigated negative declaration*, the project will *result in significant new or substantially more severe environmental impacts*.

Section 15164(c) of the CEQA Guidelines provides that an “addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.” Section 15164(d) requires, in this case, that the City Council *consider the addendum with the previously-adopted IS/MND prior to making a decision on the Applicant’s request to remove Condition O*.

This addendum is intended to evaluate and confirm CEQA compliance for the proposed removal of Condition O from the project conditions of approval imposed by of Resolution No. 2014-7872 at the time of the approval of the Davia Village project in January of 2014. This addendum is organized as an environmental checklist. Initially, it will determine if either (i) substantial changes in the project description are proposed, (ii) substantial changes have occurred with respect to the circumstances under which the project is undertaken, or (iii) new information of substantial importance which was not previously known (as described in Section 15162(a)(3)) is now available. This addendum will then evaluate all environmental topic areas for any substantial changes in circumstances or the project description, as compared to the adopted IS/MND, and determine whether such changes were or were not adequately covered in the certified IS/MND. This checklist is not the traditional CEQA Environmental Checklist, per Appendix G of the CEQA Guidelines. As explained below, the purpose of this checklist is to evaluate the checklist categories in terms of any “changed condition” (i.e., changed circumstances, project changes, or new information of substantial importance) that may result in a different environmental impact significance conclusion from the EIR. The column titles of the checklist have been modified from the Appendix G presentation to help answer the questions to be addressed pursuant to CEQA Section 21166 and State CEQA Guidelines Section 15162 and 15164.

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## ACRONYMS AND ABBREVIATIONS

°C	degrees Celsius
AB	Assembly Bill
CAAQS	California Ambient Air Quality Standard
CAFE	corporate average fuel economy
CARB	California Air Resources Board
CEQA	California Environmental Quality Act
DVSP	Davia Village Specific Plan
EO	Executive Order
GHG	greenhouse gas
gpd	gallons-per-day
IS/MND	Initial Study/Mitigated Negative Declaration
MM	Mitigation Measure
MMT	million metric tons
mpg	miles per gallon
MPOs	Metropolitan Planning Organizations
MTP	Metropolitan Transportation Plan
NA	not applicable
NAAQS	National Ambient Air Quality Standards
NAHC	Native American Heritage Commission
NHSTA	National Highway Traffic Safety Administration
PM <sub>10</sub>	10 micrometers or less
PM <sub>2.5</sub>	2.5 micrometers or less
SANDAG	San Diego Association of Governments
SB	Senate Bill
SCS	Sustainable Communities Strategy
sq/ft	square feet
VWD	Vallecitos Water District

# 1 INTRODUCTION AND PROJECT HISTORY

## 1.1 HISTORY OF THE DAVIA VILLAGE SPECIFIC PLAN IS/MND

In approving the Davia Village project on January 14, 2014, the San Marcos City Council adopted Resolution Nos. 2014-7871 (General Plan Amendment from MU-1 to SPA), 2014-7872 (Multifamily Site Development Plan for residential), and 2014-7873 (Site Development Plan for commercial use) and introduced Ordinance Nos. 2014-1386 (Rezone from L-I/Mixed Use to SPA) and 2014-1387 (Specific Plan). The ordinances were subsequently adopted by the City Council on January 28, 2014, after a second reading. As approved, the Davia Village Specific Plan (DVSP) allowed development of up to 416 residential units including studios, one-bedroom, two-bedroom, and three-bedroom units, 15,000 sq/ft of retail space, a 60,000 sq/ft neighborhood park, and approximately 170,000 sq/ft of landscaping on 11.78 acres. During the public hearing process, the project was conditioned to allow a maximum of 885 residents with a fee placed upon additional residents over the population cap. This condition was set forth in Condition O of Resolution No. 2014-7872 which reads as follows:

“Davia Village's total occupancy shall be capped at 885 residents. An annual notarized report shall be submitted to the City Manager or his designee by the project owner/operator no later than November 15th of each year and shall be based on data collected as of October 15th of the same year. Said report shall include copy of leases and any other documentation that supports the annual report's conclusions. The City has the right but not the obligation to audit all leases to verify data within the report. In any year that the number of residents exceeds 885 residents the project owner/operator shall pay the City \$2,000 per resident over the 885 cap for said year. The applicant/developer shall record a deed restriction covering this requirement.”

Since its approval, the Davia Village project has been constructed and acquired by Davia West Development LLC and Davia East Development LLC (Applicant) and renamed The MARC Project. The Applicant has requested that the City remove Condition O from the project's conditions of approval. This request requires the preparation and adoption of an environmental document that will examine and identify potential significant adverse environmental impacts, if any, that may result from implementation of the Applicant's request.

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## 2 PROJECT DESCRIPTION

### 2.1 PROJECT OVERVIEW

The Applicant has continued to evaluate market conditions since acquiring the property in 2014. The Applicant asserts that the current occupancy limits place constraints on the project such that potential tenants may be turned away even though there is available space for rent. In addition, the Applicant contends that Condition O was not imposed as a result of environmental review or as a requirement of the City's Housing Element or federal definition of overcrowding.

The IS/MND approved in 2014 considered 416 residential units with 625 bedrooms and estimated that this would result in approximately 1,256 new residents. The proposal to remove occupancy limits would not include any changes to the project footprint, dwelling unit count, or bedroom count. The proposed application is consistent with the existing land use designation (Davia Village SPA) and zoning designation (Davia Village SPA) that was approved during the entitlement of the project in 2014.

### 2.2 PROJECT LOCATION AND SETTING

The 11.78-acre project site for the MARC Project is in the City of San Marcos in northern San Diego County, generally south of Mission Road and west of Las Posas Road at 1001 Armorlite Drive. The project site is fully developed with the MARC Project which includes residential and mixed-uses.

The project site is bounded on the north by Armorlite Drive, on the east by Bingham Drive, on the south by existing retail uses and on the west by the Palomar Station mixed use project. The site is near existing light industrial uses, the Palomar Station SPRINTER stop, Palomar Community College, and the Las Posas/SR-78 ramps.

### 2.3 PROJECT OBJECTIVES

As shown below, project objectives from the Davia Village IS/MND continue to be relevant to the MARC Project and include the following:

- 1) Utilizing Smart Growth concepts by incorporating the development of a vertically integrated mix of multi-family residential units, retail, and park space;
- 2) Provide a variety of housing opportunities through a range of unit sizes (one-, two-, and three-bedroom, loft and townhome units) and a range of affordability to accommodate a full spectrum of family demographics and the growing housing needs of the region;
- 3) Create a synergy with the adjacent Palomar Station mixed-use project by providing a mix of residential, retail, and park space.
- 4) Provide a visually pleasing high-density development through architectural design, unified landscape theme, and recreational areas.
- 5) Redevelop an industrial area with low to no impact to natural resources (e.g., biological, cultural, and paleontological resources) and improve water quality through a comprehensive water quality management approach;

- 6) Provide a neighborhood park and recreation feature in the northwest portion of the Specific Plan area to serve the recreation needs of the future Plan area residents;
- 7) Design a safe and efficient circulation system that adequately supports the anticipated level of traffic in and around the Plan area that is pedestrian safe; and
- 8) Develop a financing plan that provides for the efficient and timely provision of infrastructure and public services as development occurs.

## 3 SUPPLEMENTAL ENVIRONMENTAL REVIEW CHECKLIST INSTRUCTIONS

### 3.1 EXPLANATION OF CHECKLIST EVALUATION CATEGORIES

The purpose of this checklist is to evaluate the categories in terms of any “changed condition” (i.e., changed circumstances, project changes, or new information of substantial importance) that may result in environmental impact significance conclusions different from those found in the Davia Village IS/MND. The row titles of the checklist include the full range of environmental topics, as presented in Appendix G of the State CEQA Guidelines. The column titles of the checklist have been modified from the Appendix G presentation to help answer the questions to be addressed pursuant to State CEQA Guidelines Section 15164. A “no” answer does not necessarily mean that there are no potential impacts relative to the environmental category, but that there is no change in the condition or status of the impact because it was analyzed and addressed with mitigation measures in the Davia Village IS/MND. For instance, the environmental categories might be answered with a “no” in the checklist because the impacts associated with the project were adequately addressed in the Davia Village IS/MND, and the environmental impact significance conclusions of the Davia Village IS/MND remain applicable. The purpose of each column of the checklist is described below.

#### 3.1.1 Where Topic was Analyzed

This column provides a cross-reference to the pages of the Davia Village IS/MND where information and analysis may be found relative to the environmental issue listed under each topic.

#### 3.1.2 Do Proposed Changes Involve New Significant Impacts?

The significance of the changes proposed to the approved Davia Village IS/MND, as it is described and thereafter amended in the certified Davia Village IS/MND, is indicated in the columns to the right of the environmental issues.

#### 3.1.3 Any new Circumstances Involving New or Substantially More Severe Significant Impacts?

Pursuant to Sections 15162 and 15164 of the CEQA Guidelines, this column indicates whether there have been changes to the project site or the vicinity (circumstances under which the project is undertaken) that have occurred subsequent to the prior environmental documents, which would result in the current project having new significant environmental impacts that were not considered in the prior environmental documents or having substantial increases in the severity of previously identified significant impacts.

#### 3.1.4 Any New Information Requiring New Analysis or Verification?

Pursuant to Sections 15162 and 15164 of the CEQA Guidelines, this column indicates whether new information of substantial importance which was not known and could not have been known with the exercise of reasonable diligence at the time the previous environmental documents were certified as complete and is now available, requiring an update to the analysis of the previous environmental documents to verify that the environmental conclusions and mitigation measures remain valid. If the new information shows that: (A) the project will have one or more significant effects not discussed in the prior environmental documents; or (B) that significant effects previously examined will be substantially more severe than shown in the prior environmental documents; or (C) that mitigation measures or alternatives previously found not to be feasible

would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or (D) that mitigation measures or alternatives which are considerably different from those analyzed in the prior environmental documents would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative, the question would be answered "yes" requiring the preparation of a subsequent MND. However, if the additional analysis completed as part of this Environmental Checklist Review finds that the conclusions of the prior environmental documents remain the same and no new significant impacts are identified, or identified significant environmental impacts are not found to be substantially more severe, the question would be answered "no" and no additional MND documentation would be required.

### **3.1.5 Do Prior Environmental Documents Mitigations Address/Resolve Impacts?**

This column indicates whether the prior environmental documents and adopted CEQA Findings provide mitigation measures to address impacts effects in the related environmental category. In some cases, the mitigation measures have already been implemented. A "yes" response will be provided in either instance. If "NA" is indicated, this Environmental Checklist Review concludes that as analyzed in the IS/MND there was no impact, or the impact was less-than-significant and, therefore with the current proposal, no mitigation additional measures are needed.

## **3.2 DISCUSSION AND MITIGATION SECTIONS**

### **3.2.1 Discussion**

A discussion of the elements of the checklist is provided under each environmental category to clarify the answers. The discussion provides information about the particular environmental issue, how the project relates to the issue, and the status of any mitigation that may be required or that has already been implemented. The prior IS/MND assumed full occupancy of the project in its evaluation of potential significant environmental impacts. The occupancy restriction was imposed at the 2014 City Council hearing on the project.

### **3.2.2 Mitigation Measures**

Applicable mitigation measures from the prior environmental review that would apply to the proposed amendment are listed under each environmental category. New mitigation measures are included, if needed.

### **3.2.3 Conclusions**

A discussion of the conclusion relating to the need for additional environmental documentation is contained in each section.

## 4 ENVIRONMENTAL CHECKLIST

### 4.1 AESTHETICS

Environmental Issue Area	Where Topic was Analyzed in the Davia Village IS/MND	Davia Village IS/MND Impact Conclusion	Do Any New Circumstances Involve New or Substantially More Severe Significant Impacts?	Any New Information Requiring New Analysis or Verification?	Would the Project Result in New Significant Impacts or Changes to Previous Impact Conclusion?
<b>1. Aesthetics. Would the project:</b>					
a. Have a substantial adverse effect on a scenic vista?	IS/MND Analysis: pp. 24	No Impact	No	No	No Change
b. Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	IS/MND Analysis: pp. 24	No Impact	No	No	No Change
c. Substantially degrade the existing visual character or quality of the site and its surroundings?	IS/MND Analysis: pp. 24	Less Than Significant	No	No	No Change
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	IS/MND Analysis: pp. 29	Less Than Significant	No	No	No Change

#### 4.1.1 Discussion

The removal of Condition O to limit residential occupancy will not result in a change in the environmental or regulatory setting related to aesthetics compared to what was previously evaluated in Chapter IV-I, Aesthetics of the Davia Village IS/MND because the IS/MND evaluated the full occupancy of the project and the current proposal is not to increase occupancy beyond what was analyzed. The removal of Condition O would not result in changes to the project footprint, number of dwelling units or bedrooms constructed, location, or scale or height of the buildings or impact the requirement of the Specific Plan or other project entitlements. This change does not constitute a change in circumstances regarding aesthetics.

The project location remains the same, and therefore does not change the constrained nature of access to scenic vistas or scenic resources because of a lower relative elevation and developed nature of adjacent properties. The project site is not located within the vicinity of a scenic highway. Similarly, the project does not introduce any new exterior visual features and would not change the visual character or quality of the site from what was previously evaluated. Finally, the project would not introduce new sources of light or glare beyond what was previously evaluated. No new circumstances or project changes have occurred nor has any new information been found requiring new analysis or verification.

#### Mitigation Measures

No mitigation measures are required.

## CONCLUSION

Neither the development of the site pursuant to the 2014 project approvals, nor the proposed elimination of the occupancy restriction would involve new circumstances, new information, significant environmental effects or a substantial increase in the severity of previously identified significant effects which were evaluated in the IS/MND. Therefore, the less-than-significant impact conclusions of the Davia Village IS/MND remain valid and approval of the project would not result in new or substantially more severe impacts to aesthetics.

## 4.2 AGRICULTURE AND FOREST RESOURCES

Environmental Issue Area	Where Topic Was Analyzed in the Davia Village IS/MND	Davia Village IS/MND Impact Conclusion	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Would the Project Result in New Significant Impacts or Changes to Previous Impact Conclusion?
<b>2. Agriculture and Forestry Resources. Would the project:</b>					
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	IS/MND Analysis: pp.29	No Impact	No	No	No Change
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	IS/MND Analysis: pp.29	No Impact	No	No	No Change
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	IS/MND Analysis: pp.29	No Impact	No	No	No Change
d. Result in the loss of forest land or conversion of forest land to non-forest land?	IS/MND Analysis: pp.29	No Impact	No	No	No Change
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	IS/MND Analysis: pp.30	No Impact	No	No	No Change

### 4.2.1 Discussion

The removal of Condition O to limit residential occupancy will not result in a change in the environmental or regulatory setting related to aesthetics compared to what was previously evaluated in Chapter IV-II, Agriculture and Forestry resources of the Davia Village IS/MND because the IS/MND evaluated the full occupancy of the project and the current proposal is not to increase occupancy beyond what was analyzed. The removal of Condition O would not result in changes to the project footprint, number of dwelling units or bedrooms constructed, location, or scale or height of the buildings or impact the requirement of the Specific Plan or other project entitlements. This change does not constitute a change in circumstances regarding agricultural and forestry resources.

The project site remains the same as was previously evaluated and was formerly developed with light industrial uses. It would not involve converting Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to a non-agricultural use. The project site is not under a Williamson Act contract and is not designated or zoned

for agricultural uses. The site does not contain forest land or timberland. No new circumstances or project changes have occurred nor has any new information been found requiring new analysis or verification.

## Mitigation Measures

None required.

## CONCLUSION

Neither the development of the site pursuant to the 2014 project approvals, nor the proposed elimination of the occupancy restriction would involve new circumstances, new information, significant environmental effects or a substantial increase in the severity of previously identified significant effects which were evaluated in the IS/MND. Therefore, the less-than-significant impact conclusions of the Davia Village IS/MND remain valid and approval of the project would not result in new or substantially more severe impacts to agricultural or forestry resources.

## 4.3 AIR QUALITY

Environmental Issue Area	Where Topic Was Analyzed in the Davia Village IS/MND	Davia Village IS/MND Impact Conclusion	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Would the Project Result in New Significant Impacts or Changes to Previous Impact Conclusion?
<b>3. Air Quality. Would the project:</b>					
a. Conflict with or obstruct implementation of the applicable air quality plan?	IS/MND Analysis: pp. 30	Less Than Significant	No	No	No Change
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	IS/MND Analysis: pp. 30 to 35	Less Than Significant	No	No	No Change
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	IS/MND Analysis: pp. 35	Less Than Significant	No	No	No Change
d. Expose sensitive receptors to substantial pollutant concentrations?	IS/MND Analysis: pp. 35 to 37	Less Than Significant	No	No	No Change
e. Create objectionable odors affecting a substantial number of people?	IS/MND Analysis: pp. 37 to 38	Less Than Significant	No	No	No Change

### 4.3.1 Discussion

The removal of the occupancy limit for the MARC Project would not result in a substantial change in the environmental settings related to air quality compared to that was previously evaluated in Chapter IV-III, Air Quality, of the Davia Village IS/MND. San Diego County is in nonattainment with respect to the National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standard (CAAQS) for ozone. The County is in nonattainment for the CAAQS for particulate matter with an aerodynamic diameter of 2.5 micrometers or less (PM<sub>2.5</sub>); and also, nonattainment of the CAAQS for particulate matter with an aerodynamic diameter of 10 micrometers or less (PM<sub>10</sub>) (California Air Resources Board [CARB]). The project is consistent with the City's General Plan which is used to develop air emissions budgets for the purpose of air quality planning and attainment demonstrations. Therefore, the project is consistent with the Regional Air Quality Strategy (RAQS). The removal of a condition to limit residential occupancy of the project would not result in changes to the project footprint, number of dwelling units or bedrooms, construction timing or phasing, or the intensity of development.

Removal of the occupancy limit would not result in the introduction of any new air pollution sources because the projected traffic volumes were based upon the number of dwelling units and types of land uses which were previously evaluated in the IS/MND (see Section 4.16 below) and would not be exceeded. Construction and operational emissions were modeled in the Davia Village IS/MND. As discussed in Section 4.16, Transportation/Traffic of this document, the MARC Project would not exceed the number of daily trips (2,887) that were previously evaluated because the same number of dwelling units and bedrooms would be constructed. Construction activities also would not change because the same number of buildings would be constructed. Therefore, no new or substantially more severe air quality impacts would occur.

## Mitigation Measures

None required.

## CONCLUSION

Neither the development of the site pursuant to the 2014 project approvals, nor the proposed elimination of the occupancy restriction would involve new circumstances, new information, significant environmental effects or a substantial increase in the severity of previously identified significant effects which were evaluated in the IS/MND. Therefore, the less-than-significant impact conclusions of the Davia Village IS/MND remain valid and approval of the project would not result in new or substantially more severe impacts to air quality.

## 4.4 BIOLOGICAL RESOURCES

Environmental Issue Area	Where Topic Was Analyzed in the Davia Village IS/MND	Davia Village IS/MND Impact Conclusion	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Would the Project Result in New Significant Impacts or Changes to Previous Impact Conclusion?
<b>4. Biological Resources. Would the project:</b>					
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	IS/MND Analysis: pp. 38	No Impact	No	No	No Change
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	IS/MND Analysis: pp. 38	No Impact	No	No	No Change
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	IS/MND Analysis: pp. 38	No Impact	No	No	No Change
d. Interfere substantially with the movement of any native resident or migratory fish and wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	IS/MND Analysis: pp. 38	No Impact	No	No	No Change
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	IS/MND Analysis: pp. 39	No Impact	No	No	No Change
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	IS/MND Analysis: pp. 39	No Impact	No	No	No Change

### 4.4.1 Discussion

The removal of Condition O to limit residential occupancy will not result in a change in the environmental or regulatory setting related to biology compared to what was previously evaluated in Chapter IV-IV, Biological Resources of the Davia Village IS/MND because the IS/MND evaluated the full occupancy of the project and the current proposal is not to increase occupancy beyond what was analyzed. The removal of Condition O

would not result in changes to the project footprint, number of dwelling units or bedrooms constructed, location, or scale or height of the buildings or impact the requirement of the Specific Plan or other project entitlements. This change does not constitute a change in circumstances regarding biological resources.

The project site remains the same as was previously evaluated and was formerly developed with light industrial uses. As evaluated in the prior IS/MND, the site did not support any habitat that supports species identified as candidate, sensitive or special status species identified in local or regional plans, policies or regulations by the California Department of Fish and Wildlife or the US Fish and Wildlife Services. The site does not support riparian habitat nor contain federal wetlands. The project site and vicinity are not identified as being within a Wildlife Corridor per Figure 4-2 of the City of San Marcos General Plan. There are no sensitive habitat or sensitive species on the project site. Thus, the project would not conflict with any local policies or ordinance that protects biological resources. No new circumstances or project changes have occurred nor has any new information been found requiring new analysis or verification.

## **Mitigation Measures**

No mitigation measures required.

## **CONCLUSION**

Neither the development of the site pursuant to the 2014 project approvals, nor the proposed elimination of the occupancy restriction would involve new circumstances, new information, significant environmental effects or a substantial increase in the severity of previously identified significant effects which were evaluated in the IS/MND. Therefore, the less-than-significant impact conclusions of the Davia Village IS/MND remain valid and approval of the project would not result in new or substantially more severe impacts to biological resources.

## 4.5 CULTURAL RESOURCES

Environmental Issue Area	Where Topic Was Analyzed in the Davia Village IS/MND	Davia Village IS/MND Impact Conclusion	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Would the Project Result in New Significant Impacts or Changes to Previous Impact Conclusion?
<b>5. Cultural Resources. Would the project:</b>					
a. Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	IS/MND Analysis: pp.39	Less Than Significant	No	No	No Change
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	IS/MND Analysis: pp.39 to 42	Less Than Significant with Mitigation Incorporated	No	No	No Change
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	IS/MND Analysis: pp.42	Less Than Significant	No	No	No Change
d. Disturb any human remains, including those interred outside the formal cemeteries?	IS/MND Analysis: pp.42	Less Than Significant with Mitigation Incorporated	No	No	No Change
e. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074, per Assembly Bill 52 (AB 52) as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe?	Not Analyzed in IS/MND	Not Analyzed in IS/MND	NA	NA	No Change

The removal of Condition O to limit residential occupancy will not result in a change in the environmental or regulatory setting related to cultural resources compared to what was previously evaluated in Chapter IV-V, Cultural Resources of the Davia Village IS/MND because the IS/MND evaluated the full occupancy of the project and the current proposal is not to increase occupancy beyond what was analyzed. The removal of Condition O would not result in changes to the project footprint, number of dwelling units or bedrooms constructed, location, or scale or height of the buildings or impact the requirement of the Specific Plan or other project entitlements. This change does not constitute a change in circumstances regarding cultural resources.

The Davia Village IS/MND concluded that there were no cultural resources or archaeological resources recorded within the project site, and no identified historical resources on the site. However, the project site is located within 100-feet of a bedrock milling site identified as CA-SDI-5633, The City of San Marcos consulted with local tribes pursuant to Senate Bill 18, and the request to include an archaeological monitor and Native American monitor were satisfied by Mitigation Measures CR-1 and CR-2 (see below). Assembly Bill 52 which requires a sacred lands check with local tribes went into effect on January 1, 2016, however, the MARC Project would not result in new or different ground disturbing impacts than were previously evaluated in the Davia Village IS/MND. Conclusions related to the presence of paleontological resources or human remains are unchanged by the proposed increase in allowable occupancy.

Mitigation Measures CR-1 through CR-8 were adopted as a condition of approval to reduce potential archaeological impacts and impacts to human remains. The MARC Project would be required to implement these adopted mitigation measures. No new circumstances or project changes have occurred nor has any new information been found requiring new analysis or verification.

## Mitigation Measures

The previously adopted mitigation measures presented in the Davia Village IS/MND have been implemented to reduce potential impacts to a below a level of significance. Those implemented mitigation measures are:

- ▲ Mitigation Measure CR-1: An archaeological monitor and a Native American monitor shall be present during the earth moving and grading activities to assure that any potential cultural resources, including tribal, found during project grading be protected.
- ▲ Mitigation Measure CR-2: Prior to beginning project construction, the Project Applicant shall retain a San Diego County qualified archaeological monitor to monitor all ground-disturbing activities in an effort to identify any unknown archaeological resources. Any newly discovered cultural resource deposits shall be subject to cultural resources evaluation.
- ▲ Mitigation Measure CR-3: At least 30 days prior to beginning project construction, the Project Applicant shall contact the Pechanga Tribe to notify the Tribe of grading, excavation and the monitoring program and to develop a Cultural Resources Treatment and Monitoring Agreement. 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.
- ▲ Mitigation Measure CR-4: Prior to beginning project construction, the Project Archaeologist shall file a pre-grading report with the City to document the proposed methodology for grading activity observation, which will be determined in consultation with the Pechanga Tribe. Said methodology shall include the requirement for a qualified archaeological monitor to be present and to have the authority to stop and redirect grading activities. In accordance with the agreement required in MM-CR-3, the archaeological monitor's authority to stop and redirect grading will be exercised in consultation with the Pechanga Tribe 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.
- ▲ Mitigation Measure CR-5: The landowner shall relinquish ownership of all cultural resources, including sacred items, burial goods, and all archaeological artifacts that are found on the project are to the appropriate Tribe for proper treatment and disposition. All cultural materials that are collected during the grading monitoring program and from any previous archaeological studies or excavations on the project site, with the exception of sacred items, burial goods, and human remains which will be addressed in the Treatment Agreement required in MM-CR-3, shall be tribally curated according to the current professional repository standards by the Pechanga Tribe. The collections and associated records, shall be transferred, including title, to the Pechanga Tribe's curation facility which will meet the standards set forth in 35 CFR Part 79 for federal repositories.
- ▲ Mitigation Measure CR-6: All sacred sites, should they be encountered within the project area, shall be avoided and preserved as the preferred mitigation, if feasible.
- ▲ Mitigation Measure CR-7: If human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbances shall occur until the San Diego County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Codes Section 5097.98(b) remains shall be left in place and free from disturbances until a final decision as to the treatment and disposition has been made. If the San Diego County Coroner determines the remains to be Native American,

the Native American Heritage Commission (NAHC) must be contacted within 24 hours. The NAHC must then immediately notify the “most likely descendant(s)” of receiving notification of the discovery. The most likely descendant(s) shall then make recommendations within 48 hours and engage in consultation concerning treatment of remains as provided in Public Resources Code 5097.98 and the Treatment Agreement described in MM-CR-3.

- ▲ Mitigation Measure CR-8: If inadvertent discoveries of subsurface archaeological/cultural resources are discovered during grading, the Developer, the project archaeologist, and the Tribe shall assess the significance of such resources and shall meet and confer regarding the mitigation for such resources. Pursuant to California Public Resources Code Section 21083.2(b) avoidance is the preferred method of preservation for archaeological resources. If the Developer, the project archaeologist and the Tribe cannot agree on the significance of mitigation for such resources, these issues will be presented to the Planning Director for decision. The Planning Director shall make a determination based upon the provisions of the California Environmental Quality Act with respect to archaeological resources and shall take into account the religious beliefs, customs, and practices of the Tribe. Notwithstanding any other rights available under law, the decision of the Planning Director shall be appealable to the Planning Commission and/or City Council.

As described in the Davia Village IS/MND, with implementation of these measures, cultural resources impacts were reduced to a less-than-significant level.

## CONCLUSION

Neither the development of the site pursuant to the 2014 project approvals, nor the proposed elimination of the occupancy restriction would involve new circumstances, new information, significant environmental effects or a substantial increase in the severity of previously identified significant effects which were evaluated in the IS/MND. Therefore, the less-than-significant impact conclusions of the Davia Village IS/MND remain valid and approval of the project would not result in new or substantially more severe impacts to cultural resources.

## 4.6 GEOLOGY AND SOILS

Environmental Issue Area	Where Topic Was Analyzed in the Davia Village IS/MND	Davia Village IS/MND Impact Conclusion	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Would the Project Result in New Significant Impacts or Changes to Previous Impact Conclusion?
<b>6. Geology and Soils. Would the project:</b>					
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: <ul style="list-style-type: none"> <li>i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.</li> <li>ii. Strong seismic ground shaking?</li> <li>iii. Seismic-related ground failure, including liquefaction?</li> <li>iv. Landslides?</li> </ul>	IS/MND Analysis: pp. 43	Less Than Significant	No	No	No Change
b. Result in substantial soil erosion or the loss of topsoil?	IS/MND Analysis: pp. 44	No Impact	No	No	No Change
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in: on-or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	IS/MND Analysis: pp. 44	Less Than Significant	No	No	No Change
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	IS/MND Analysis: pp. 44	Less Than Significant	No	No	No Change
e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	IS/MND Analysis: pp. 44	No Impact	No	No	No Change

### 4.6.1 Discussion

The removal of Condition O to limit residential occupancy will not result in a change in the environmental or regulatory setting related to geology and soils compared to what was previously evaluated in Chapter IV-VI, Geology and Soils of the Davia Village IS/MND because the IS/MND evaluated the full occupancy of the project and the current proposal is not to increase occupancy beyond what was analyzed. The removal of Condition O would not result in changes to the project footprint, number of dwelling units or bedrooms constructed, location, or scale or height of the buildings or impact the requirement of the Specific Plan or other project entitlements. This change does not constitute a change in circumstances regarding geology and soils.

A project-specific geotechnical report was completed in 2012 and formed the basis for impact conclusions in the Davia Village IS/MND analysis. Changes to the allowable occupancy would not require revisions to the report and the conclusions remain valid. Impacts related to earthquakes, seismicity, liquefaction, landslides, lateral spreading, soil erosion, and expansive soils would remain less than significant with implementation of the MARC Project because the project would not result in any physical changes to the size or orientation of buildings, related infrastructure, or engineering methods as a result of increasing the maximum allowable occupancy and the project would continue to be required to comply with all existing codes and regulations related to structural engineering and seismic safety.

## **Mitigation Measures**

No mitigation measures required.

## **CONCLUSION**

Neither the development of the site pursuant to the 2014 project approvals, nor the proposed elimination of the occupancy restriction would involve new circumstances, new information, significant environmental effects or a substantial increase in the severity of previously identified significant effects which were evaluated in the IS/MND. Therefore, the less-than-significant impact conclusions of the Davia Village IS/MND remain valid and approval of the project would not result in new or substantially more severe impacts to geology and soils.

## 4.7 GREENHOUSE GAS EMISSIONS

Environmental Issue Area	Where Topic Was Analyzed in the Davia Village IS/MND	Davia Village IS/MND Impact Conclusion	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Would the Project Result in New Significant Impacts or Changes to Previous Impact Conclusion?
<b>7. Greenhouse Gas Emissions. Would the project:</b>					
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	IS/MND Analysis: pp.44 to 48	Less Than Significant	No	No	No Change
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	IS/MND Analysis: pp.48	Less Than Significant	No	No	No Change

### 4.7.1 Discussion

Since the certification of the Davia Village IS/MND in 2014, new policies, laws, and regulations have been enacted with regard to the evaluation of project-related greenhouse gas (GHG) emissions. The following discussion provides a summary of the changes to the regulatory environment.

#### REGULATORY SETTING

GHG emissions and responses to global climate change are regulated by a variety of federal, state, and local laws and policies. Key regulatory and conservation planning issues applicable to the project are discussed below.

##### Federal

###### National Program to Cut Greenhouse Gas Emissions and Improve Fuel Economy for Cars and Trucks

In October 2012, EPA and the National Highway Traffic Safety Administration (NHTSA), on behalf of the Department of Transportation, issued final rules to further reduce GHG emissions and improve corporate average fuel economy (CAFE) standards for light-duty vehicles for model years 2017 and beyond (77 FR 62624). NHTSA's CAFE standards have been enacted under the Energy Policy and Conservation Act since 1978. This national program requires automobile manufacturers to build a single light-duty national fleet that meets all requirements under both federal programs and the standards of California and other states. This program would increase fuel economy to the equivalent of 54.5 miles per gallon (mpg) limiting vehicle emissions to 163 grams of CO<sub>2</sub> per mile for the fleet of cars and light-duty trucks by model year 2025 (77 FR 62630).

In January 2017, EPA Administrator Gina McCarthy signed her determination to maintain the current GHG emissions standards for model year 2022-2025 vehicles. However, on March 15, 2017, the new EPA Administrator, Scott Pruitt, and Department of Transportation Secretary Elaine Chao announced that EPA intends to reconsider the final determination. EPA intends to make a new Final Determination regarding the appropriateness of the standards no later than April 1, 2018 (EPA 2017).

## State

### Executive Order S-3-05

Executive Order (EO) S-3-05, which was signed by Governor Schwarzenegger in 2005, proclaims that California is vulnerable to the impacts of climate change. It declares that increased temperatures could reduce the Sierra Nevada snowpack, further exacerbate California's air quality problems, and potentially cause a rise in sea level. To combat those concerns, the Executive Order established total GHG emission targets. Specifically, emissions are to be reduced to the 2000 level by 2010, the 1990 level by 2020, and to 80 percent below the 1990 level by 2050.

As described below, legislation was passed in 2006 (Assembly Bill [AB] 32) to limit GHG emissions to 1990 levels by 2020 with continued "reductions in emissions" beyond 2020, but no specific additional reductions were enumerated in the legislation. Further, Senate Bill (SB) 375 (sustainable community strategies/transportation) established goals for emissions from light duty truck and automobiles for 2020 and 2035.

### Executive Order B-30-15

On April 20, 2015 Governor Edmund G. Brown Jr. signed EO B-30-15 to establish a California GHG reduction target of 40 percent below 1990 levels by 2030. The Governor's executive order aligns California's GHG reduction targets with those of leading international governments such as the 28-nation European Union which adopted the same target in October 2014. California is on track to meet or exceed the current target of reducing GHG emissions to 1990 levels by 2020, as established by AB 32. California's new emission reduction target of 40 percent below 1990 levels by 2030 will make it possible to reach the ultimate goal of reducing emissions 80 percent under 1990 levels by 2050. This is in line with the scientifically established levels needed in the U.S. to limit global warming below 2 degrees Celsius (°C)—the warming threshold at which there will likely be major climate disruptions such as super droughts and rising sea levels according to scientific consensus.

### AB 32 Climate Change Scoping Plan and Update

In December 2008, the California Air Resources Board (CARB) adopted its Climate Change Scoping Plan, which contains the main strategies California will implement to achieve reduction of approximately 118 million metric tons (MMT) of CO<sub>2</sub>e emissions, or approximately 21.7 percent from the State's projected 2020 emission level of 545 MMT of CO<sub>2</sub>e under a business-as-usual scenario (this is a reduction of 47 MMT CO<sub>2</sub>e, or almost 10 percent, from 2008 emissions). CARB's original 2020 projection was 596 MMT CO<sub>2</sub>e, but the current 545 MMT CO<sub>2</sub>e 2020 projection takes into account the economic downturn that occurred in 2008 and associated reductions in statewide GHG emissions (CARB 2011). The Scoping Plan reapproved by CARB in August 2011 includes the Final Supplement to the Scoping Plan Functional Equivalent Document, which further examined various alternatives to Scoping Plan measures. The Scoping Plan also includes CARB-recommended GHG reductions for each emissions sector of the State's GHG inventory. CARB estimates the largest reductions in GHG emissions to be achieved by 2020 will be by implementing the following measures and standards (CARB 2011):

- ▲ improved emissions standards for light-duty vehicles (estimated reductions of 26.1 MMT CO<sub>2</sub>e);
- ▲ the Low-Carbon Fuel Standard (15.0 MMT CO<sub>2</sub>e);
- ▲ energy efficiency measures in buildings and appliances (11.9 MMT CO<sub>2</sub>e); and
- ▲ a renewable portfolio and electricity standards for electricity production (23.4 MMT CO<sub>2</sub>e), and the Cap-and-Trade Regulation for certain types of stationary emission sources (e.g., power plants).

In May 2014, CARB released, and has since adopted, the *First Update to the Climate Change Scoping Plan* to identify the next steps in reaching AB 32 goals and evaluate the progress that has been made between 2000 and 2012 (CARB 2014). According to the update, California is on track to meet the near-term 2020 GHG limit

and is well positioned to maintain and continue reductions beyond 2020 (CARB 2014). The update also reports the trends in GHG emissions from various emission sectors.

The update summarizes sector-specific actions needed to stay on the path toward the Executive Order S-3-05 2050 target. While the update acknowledges certain reduction targets by others (such as in the Copenhagen Accord), it stops short of recommending a specific target for California, instead acknowledging that mid-term targets need to be set “consistent with the level of reduction needed [by 2050] in the developed world to stabilize warming at 2 °C (3.6 °F) [above pre-industrial levels].”

Actions are recommended for the energy sector, transportation (clean cars, expanded zero-emission vehicle program, fuels policies, etc.), land use (compliance with regional sustainability planning targets), agriculture, water use (more stringent efficiency and conservation standards, runoff capture, etc.), waste (elimination of organic material disposal, expanded recycling, use of Cap and Trade program, etc.), green building (strengthen Green Building Standards), and other sectors. Many of the actions that result in meeting targets will need to be driven by new or modified regulations.

On December 14, 2017, CARB approved the 2030 Climate Change Scoping Plan which lays out the framework for achieving the 2030 reductions as established in EO B-30-15 and SB 32 and AB 197 (discussed below). The Scoping Plan Update identifies reductions to be made by each sector to achieve a 40 percent reduction of 1990 levels of GHGs by 2030. The Scoping Plan Update contains language recommending that land use development projects demonstrate a “zero net” increase in GHG emissions as compared to baseline conditions to ensure consistency with statewide GHG reduction goals. CARB also recognizes that this approach will not be feasible for all projects and therefore recommends that lead agencies develop bright-line numerical thresholds consistent with the state’s long-term GHG goals (40 percent of 1990 levels by 2030) or consistency with GHG reduction plans (e.g., Climate Actions Plans) be demonstrated if applicable (CARB 2017a).

#### **SB 32 and AB 197, Statutes of 2016**

In August 2016, Governor Brown signed SB 32 and AB 197, which serve to extend California’s GHG reduction programs beyond 2020. SB 32 amended the Health and Safety Code to include Section 38566, which contains language to authorize CARB to achieve a statewide GHG emission reduction of at least 40 percent below 1990 levels by no later than December 31, 2030. SB 32 codified the targets established by EO B-30-15 for 2030, which set the next interim step in the State’s continuing efforts to pursue the long-term target expressed in EO S-3-05 and B-30-15 of 80 percent below 1990 emissions levels by 2050.

SB 32 is contingent upon AB 197, which grants the State Legislature stronger oversight over CARB’s implementation of its GHG reduction programs. AB 197 amended the existing Health and Safety Code sections and established new statutory directions, including the following provisions. Section 9147.10 establishes a six-member Joint Legislative Committee on Climate Change Policies to ascertain facts and make recommendations to the Legislature. CARB is required to appear before this committee annually to present information on GHG emissions, criteria pollutants, and toxic air contaminants from sectors covered by the Scoping Plan. Section 38562.5 requires that CARB consider social cost when adopting rules and regulations to achieve emissions reductions, and prioritize reductions at large stationary sources and from mobile sources. Section 38562.7 requires that each Scoping Plan update identify the range of projected GHG and air pollution reductions and the cost-effectiveness of each emissions reduction measure.

#### **Senate Bill 375**

SB 375, signed by the Governor in September 2008, aligns regional transportation planning efforts, regional GHG emission reduction targets for cars and light duty trucks, and land use and housing allocation. SB 375 requires Metropolitan Planning Organizations (MPOs) to adopt a Sustainable Communities Strategy (SCS) or Alternative Planning Strategy, showing prescribed land use allocation in each MPO’s Regional Transportation Plan. CARB, in consultation with the MPOs, is to provide each affected region with reduction targets for GHGs emitted by passenger cars and light trucks in their respective regions for 2020 and 2035.

The applicable MPO in San Diego County is the San Diego Association of Governments (SANDAG). SANDAG adopted its Metropolitan Transportation Plan (MTP)/SCS in 2015. SANDAG was initially tasked by CARB to achieve a 7 percent per capita reduction by 2020 and a 13 percent per capita reduction by 2035, which CARB confirmed the region would achieve by implementing its MTP/SCS (CARB 2016). In June 2017, CARB released the proposed Target Update for the SB 375 targets tasking SANDAG to achieve a 15 percent and a 21 percent per capita reduction by 2020 and 2035, respectively (CARB 2017b). At the time of writing this environmental checklist, the Target Update has not been approved by CARB.

## IMPACT ANALYSIS

Although the regulatory environment has changed since the certification of the Davia Village IS/MND as identified above, the MARC Project would not result in a substantial change in the environmental impacts related to GHGs than was evaluated in Chapter IV-VII, Greenhouse Gas Emissions, of the Davia Village IS/MND.

Regulations of emissions of GHGs as they relate to the contribution of global climate change are inherently dynamic and frequently changing as science manifests to more accurately predict the future impacts associated with climate change. Further, in line with guidance from the Executive Orders listed above, California continues to pass legislation (i.e., AB 32 and SB 32) to serve as legally binding targets for the state to achieve its goals of reducing GHGs to 80 percent below 1990 levels by 2050. Although legislation does not currently exist that solidifies this target, interim targets such as achieving 1990 levels of GHG emissions by 2020 (i.e., AB 32) and a 40 percent reduction in GHG emissions by 2030 (i.e., SB 32) can be interpreted as benchmark goals on the pathway to achieving the 2050 target.

The project does not introduce any new GHG sources. This analysis evaluates the effects of the removal of a condition to limit residential occupancy. The Davia Village IS/MND concluded that because of the project design features, project emissions would meet the significance threshold and reduce emissions 28 percent below business as usual conditions, resulting in a less-than-significant impact. In relation to the Davia Village IS/MND development, the MARC Project would result in no physical changes to the project (size, scale, height, footprint, design features, etc.).

As discussed in Section 4.16, Transportation/Traffic, the project would result in the same number of daily trips (2,887) because the number of constructed dwelling units and bedrooms would not change. Construction activities would not change.

The analyses performed in Section VII, Greenhouse Gas Emissions, of the Davia Village IS/MND includes estimation of construction and operational emissions based upon the best available modeling tools (i.e., CalEEMod Version 2011.1.1) and project parameters (e.g., construction phasing, acres disturbed, projected VMT, energy and water usage) at the time of writing the IS/MND. The analysis concluded that amortized construction and operational emissions of GHGs would not be substantial to result in a significant contribution to global climate change.

Because the IS/MND evaluated the project at full occupancy, which the current proposal, the removal of the occupancy restriction will not change the projected daily trips associated with the project. Further, because mobile-source emissions of GHGs typically contribute the greatest level of GHG emissions as compared to other GHG-generating sectors (i.e., energy, area, waste, and water and wastewater), emissions of GHGs would not be substantially different from that evaluated in the Davia Village IS/MND. The MARC Project would continue to be required to implement the design features that were approved with the certified IS/MND.

## Mitigation Measures

No mitigation measures required.

## CONCLUSION

As described above, while the project would result in the removal of a condition to limit residential occupancy, the project would not result in physical changes to the buildings, increased dwelling units or bedrooms, new land uses, or modification of design features that were approved. The removal of the occupancy limit would not result in additional daily trips because the projected trips were based upon 416 dwelling units which remains unchanged. Neither the development of the site pursuant to the 2014 project approvals, nor the proposed elimination of the occupancy restriction would involve new circumstances, new information, significant environmental effects or a substantial increase in the severity of previously identified significant effects which were evaluated in the IS/MND. Therefore, the less-than-significant impact conclusions of the Davia Village IS/MND remain valid and approval of the project would not result in new or substantially more severe impacts to GHGs.

## 4.8 HAZARDS AND HAZARDOUS MATERIALS

Environmental Issue Area	Where Topic Was Analyzed in the Davia Village IS/MND	Davia Village IS/MND Impact Conclusion	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Would the Project Result in New Significant Impacts or Changes to Previous Impact Conclusion?
<b>8. Hazards and Hazardous Materials. Would the project:</b>					
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	IS/MND Analysis: pp. 48 to 49	Less Than Significant	No	No	No Change
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	IS/MND Analysis: pp. 49	Less Than Significant with Mitigation Incorporated	No	No	No Change
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	IS/MND Analysis: pp. 49	Less Than Significant	No	No	No Change
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	IS/MND Analysis: pp. 49 to 52	Less Than Significant with Mitigation Incorporated	No	No	No Change
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	IS/MND Analysis: pp. 53	No Impact	No	No	No Change
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working on the project area?	IS/MND Analysis: pp. 53	No Impact	No	No	No Change
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	IS/MND Analysis: pp. 53	Less Than Significant	No	No	No Change
h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	IS/MND Analysis: pp. 53	No Impact	No	No	No Change

## 4.8.1 Discussion

The removal of Condition O to limit residential occupancy will not result in a change in the environmental or regulatory setting related to hazards and hazardous materials compared to what was previously evaluated in Chapter IV-VIII, Hazards and Hazardous Materials of the Davia Village IS/MND because the IS/MND evaluated the full occupancy of the project and the current proposal is not to increase occupancy beyond what was analyzed. The removal of Condition O would not result in changes to the project footprint, number of dwelling units or bedrooms constructed, location, or scale or height of the buildings or impact the requirement of the Specific Plan or other project entitlements. This change does not constitute a change in circumstances regarding hazards and hazardous materials.

The MARC Project would not result in changes related to the transportation, use or disposal of hazardous materials, nor would it result in changes related to proximity to schools or airports. The project would also not change the configuration of the project, or orient buildings or infrastructure in such a way as to interfere with emergency response or evacuation plans. The Davia Village IS/MND identified the potential for exposure to hazardous materials released into the air as a result of demolition of the previously existing light industrial structures on site. Since the certification of the IS/MND, the on-site structures have been demolished, and therefore Mitigation Measure HAZ-1 (see below) would no longer apply. The Davia Village IS/MND also identified the potential for exposure to historical subsurface soil and groundwater contamination during construction activities. The MARC Project would continue to be required to comply with all existing local, State, and federal regulations regarding the use, transport, handling, and storage of hazardous materials.

Mitigation Measures HAZ-1 and HAZ-2 were adopted as a condition of approval to reduce potential hazards and hazardous materials impacts. The MARC Project would be required to implement these adopted mitigation measures. No new circumstances or project changes have occurred nor has any new information been found requiring new analysis or verification.

### Mitigation Measures

The following mitigation measures were referenced in the Davia Village IS/MND analysis and have been implemented during project construction:

- ▲ Mitigation Measure HAZ-1: Prior to any demolition of existing structures or improvements on the site, a hazardous building materials survey focusing on asbestos containing materials, lead-based paint, polychlorinated biphenyls and other typical hazardous material shall be required. In the event that such hazardous materials are identified during the building material survey, proper abatement and disposal shall occur by a state-licensed abatement contractor.
- ▲ Mitigation Measure HAZ-2: A Soil Management Plan shall be prepared and submitted to the SD-RWQCB for review and concurrence prior to the commencement of mass grading operations. The plan will describe contingency protocols in the event that significantly impacted soil requiring special handling, segregation and off-site disposal is discovered during future construction work.
- ▲ Mitigation Measure HAZ-3: A passive mitigation measure (i.e., vapor barrier) shall be incorporated in to the design and construction of future building slabs to ensure continuous protection of human health after the project site is redeveloped.

### CONCLUSION

Neither the development of the site pursuant to the 2014 project approvals, nor the proposed elimination of the occupancy restriction would involve new circumstances, new information, significant environmental effects or a substantial increase in the severity of previously identified significant effects which were evaluated in the IS/MND. Therefore, the less-than-significant impact conclusions of the Davia Village IS/MND remain valid and approval of the project would not result in new or substantially more severe impacts to hazards and hazardous materials.

## 4.9 HYDROLOGY AND WATER QUALITY

Environmental Issue Area	Where Topic Was Analyzed in the Davia Village IS/MND	Davia Village IS/MND Impact Conclusion	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Would the Project Result in New Significant Impacts or Changes to Previous Impact Conclusion?
<b>9. Hydrology and Water Quality. Would the project:</b>					
a. Violate any water quality standards or waste discharge requirements?	IS/MND Analysis: pp.53 to 54	Less Than Significant	No	No	No Change
b. Have a potentially significant adverse impact on groundwater quality or cause or contribute to an exceedance of applicable groundwater receiving water quality objectives or degradation of beneficial uses?	IS/MND Analysis: pp.54 to 55	Less Than Significant	No	No	No Change
c. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of preexisting nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	IS/MND Analysis: pp.55	No Impact	No	No	No Change
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or in a manner which would result in substantial erosion or siltation on-or off-site (e.g. downstream)?	IS/MND Analysis: pp.55	Less Than Significant	No	No	No Change
e. Create a significant adverse environmental impact to drainage patterns due to changes in runoff flow rates or volumes?	IS/MND Analysis: pp.56	Less Than Significant	No	No	No Change
f. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on-or off-site?	IS/MND Analysis: pp.56	Less Than Significant	No	No	No Change
g. Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	IS/MND Analysis: pp.56	Less Than Significant	No	No	No Change
h. Result in increased impervious surfaces and associated increased runoff?	IS/MND Analysis: pp.56	Less Than Significant	No	No	No Change

i. Result in significant alteration of receiving water quality during or following construction?	IS/MND Analysis: pp.57	Less Than Significant	No	No	No Change
j. Result in an increase in pollutant discharges to receiving waters? Consider water quality parameters such as temperature, dissolved oxygen, turbidity and other typical storm water pollutants (e.g. heavy metals, pathogens, petroleum derivatives, synthetic organics, sediment, nutrients, oxygen-demanding substances, and trash)	IS/MND Analysis: pp.57 to 58	Less Than Significant	No	No	No Change
k. Be tributary to an already impaired water body as listed on the Clean Water Act Section 303(d) list. If so, can it result in an increase in any pollutant for which the water body is already impaired?	IS/MND Analysis: pp.58	Less Than Significant	No	No	No Change
l. Be tributary to environmentally sensitive areas (e.g. MSCP, RARE, Areas of Special Biological Significance, etc.)? If so, can it exacerbate already existing sensitive conditions?	IS/MND Analysis: pp.58	Less Than Significant	No	No	No Change
m. Have a potentially significant environmental impact on surface water quality, to either marine, fresh or wetland waters?	IS/MND Analysis: pp.58 to 59	Less Than Significant	No	No	No Change
n. Otherwise substantially degrade water quality?	IS/MND Analysis: pp.59	Less Than Significant	No	No	No Change
o. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	IS/MND Analysis: pp.59	No Impact	No	No	No Change
p. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	IS/MND Analysis: pp.59	No Impact	No	No	No Change
q. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	IS/MND Analysis: pp.59	No Impact	No	No	No Change
r. Inundation by seiche, tsunami, or mudflow?	IS/MND Analysis: pp.59	No Impact	No	No	No Change

#### 4.9.1 Discussion

The removal of Condition O to limit residential occupancy will not result in a change in the environmental or regulatory setting related to hydrology and water quality compared to what was previously evaluated in Chapter IV-IX, Hydrology and Water Quality of the Davia Village IS/MND because the IS/MND evaluated the full occupancy of the project and the current proposal is not to increase occupancy beyond what was analyzed. The removal of Condition O would not result in changes to the project footprint, number of dwelling units or bedrooms constructed, location, or scale or height of the buildings or impact the requirement of the

Specific Plan or other project entitlements. This change does not constitute a change in circumstances regarding hydrology and water quality.

The project would not lead to any changes related to water quality standards, waste discharge requirements, or groundwater quality as a result of project construction. The project would continue to utilize municipal water sources provided by Valecitos Water District, and removal of a condition that limits occupancy would not result in the use of groundwater. No changes would occur related to site drainage, hydrology or stormwater runoff as a result of the removal of the occupancy limit. Similarly, the removal of the occupancy condition would not result in an increased impact related to nearby receiving waters or nearby environmentally sensitive areas. Finally, removal of the occupancy condition would not result in any new or substantially more significant flood hazards. The project would continue to be required to comply with all local, State, and federal regulations related to water quality standards.

## **Mitigation Measures**

No mitigation measures required.

## **CONCLUSION**

Neither the development of the site pursuant to the 2014 project approvals, nor the proposed elimination of the occupancy restriction would involve new circumstances, new information, significant environmental effects or a substantial increase in the severity of previously identified significant effects which were evaluated in the IS/MND. Therefore, the less-than-significant impact conclusions of the Davia Village IS/MND remain valid and approval of the project would not result in new or substantially more severe impacts to hydrology and water quality.

## 4.10 LAND USE AND PLANNING

Environmental Issue Area	Where Topic Was Analyzed in the Davia Village IS/MND	Davia Village IS/MND Impact Conclusion	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Would the Project Result in New Significant Impacts or Changes to Previous Impact Conclusion?
<b>10. Land Use and Planning. Would the project:</b>					
a. Physically divide an established community?	IS/MND Analysis: pp.59	No Impact	No	No	No Change
b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	IS/MND Analysis: pp. 59 to 63	Less Than Significant with Mitigation Incorporated	No	No	No Change
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?	IS/MND Analysis: pp.63	No Impact	No	No	No Change

### 4.10.1 Discussion

The removal of Condition O to limit residential occupancy will not result in a change in the environmental or regulatory setting related to land use and planning compared to what was previously evaluated in Chapter IV-X, Land Use and Planning of the Davia Village IS/MND because the IS/MND evaluated the full occupancy of the project and the current proposal is not to increase occupancy beyond what was analyzed. The removal of Condition O would not result in changes to the project footprint, number of dwelling units or bedrooms constructed, location, or scale or height of the buildings or impact the requirement of the Specific Plan or other project entitlements. This change does not constitute a change in circumstances regarding land use and planning.

The project continues to be in an area that was formerly developed with industrial uses, and would not divide an existing community. The 2014 approved Davia Specific Plan project resulted in a new land use designation of Specific Plan Area and a new zoning of Specific Plan Area which is consistent with the approved 416 dwelling units. The MARC Project does not propose additional dwelling units or bedrooms and would, therefore, not require changes to the existing land use designation or zoning district. Therefore, the project would not result in any new or more substantial impacts related to land use and planning. The Mitigation Measures LU-1 and LU-2 that were included in the approved Davia Village IS/MND are no longer applicable because the land use designation and zoning have already been approved and amended. Therefore, those mitigation measures are no longer applicable. The project would also not conflict with an adopted habitat conservation plan.

### Mitigation Measures

Previously imposed and implemented mitigation measures include:

- ▲ Mitigation Measure LU-1: Prior to project implementation, a General Plan Amendment shall be approved to change the project site from MU-1 to MU-2/Specific Plan Area.

- ▲ Mitigation Measure LU-2: Prior to project implementation, the City Zoning Ordinance shall be amended to change the project site from a Transitional Zone of LU-1/MU-1 to MU-2/Specific Plan Area.

## CONCLUSION

Neither the development of the site pursuant to the 2014 project approvals, nor the proposed elimination of the occupancy restriction would involve new circumstances, new information, significant environmental effects or a substantial increase in the severity of previously identified significant effects which were evaluated in the IS/MND. Therefore, the less-than-significant impact conclusions of the Davia Village IS/MND remain valid and approval of the project would not result in new or substantially more severe impacts to land use and planning.

## 4.11 MINERAL RESOURCES

Environmental Issue Area	Where Topic Was Analyzed in the Davia Village IS/MND	Davia Village IS/MND Impact Conclusion	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Would the Project Result in New Significant Impacts or Changes to Previous Impact Conclusion?
<b>11. Mineral Resources. Would the Project:</b>					
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	IS/MND Analysis: pp. 63	No Impact	No	No	No Change
b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	IS/MND Analysis: pp. 63	No Impact	No	No	No Change

### 4.11.1 Discussion

The removal of Condition O to limit residential occupancy will not result in a change in the environmental or regulatory setting related to mineral resources compared to what was previously evaluated in Chapter IV-XI, Mineral Resources of the Davia Village IS/MND because the IS/MND evaluated the full occupancy of the project and the current proposal is not to increase occupancy beyond what was analyzed. The removal of Condition O would not result in changes to the project footprint, number of dwelling units or bedrooms constructed, location, or scale or height of the buildings or impact the requirement of the Specific Plan or other project entitlements. This change does not constitute a change in circumstances regarding mineral resources.

The project site does not contain a known cache of locally important mineral resources that would be considered to have local, regional, or statewide importance as delineated by either the City of San Marcos or San Diego County General Plans. There are no known mineral resources on the project site. The project would be located on the same area of land as that evaluated in the Davia Village IS/MND and would not impact mineral resources. No changes related to mineral resources would occur.

### Mitigation Measures

None required.

### CONCLUSION

Neither the development of the site pursuant to the 2014 project approvals, nor the proposed elimination of the occupancy restriction would involve new circumstances, new information, significant environmental effects or a substantial increase in the severity of previously identified significant effects which were evaluated in the IS/MND. Therefore, the less-than-significant impact conclusions of the Davia Village IS/MND remain valid and approval of the project would not result in new or substantially more severe impacts to mineral resources.

## 4.12 NOISE

Environmental Issue Area	Where Topic Was Analyzed in the Davia Village IS/MND	Davia Village IS/MND Impact Conclusion	Any New Circumstances Involving New or Substantially More Severe Significant Impacts?	Any Substantially Important New Information Requiring New Analysis or Verification?	Would the Project Result in New Significant Impacts or Changes to Previous Impact Conclusion?
<b>12. Noise. Would the project result in:</b>					
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	IS/MND Analysis: pp. 64 to 69	Less Than Significant	No	No	No Change
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	IS/MND Analysis: pp. 69 to 70	Less Than Significant	No	No	No Change
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	IS/MND Analysis: pp. 70 to 73	Less Than Significant	No	No	No Change
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	IS/MND Analysis: pp. 73 to 75	Less Than Significant	No	No	No Change
e. For a project located within an airport land use plan or where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	IS/MND Analysis: pp. 75	No Impact	No	No	No Change
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	IS/MND Analysis: pp. 75	No Impact	No	No	No Change

### 4.12.1 Discussion

The removal of Condition O to limit residential occupancy will not result in a change in the environmental or regulatory setting related to noise compared to what was previously evaluated in Chapter IV-XII, Noise of the Davia Village IS/MND because the IS/MND evaluated the full occupancy of the project and the current proposal is not to increase occupancy beyond what was analyzed. The removal of Condition O would not result in changes to the project footprint, number of dwelling units or bedrooms constructed, location, or scale or height of the buildings or impact the requirement of the Specific Plan or other project entitlements. This change would not result in physical changes to the project or increased traffic volumes that would result in increased noise generation.

A noise impact analysis was prepared for the Davia Village IS/MND and removal of the occupancy condition would not result in a need for revisions to the analysis. Changes to the allowable occupancy would not result in exposure to increased noise volumes related to peak traffic volumes or rail related noise, nor would it result in increased groundborne vibrations or noise because of construction activities. Similarly, changes to occupancy would not result in an increase to ambient noise levels above the analysis provided by the Davia

Village IS/MND because existing traffic volumes plus the project would not increase beyond that which was evaluated. Finally, changes to occupancy would not result in physical changes to the project which would result in an increase in construction period noise. The project would continue to be required to comply with all applicable noise ordinance regulations. The project is not located near a public or private airport.

## **Mitigation Measures**

None required.

## **CONCLUSION**

Neither the development of the site pursuant to the 2014 project approvals, nor the proposed elimination of the occupancy restriction would involve new circumstances, new information, significant environmental effects or a substantial increase in the severity of previously identified significant effects which were evaluated in the IS/MND. Therefore, the less-than-significant impact conclusions of the Davia Village IS/MND remain valid and approval of the project would not result in new or substantially more severe impacts to noise.

## 4.13 POPULATION AND HOUSING

Environmental Issue Area	Where Topic Was Analyzed in the Davia Village IS/MND	Davia Village IS/MND Impact Conclusion	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Would the Project Result in New Significant Impacts or Changes to Previous Impact Conclusion?
<b>13. Population and Housing. Would the project:</b>					
a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	IS/MND Analysis: pp. 75 to 76	Less Than Significant	No	No	No Change
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	IS/MND Analysis: pp.76	No Impact	No	No	No Change
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	IS/MND Analysis: pp.76	No Impact	No	No	No Change

### 4.13.1 Discussion

The removal of Condition O to limit residential occupancy will not result in a change in the environmental or regulatory setting related to population or housing compared to what was previously evaluated in Chapter IV-XIII, Population and Housing of the Davia Village IS/MND because the IS/MND evaluated the full occupancy of the project and the current proposal is not to increase occupancy beyond what was analyzed. The removal of Condition O would not result in changes to the project footprint, number of dwelling units or bedrooms constructed, location, or scale or height of the buildings or impact the requirement of the Specific Plan or other project entitlements. This change does not constitute a change in circumstances regarding population and housing.

The project site was previously occupied by vacant industrial buildings and did not result in displacement of people. The project continues to be a mixed-use development that would result in the construction of 416 dwelling units. The certified Davia Village IS/MND and approved development plan established entitlements to construct 416 residential units and the IS/MND estimated that this would result in approximately 1,256 new residents. Additionally, the IS/MND assumed the improvements necessary to support this amount of density, including necessary water/sewer lines, roadways, SR-78 ramps, and the SPRINTER rail station.

The City of San Marcos generally estimates a household size of 3.05 residents per household (San Marcos Housing Element 2013, p. 8-15). Using this household estimate, the MARC project would result in 1,269 residents. However, a project condition was placed upon the development at the time of project approval which capped the occupancy of the project at 885 residents. This metric was derived based upon the assumption of 625 total bedrooms in the project multiplied by a 95 percent of 1.49 person-per-bedroom average, which is a federal definition beyond which describes severe overcrowding. The MARC Project would result in the removal of the condition to limit occupancy but would not result in additional dwelling units or bedrooms, therefore, the previously estimated population projection remains valid.

### Mitigation Measures

None required.

## CONCLUSION

As described above, the certified Davia Village IS/MND evaluated the environmental impacts associated with the construction of 416 dwelling units and the MARC Project would not result in additional dwelling units or bedrooms. Neither the development of the site pursuant to the 2014 project approvals, nor the proposed elimination of the occupancy restriction would involve new circumstances, new information, significant environmental effects or a substantial increase in the severity of previously identified significant effects which were evaluated in the IS/MND. Therefore, the less-than-significant impact conclusions of the Davia Village IS/MND remain valid and approval of the project would not result in new or substantially more severe impacts to population and housing.

## 4.14 PUBLIC SERVICES

Environmental Issue Area	Where Impact Was Analyzed in the Davia Village IS/MND	Davia Village IS/MND Impact Conclusion	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Would the Project Result in New Significant Impacts or Changes to Previous Impact Conclusion?
<b>14. Public Services.</b>					
Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, to maintain acceptable service ratios, response times or other performance objectives for any public services:					
a. Fire protection?	IS/MND Analysis: pp. 76 to 77	Less Than Significant	No	Yes	No Change
b. Police protection?	IS/MND Analysis: pp.77	Less Than Significant	No	Yes	No Change
c. Schools?	IS/MND Analysis: pp. 77 to 78	Less Than Significant	No	Yes	No Change
d. Parks?	IS/MND Analysis: pp.78	Less Than Significant	No	No	No Change
e. Other public facilities?	IS/MND Analysis: pp.78	Less Than Significant	No	No	No Change

### 4.14.1 Discussion

The removal of Condition O to limit residential occupancy will not result in a change in the environmental or regulatory setting related to public services compared to what was previously evaluated in Chapter IV-XIV, Public Services of the Davia Village IS/MND because the IS/MND evaluated the full occupancy of the project and the current proposal is not to increase occupancy beyond what was analyzed. The removal of Condition O would not result in changes to the project footprint, number of dwelling units or bedrooms constructed, location, or scale or height of the buildings or impact the requirement of the Specific Plan or other project entitlements. This change does not constitute a change in circumstances regarding public services.

The project would continue to fund and construct public service improvements as approved with the Davia Village IS/MND and based upon the approved construction of 416 dwelling units which remains unchanged. The Davia Village IS/MND evaluated the project as fully occupied without the occupancy restriction. The project would fund an existing Fire Community Facilities District and implement the design features required by the San Marcos Fire Department as described in the IS/MND. Similarly, the project would fund an existing Community Facilities District for police protection which was based upon 416 dwelling units. The project would also pay a school mitigation fee to the San Marcos Unified School District which was calculated based upon a student generation rate of 0.3433 students/unit, also based upon the anticipated construction of 416 dwelling units. Finally, the project would also be required to construct the 60,000 square/feet of public recreational amenities, as approved with the Davia Village Specific Plan. No new or substantially more severe public service impacts would occur.

## Mitigation Measures

No mitigation measures required.

## CONCLUSION

Neither the development of the site pursuant to the 2014 project approvals, nor the proposed elimination of the occupancy restriction would involve new circumstances, new information, significant environmental effects or a substantial increase in the severity of previously identified significant effects which were evaluated in the IS/MND. Therefore, the less-than-significant impact conclusions of the Davia Village IS/MND remain valid and approval of the project would not result in new or substantially more severe impacts to public services.

## 4.15 RECREATION

Environmental Issue Area	Where Topic Was Analyzed in the Davia Village IS/MND	Davia Village IS/MND Impact Conclusion	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Would the Project Result in New Significant Impacts or Changes to Previous Impact Conclusion?
<b>15. Recreation.</b>					
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	IS/MND Analysis: pp.79	Less Than Significant	No	No	No Change
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	IS/MND Analysis: pp.79	Less Than Significant	No	No	No Change

### 4.15.1 Discussion

The removal of Condition O to limit residential occupancy will not result in a change in the environmental or regulatory setting related to recreation compared to what was previously evaluated in Chapter IV-XV, Recreation of the Davia Village IS/MND because the IS/MND evaluated the full occupancy of the project and the current proposal is not to increase occupancy beyond what was analyzed. The removal of Condition O would not result in changes to the project footprint, number of dwelling units or bedrooms constructed, location, or scale or height of the buildings or impact the requirement of the Specific Plan or other project entitlements. This change does not constitute a change in circumstances regarding recreation.

The project would continue to be required to construct the 60,000 sq/ft recreational space. The recreational amenities would include a dog park, picnic area, tot lot, bocce ball court, full basketball court, splash pad, sculpture area, exercise station, and passive green spaces. Additionally, private amenity space consisting of a swimming pool, lounge area, BBQ area, and tot lot are proposed for each of the building quads. Because no changes in the number of residential units would occur and the MARC Project would not exceed general household size estimates of the San Marcos General Plan (see Section 4.13, Population above), the project would not create excessive demands upon existing neighborhood and regional parks.

### Mitigation Measures

None required.

### CONCLUSION

Neither the development of the site pursuant to the 2014 project approvals, nor the proposed elimination of the occupancy restriction would involve new circumstances, new information, significant environmental effects or a substantial increase in the severity of previously identified significant effects which were evaluated in the IS/MND. Therefore, the less-than-significant impact conclusions of the Davia Village IS/MND remain valid and approval of the project would not result in new or substantially more severe impacts to recreation.

## 4.16 TRANSPORTATION/TRAFFIC

Environmental Issue Area	Where Topic Was Analyzed in the Davia Village IS/MND	Davia Village IS/MND Impact Conclusion	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Would the Project Result in New Significant Impacts or Changes to Previous Impact Conclusion?
<b>16. Transportation/Traffic. Would the project:</b>					
a. Cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ration on roads, or congestion at intersection)?	IS/MND Analysis: pp. 80 to 92	Less Than Significant with Mitigation Incorporated	No	No	No Change
b. Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	IS/MND Analysis: pp. 92 to 101	Less Than Significant	No	No	No Change
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	IS/MND Analysis: pp. 101	No Impact	No	No	No Change
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	IS/MND Analysis: pp. 101	Less Than Significant	No	No	No Change
e. Result in inadequate emergency access?	IS/MND Analysis: pp. 101	Less Than Significant	No	No	No Change
f. Result in inadequate parking capacity?	IS/MND Analysis: pp. 101 to 102	Less Than Significant	N/A	N/A	No Change
g. Conflict with adopted policies, plans or programs supporting alternative transportation?	IS/MND Analysis: pp. 102 to 103	No Impact	No	No	No Change

### 4.16.1 Discussion

The removal of Condition O to limit residential occupancy will not result in a change in the environmental or regulatory setting related to transportation/traffic compared to what was previously evaluated in Chapter IV-XVI, Transportation/Traffic of the Davia Village IS/MND because the IS/MND evaluated the full occupancy of the project and the current proposal is not to increase occupancy beyond what was analyzed. Since approval of the project, the CEQA Appendix G Checklist was modified to remove the consideration of parking impacts as an environmental impact. The projects parking demands and impacts were based on the number of units proposed and because the number of units has not changed, no changes to the parking conditions for the site

would occur. The removal of Condition O would not result in changes to the project footprint, number of dwelling units or bedrooms constructed, location, or scale or height of the buildings or impact the requirement of the Specific Plan or other project entitlements. This change does not constitute a change in circumstances regarding transportation/traffic.

The removal of a condition to limit residential occupancy of the project would not result in an increase to daily trips beyond that which was evaluated in a June 2013 memo prepared by RBF Consulting on file with the City of San Marcos.

The Davia Village Specific Plan IS/MND evaluated traffic impacts from 416 residential units including studios, one-bedroom, two-bedroom, and three-bedroom units, 15,000 sq/ft of retail space, a 60,000 sq/ft neighborhood park, and approximately 170,000 sq/ft of landscaping on 11.78 acres. The project would not include any changes to the footprint, design, dwelling unit count, or bedroom count approved in the Davia Village Specific Plan IS/MND.

The trip generation for the approved Davia Village Specific Plan IS/MND was developed using the *April 2002 SANDAG Trip Generation* rates in accordance with the City of San Marcos and San Diego Traffic Engineers' Council/Institute of Transportation Engineers Traffic Study Guidelines. The City of San Marcos has not amended their guidance on conducting traffic impact analyses since approval of the Davia Village Specific Plan IS/MND; and thus, consistent with the Davia Village Specific Plan IS/MND, project trip generation would be calculated using *2002 SANDAG Trip Generation* rates based upon dwelling units as the primary trip generation input. The project would not increase the number of dwelling units; and thus, would not result in a change in trip generation, as compared to the plan analyzed within the Davia Village Specific Plan IS/MND. Additionally, the project trip distribution and assignment would remain consistent with the Davia Village Specific Plan IS/MND. Thus, the proposed change to the Davia Village Specific Plan IS/MND would not result in any new or more severe traffic impacts than were previously evaluated.

The MARC Project would be required to implement Mitigation Measures TR-1 through TR-3 (see below) that were included as part of the certified Davia Village IS/MND.

## Mitigation Measures

The following mitigation measures were referenced in the Davia Village Specific Plan IS/MND analysis and were implemented with the construction of the previously-approved project:

- ▲ Mitigation Measure TR-1: For the cumulative impact in Existing Plus Cumulative Condition at Grand Avenue/SR-78 EB Ramps – Via Vera Cruz the following improvements are required:
  - Construct a dedicated right-turn lane at the southbound (off-ramp) approach of the intersection.
  - Convert existing shared through/right-turn lane to a shared left turn/through lane.
  - Modify signal phasing to install a right-turn overlap phase at the southbound approach of intersection.

The project's fair share contribution to Mitigation Measure TR-1 is 10.8 percent.

- ▲ Mitigation Measure TR-2: For the cumulative impact in the 2035 Horizon Year Condition at Los Posas Road/SR-78 WB ramps the following improvement is required:
  - Construct a dedicated right-turn lane at the westbound (off-ramp) approach of the intersection. This improvement can be constructed within the Caltrans right-of-way.

The project's fair share contribution to Mitigation Measure TR-2 is 12.1 percent.

- ▲ Mitigation Measure TR-3: For the cumulative impact in the 2035 Horizon Year at Grand Avenue/ SR-78 Eastbound Ramps-Via Vera Cruz the following improvements are required:

- ☒ Construct a dedicated right-turn lane at the southbound (off-ramp) approach of the intersection.
- ☒ Convert existing shared through/right-turn lane to a shared left turn/ through lane.
- ☒ Modify signal phasing to install a right-turn overlap phase at the southbound approach of intersection.

The project's fair share contribution to Mitigation Measure TR-3 is 10.8 percent.

The Davia Village Specific Plan IS/MND concluded that impacts to level of service on all facilities would be reduced to a less than significant with implementation of the recommended mitigation.

## CONCLUSION

The number of dwelling units for the project is the same as approved under the Davia Village Specific Plan IS/MND; thus, the project total daily, AM peak hour, and PM peak hour trips along with trip distribution and assignment would not change. Further, the projected cumulative traffic operating conditions have not changed substantially since the Davia Village Specific Plan IS/MND was certified. Neither the development of the site pursuant to the 2014 project approvals, nor the proposed elimination of the occupancy restriction would involve new circumstances, new information, significant environmental effects or a substantial increase in the severity of previously identified significant effects which were evaluated in the IS/MND. Therefore, the less-than-significant impact conclusions of the Davia Village IS/MND remain valid and approval of the project would not result in new or substantially more severe impacts to transportation/traffic.

## 4.17 UTILITIES AND SERVICE SYSTEMS

Environmental Issue Area	Where Impact Was Analyzed in the Davia Village IS/MND	Davia Village IS/MND Impact Conclusion	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Would the Project Result in New Significant Impacts or Changes to Previous Impact Conclusion?
<b>17. Utilities and Service Systems. Would the project:</b>					
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	IS/MND Analysis: pp. 103	Less Than Significant	No	No	No Change
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	IS/MND Analysis: pp. 103 to 105	Less Than Significant	No	No	No Change
c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	IS/MND Analysis: pp. 105	Less Than Significant	No	No	No Change
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	IS/MND Analysis: pp. 105	Less Than Significant	No	No	No Change
e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	IS/MND Analysis: pp. 106	Less Than Significant	No	No	No Change
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	IS/MND Analysis: pp. 106	Less Than Significant	No	No	No Change
g. Comply with federal, state, and local statutes and regulations related to solid waste?	IS/MND Analysis: pp. 106 to 107	Less Than Significant	No	No	No Change
h. Create demand for natural gas, electricity, telephone, and other utility services that cannot be met.	Not analyzed in IS/MND	Less Than Significant	NA	NA	No Change
i. Result in inefficient, wasteful, and unnecessary consumption of energy.	Not analyzed in IS/MND	No Impact	NA	NA	No Change

### 4.17.1 Discussion

The removal of Condition O to limit residential occupancy will not result in a change in the environmental or regulatory setting related to utilities and service systems compared to what was previously evaluated in Chapter IV-XVII, Utilities and Service Systems of the Davia Village IS/MND because the IS/MND evaluated the full occupancy of the project and the current proposal is not to increase occupancy beyond what was analyzed.

The removal of Condition O would not result in changes to the project footprint, number of dwelling units or bedrooms constructed, location, or scale or height of the buildings or impact the requirement of the Specific Plan or other project entitlements. This change does not constitute a change in circumstances regarding utilities and service systems.

The Vallecitos Water District (VWD) provides the water service for the project site and conducted a Water and Sewer Study in 2013 of the area. The water demand for the approved Davia Village IS/MND was projected to be 80,211 gallons-per-day (gpd) which was based upon the acreages of individual land uses proposed for the site. No changes in the acreages of approved land uses would occur under the MARC Project; therefore, no changes in proposed water demands would occur. The project will continue to be required to pay Water Capital Facility Fees to offset any project-related infrastructure upgrades or expansion of any water demand storage facilities. Because the water demand would not exceed that which was evaluated in the IS/MND, the project would not result in new or more severe impacts related to water demand.

Similarly, the Davia Village IS/MND projected wastewater flows of 70,353 gpd which was based upon the acreages of individual land uses proposed for the site. No changes in the acreages of approved land uses would occur under the MARC project; therefore, no changes in proposed wastewater demands would occur. The MARC Project would continue to be required to upgrade two segments of the wastewater pipeline to manage the increased flows and pay Wastewater Capital Facility Fees and Wastewater Density Impact Fees to mitigate the increase in need for land outfall capacity. Because the wastewater flow would not exceed that which was evaluated in the IS/MND, the project would not result in new or more severe impacts related to wastewater.

The Davia Village IS/MND analyzed solid waste impacts related to the previously approved project and determined project demand would be 219 tons per year based on the total number of residential dwelling units and commercial retail space that was proposed. The MARC Project would not change the approved number of residential dwelling units or commercial or retail square footage spaces. As such, no changes in solid waste generation would occur.

Occupancy changes would not affect the previously evaluated storm drainage facilities, or electricity or natural gas services. No new significant or substantially more severe environmental impacts would occur related to these topics.

## **Mitigation Measures**

No mitigation measures required.

## **CONCLUSION**

As described above, the removal of a condition to limit residential occupancy would not induce demand for utilities or service systems beyond that which was previously evaluated. Neither the development of the site pursuant to the 2014 project approvals, nor the proposed elimination of the occupancy restriction would involve new circumstances, new information, significant environmental effects or a substantial increase in the severity of previously identified significant effects which were evaluated in the IS/MND. Therefore, the less-than-significant impact conclusions of the Davia Village IS/MND remain valid and approval of the project would not result in new or substantially more severe impacts to utilities and service systems.

## **CUMULATIVE IMPACTS DISCUSSION**

The Davia Village Specific Plan IS/MND was completed in 2014 AND evaluated potential cumulative impacts related to traffic, air quality, greenhouse gas emissions, and noise. Based upon the analysis, the project would not have any cumulative impacts related to air quality, greenhouse gas emissions, and noise. The project will contribute to a cumulative traffic impact in the Existing Plus Project and 2035 time frame. Mitigation measures MM-TR-1, MM-TR-2 and MM-TR-3, now implemented, would reduce the impact to below a level of significance. The project would be required to pay a fair share for improvements to reduce the impacts to below a level of

significance. There are no new reasonably foreseeable development proposals in the vicinity of the project; and thus, the proposed change to the Davia Village Specific Plan IS/MND would not result in any new significant traffic impacts under cumulative conditions.

All other impacts were determined to be site-specific (e.g., cultural resources and hazards/hazardous materials) and will not result in a significant cumulative impact. Therefore, this project has been determined not to meet this Mandatory Finding of Significance and impacts are less than significant with the incorporation of mitigation. Neither the development of the site pursuant to the 2014 project approvals, nor the proposed elimination of the occupancy restriction would involve new circumstances, new information, significant environmental effects or a substantial increase in the severity of previously identified significant effects which were evaluated in the IS/MND.

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## 5 LIST OF PREPARERS AND PERSONS CONSULTED

### **City of San Marcos**

Dahvia Lynch ..... Development Services Director  
Karen Brindley ..... Planning Division Manager  
Joe Farace ..... Principal Planner

### **Ascent Environmental, Inc.**

Amanda Olekszulin ..... Principal-In-Charge  
Kelly Bray ..... Project Manager  
Megan Diliberti ..... Environmental Planner  
Zach Miller ..... Transportation Planner  
Hannah Kornfeld ..... Climate Change Specialist

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RESOLUTION PC 18-4698

A RESOLUTION OF THE CITY OF SAN MARCOS PLANNING COMMISSION RECOMMENDING TO THE CITY COUNCIL APPROVAL OF A MODIFICATION TO A MULTI-FAMILY SITE DEVELOPMENT PLAN REMOVING A CONDITION LIMITING SITE OCCUPANCY FOR A 416 UNIT APARTMENT USE LOCATED IN THE DAVIA VILLAGE SPECIFIC PLAN IN THE BUSINESS/INDUSTRIAL DISTRICT

CASE NO.: MFSDP 17-003  
Davia West Dev. LLC, Davia East Dev. LLC and Intracorp Companies (The MARC)

WHEREAS, November 16, 2017 an application was received from Davia West Dev. LLC, Davia East Dev. LLC and Intracorp Companies requesting the removal of a Condition of Approval limiting occupancy to 885 residents in conjunction with Multi-Family Site Development Plan for 416 residential apartments, 15,000 square feet of commercial, and 1.26 acres for a city neighborhood park on 11.79 acres located at 1001 Armorlite Drive, east of Las Posas Road, more particularly described as:

LOTS 5 AND LOT 6, BLOCK NUMBER 85 OF RANCHO LOS VALLECITOS DE SAN MARCOS, IN THE CITY OF SAN MARCOS, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 806 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY  
APN: 219-163-63-00 and 219-163-64-00.

WHEREAS, the Planning Commission did recommend approval of the Multi-Family Site Development Plan to the City Council on December 2, 2013 by a vote of 7-0-0; and

WHEREAS, the City Council did approve the Multi-Family Site Development Plan (Resolution 2014-7872) on January 14, 2014 in conjunction with a General Plan Amendment (Resolution 2014-7871), Specific Plan (Ordinance 2014-1387), Rezone (Ordinance 2014-1386) and Site Development Plan (Resolution 2014-7873); and

WHEREAS, the required public hearing held on March 5, 2018 was duly advertised and held in the manner prescribed by law; and

WHEREAS, on March 5, 2018 the Planning Commission did continue the Multifamily Site Development Plan (MFSDP 17-003) to a public hearing held on March 19, 2018; and

WHEREAS, the Development Services Department did study and recommend approval of said request; and

WHEREAS, the Planning Commission did consider and recommends approval to the City Council of Addendum prepared for the previously adopted Mitigated Negative Declaration (MND 13-003) pursuant to CEQA;

WHEREAS, the Planning Commission's decision is based on the following findings and determinations:

1. With the proposed conditions, the proposed project which removes the resident cap of 885 persons for the existing 416 apartment units will not be detrimental to, impactive upon, or incompatible with surrounding existing and proposed land uses or the public health, safety, or welfare in that the existing apartment units are constructed thereby deemed compatible with the existing and future noise environment, access is controlled and staggered for residential traffic, parking will be controlled on-site through a lease agreement and Parking Management Plan. The project ensures sufficient open space, parking areas, and landscaping designed to enhance the visual and physical use of the property and provide adequate parking screening with a landscape buffer along the street frontages.
2. The project will conform with the adopted General Plan in that the project is conditioned to incorporate the applicable standards specified in the Davia Village Specific Plan.

NOW THEREFORE, the City of San Marcos resolves as follows:

1. The foregoing recitals are true and correct.
2. The Addendum to Mitigated Negative Declaration (MND 13-003) is hereby recommended for approval to the City Council.
3. The Planning Commission recommends approval to the City Council the removal of a condition in the Multifamily Site Development Plan that restricts the maximum residency population of the 416 apartments units to 885 residents. The existing 416 apartments referenced as Multifamily Site Development Plan is subject to the following conditions:
  - A. All conditions of approval for Multifamily Site Development Plan (MFSDP 12-52, Resolution 2014-7872) approved by the City Council on January 14, 2014 (attached) shall remain in effect except as modified below:
    1. Remove Condition "O" for the Multifamily Site Development Plan which states:
      - O. Davia Village's total occupancy shall be capped at 885 residents. An annual notarized report shall be submitted to the City Manager or his designee by the project owner/operator no later than November 15th of each year and shall be based on data collected as of October 15th of the same year. Said report shall include copy of leases and any other documentation that supports the annual report's conclusions. The City has the right but not the obligation to audit all leases to verify data within the report. In any year that the number of residents exceeds 885 residents the project owner/operator shall pay the City \$2,000 per resident over the 885 cap for said year. The applicant/developer shall record a deed restriction covering this requirement.
  - B. To the extent permitted by law, applicant/developer shall defend and hold the City of San Marcos ("City"), its agents and employees harmless from liability from: (i) any and all actions, claims damages, injuries, challenges and/or costs of liabilities arising from the City's approval of any and all entitlements or permit arising from the project as defined in the Multifamily Site Development Plan; (ii) any damages, liability and/or claims of any kind for any injury to or death of any person,

or damage or injury of any kind to property which may arise from or be related to the direct or indirect operation of applicant/developer or its contractors, subcontractors, agents, employees or other persons acting on applicant/developer's behalf which relate to the project and (iii) any and all damages, liability and/or claims of any kind arising from operation of the project. Applicant/developer further agrees that such indemnification and hold harmless shall include all defense-related fees and costs associated with the defense of City by counsel selected by City. This indemnification shall not terminate upon expiration of the Multi-Family Site Development Plan, but shall survive in perpetuity.

- C. To the extent feasible and as permitted by law, developers and contractors are requested to first consider the use of San Marcos businesses for any supplies, materials, services and equipment needed and the hiring of local residents in order to stimulate the San Marcos economy to the greatest extent possible.
- D. All conditions as stated in the final Resolutions approving the Specific Plan (SP 12-55), Site Development Plan (SDP 12-52) and Mitigated Negative Declaration (MND 13-003), mitigation measures and a Mitigation Monitoring Program are hereby incorporated by reference and shall be complied with.

PASSED AND ADOPTED by the Planning Commission of the City of San Marcos, State of California, at a regular meeting thereof, this 19th day of March 2018.

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

APPROVED:

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Kevin Norris, Chairman  
SAN MARCOS CITY PLANNING COMMISSION

ATTEST:

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Sandra Gallegos, Senior Office Specialist  
SAN MARCOS CITY PLANNING COMMISSION

Attachment A: MFSDP 12-52: Resolution 2014-7872

## ATTACHMENT A

RESOLUTION 2014-7872

A RESOLUTION OF THE CITY OF SAN MARCOS CITY COUNCIL APPROVING A  
MULTI-FAMILY SITE DEVELOPMENT PLAN FOR 416 APARTMENT UNITS  
LOCATED WITHIN THE BUSINESS/INDUSTRIAL DISTRICT

CASE NO.: MFSDP 12-52  
Milano Holdings, Inc. (Davia Village)

WHEREAS, March 20, 2012 an application was received from Milano Holdings, Inc. requesting a Multi-Family Site Development Plan, 416 residential apartments, 15,000 square feet of commercial, and 1.26 acres for a city neighborhood park on 11.789 acres located at 1001 Armorlite Drive, east of Las Posas Road, more particularly described as:

LOTS 5 AND LOT 6, BLOCK NUMBER 85 OF RANCHO LOS  
VALLECITOS DE SAN MARCOS, IN THE CITY OF SAN MARCOS,  
COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO  
MAP THEREOF NO. 806 FILED IN THE OFFICE OF THE COUNTY  
RECORDER OF SAN DIEGO COUNTY  
APN: 219-163-34

WHEREAS, there was a Public Workshop conducted on May 22, 2013; and

WHEREAS, the Development Services Department did study and recommend approval of said request; and

WHEREAS, the Planning Commission recommended approval to the City Council on December 2, 2013; and

WHEREAS, the required public hearing held on January 14, 2014 was duly advertised and held in the manner prescribed by law; and

WHEREAS, the City Council reviewed and recommends certification of Mitigated Negative Declaration (MND 13-003) with a Mitigation Monitoring and Reporting Program pursuant to CEQA; and

WHEREAS, the City Council's decision is based on the following findings and determinations:

1. With the proposed conditions, the proposed for 416 apartment units will not be detrimental to, impactive upon, or incompatible with surrounding existing and proposed land uses or the public health, safety, or welfare in that the proposed apartment units would be constructed thereby being deemed compatible with the existing and future noise environment, access is controlled and staggered for future residential traffic, parking will be controlled on-site through a lease agreement. The project will ensure sufficient open space, parking areas, and landscaping designed to enhance the visual and physical use of the property and provide adequate parking screening with a landscape buffer along the street frontages.

2. The project will conform with the City adopted General Plan in that the project is conditioned to incorporate the applicable standards specified in the Davia Village Specific Plan as conditioned herein.

NOW THEREFORE, the City of San Marcos resolves as follows:

1. The foregoing recitals are true and correct.
2. Mitigated Negative Declaration (MND 13-003) with a Mitigation Monitoring and Reporting Program is hereby approved.
3. The City Council approves the proposed 416 apartments referenced as Multi-Family Site Development Plan 12-52 subject to the following conditions:
  - A. Prior to recording of the Final Map:
    1. Revised site plan, landscape plans and architectural elevations shall be modified within 180 days of approval to reflect the conditions of this approving resolution and mitigation measures and submitted to the Planning Division for review and approval.
    2. The revised site plan, preliminary landscaping plan, architectural elevations, floor plan, etc., shall be submitted as an original mylar along with a mylar of this resolution as a title page. This title page shall include the statement "I(we), the owner(s) or the owner's representative, have read, understand and agree to the City Council Resolution for MFSDP 12-52." Immediately following this statement shall appear a signature block for the owner or the owner's representative, which shall be signed. Signature blocks for the Project Planner and the Project Engineer shall also appear on this title page. The mylars shall be approved by the City prior to any grading plan, improvement plan or final map submittal.
  - B. The following changes shall be made to the site plan prior to acceptance of working drawings for building permits:
    1. All driveway entrances leading into the site from public streets shall be designed to incorporate enhanced entries. Final details will be provided by the developer on the hardscape plan subject to final review & approval by Developmental Services.
    2. Modify the site and floor plans to reflect a 10 foot minimum building setback along Bingham Drive measured from the face of curb to the furthest projecting building facade.
    3. The site plan shall designate areas to accommodate motorcycles and bicycles without impacting required parking as approved.
    4. An enlarged scale drawing of the private tot lots with amenities shall be submitted to the Director of Planning & Community Services for review and approval prior to issuance of building permits.
    5. There shall be a clear separation of pedestrian/vehicular traffic while providing pedestrian walkway corridors for all residents.

6. No above ground utility furniture shall be allowed within the pedestrian promenade and all street frontage areas. All utility placement issues must be approved by the City of San Marcos Planning Department prior to establishing a final utility plan. Utilities shall be located in architecturally designed utility closets, underground vaults, or behind the building away from street view. Utility plans shall be submitted along with the modified site plan.
7. Developer must submit a site plan with a turning radius analysis that demonstrates that emergency vehicles have full access to site as determined by the San Marcos Fire Marshall.
8. Developer shall submit a private decorative gate design that shall be installed at the entrance of Building B & E and at the entrance to private driveway "B." Gate design shall be submitted for review and approval by Development Services.
9. The proposed Davia Village entry structure shall be shifted further into the site beyond the common parking area.
10. Public restrooms shall be included within the retail footprint.
11. Developer must submit a site plan with a turning radius analysis that demonstrates that emergency vehicles have full access to site as determined by the San Marcos Fire Marshal.

C. The following changes shall be made to the architecture relating to the apartment units prior to acceptance of working drawings for building permits:

1. Large expanses of flat wall planes of vertical or horizontal will be prohibited and will require additional enhancement as deemed necessary by the Director of Planning.
2. A balcony design shall be incorporated with architectural exposure to the public streets & the neighborhood park. The following materials shall consist of:
  - a. Replace the proposed glass with various shades of blue glass on the balcony or incorporate a decorative perforated metal. Sample to be submitted for final review and approval by Planning Division Director.
  - b. Balcony frame shall consist of a color that accentuates it as an architectural feature. The color of the frame shall consist of a factory baked on enamel with a subtle color contrast to be reviewed and approved by the Planning Division Director.
  - c. Balconies shall remain above retail spaces in Building "A."
3. Reveal Lines shall be of a sufficient depth & width to break the flat planes to the satisfaction of the planning Director.
4. Roof canopies shall be redesigned to be more substantial than proposed. Design shall be submitted to planning Director for review & approval.
5. Awnings shall incorporate an architectural brace or cable support design to the satisfaction of the Planning Division Director. The proposed awning designs shall not consist of a galvanized finish.
6. Material Board comments:
  - a. Replace the grays & dark colors/finish with greater variety of complimentary colors.
  - b. Stucco vs. slate/stone/tile are too similar, from a distance definition of massing is lost.

- c. The architectural metals (Samples 1 & 2) should be replaced with different color finish. Provide larger material samples subject to final review and approval by the Planning Division Director.
- d. Sample 4 – all samples are too similar in color, provide another selection for Planning Division Director's review.
- e. Sample 6, stucco color is too light.
- f. Sample 9/10 – for canopy & awning, metal sample consist of a galvanized finished. Switch out sample with a factory baked on enamel finish or sunbrella canvas, samples to be reviewed and approved by Planning Division Director.
- g. Traditional corrugated metal panels are prohibited.
- h. All stucco finish must consist of a "fine" smooth acrylic stucco. A sample board shall be provided in field subject to review & approval by City prior to application.
- 7. Reflective glass and exposed pipe columns, rustic veneers, thin post, rough sawn wood, wood fences viewed from public places, are prohibited.
- 8. Ventilation vents shall be architecturally treated or concealed with the framework of the structure.
- 9. Gutters and downspouts shall be designed as a unique architectural feature. Exposed gutters and downspouts shall be painted to match adjacent roof or wall material.
- 10. All antennas/satellite dishes are restricted to the interior footprint of the exterior balcony.
- 11. All apartments shall be provided a washer and dryer for each unit.

D. A lighting plan shall be submitted for the City to review that demonstrates the following:

- 1. All lighting shall be shielded and confined within site boundaries. No direct rays or glare are permitted to shine on to public streets or adjacent lots.
- 2. All exterior lighting shall consist of Light Emitting Diode (LED) lighting.
- 3. Unique accent architectural lighting fixtures shall be used to feature architectural elements, landscaping, entrances, and pedestrian areas so long as it is compatible with other lighting. A lighting plan shall be submitted to Planning Director for final review & approval.

E. The developer shall hire a California licensed landscape architect, who shall be responsible for preparing the plans to be submitted to the City for review and approval.

F. The following changes to the landscape plan are as follows:

- 1. Project landscape and architectural design shall comply with the Davia Village Specific Plan.
- 2. A note shall be added to plans stating the additional landscape screening may be required in areas deemed necessary by the Planning Director as deemed necessary prior to occupancy.
- 3. Landscape shall be carefully placed to prohibit vehicular headlights in parking lot areas and internal streets from projecting off-site to avoid impacting adjacent properties.

4. Street trees, consisting of mature trees (24" & 36" specimens) will be planted at 30 feet on center and shall be required to be planted within 48 inch iron tree grates with theme concrete edge, and a root guard containment barrier.
5. A hardscape plan shall be submitted providing all details for both public & private territories.

G. Final landscaping and irrigation plans shall be submitted for review and final approval by the City. Landscape plan submittals are to be prepared and signed by a licensed professional. Landscape plan check fees shall be paid based on 2% of the landscape professional's estimate (cost of materials and installation) for initial plan check and 2.5% of the landscape professional's estimate for the landscape permit and one field inspection.

H. Maintenance of private open space areas and slopes shall be the responsibility of the applicant/developer. All remaining open space areas and slopes that the City agrees to maintain must comply with City's criteria for maintenance by the City's CFD Districts.

I. Landscape maintenance for publicly dedicated open space (neighborhood park) shall be maintained by the applicant/developer for a minimum period of two (2) years, which may be extended, until such time as accepted by the City or into the Lighting, Landscaping, Open Space and Preserve Maintenance CFD district. Prior to acceptance by the City, the applicant/developer shall be required to submit a detailed irrigation and maintenance schedule and a detailed estimate of the anticipated annual costs for maintenance and utilities. The purpose of this provision is to ensure that landscaping is established.

J. A Parking Management Plan shall be provided and include the following components: ensuring the plan is sufficiently funded to implement the Parking Management Plan to limit access to resident spaces below buildings, registering vehicles in the development, monitoring use of parking restrictions that will place on use of the parking spaces within the development and actively administering the parking policies, institute a parking sticker program limiting 2 parking stickers per unit and controlling the number of guest parking stickers to not exceed parking capacity. Include strict enforcement of the program including towing of vehicles without stickers and have daily security patrols. There shall also be a prohibition on any type of storage other than for a registered vehicle in garage areas. The Parking Management Plan shall be monitored and enforced by the property manager who will reside on-site and be required to: keep accurate records on all occupants and vehicle registration information, designate & monitor all parking space assignments for each and every tenant, and contacting local enforcement regarding infractions or need for towing.

K. Applicant will submit a final phasing & parking plan that complies with all conditions as approved by the City.

L. Prior to the issuance of any building permit, the following conditions shall be complied with:

1. Applicant shall provide revised architectural elevations as conditionally approved.

2. The Engineer-of-Work shall certify that all construction of improvements have been in substantial conformance with the approved plans, reports, and standards.
3. Applicant shall have an acoustical consultant generate a document to confirm that interior noise levels of units do not exceed 45 dB(A). Noise analysis shall be done to verify units meet City standards for indoor areas and patios.
4. The project is subject to payment of Public Facilities Fees as established by the City of San Marcos. The amount of the public facilities fees shall be in accordance with the latest adopted ordinance and resolution. The fees shall be based on the approved land use and shall be paid prior to the issuance of any permit as determined by the City.
5. Tot lot areas shall be designed with a "poured in place" resilient rubber surface material a minimum of 1 ½ thick on a 4" concrete base or of a material to the satisfaction of the Community Services Director. Minimum tot lot area shall be 600 square and greater.
6. The design of the development shall comply with the adaptability and accessibility requirements of Part 2, Title 24, California Code of Regulations.
7. The design of all structures shall comply with the Uniform Building code, published by the International Conference of Building Officials (ICBO) 1988 edition.
8. Plan submittals are to be prepared and signed by a licensed architect or engineer as required by the California Business and Professional Code.
9. Construction drawings and design documents for the subdivision shall be prepared and signed by a California licensed architect or engineer in accordance with the requirements of the latest Business and Professions Code.
10. The storage, use or handling of hazardous toxic or flammable materials, as defined by Section 25101 of the Health and Safety Code, shall be clearly indicated on all floor plans.
11. This development shall pay school impact mitigation as authorized by law.
12. The applicant shall obtain "will serve" letters from all affected public service and utilities agencies.
13. All buildings shall conform to seismic design requirements and procedures outlined in the Uniform Building Code adopted by the City.

M. During construction of any phase of the project, the following conditions shall be complied with:

1. This project shall implement a fugitive dust emissions control, isolating excavated soil on site until it is hauled away and periodically washing adjacent streets to remove accumulated materials.
2. Site and roadway construction operations, including warm-up and maintenance activities, shall be limited to the hours of 7:00 a.m. to 4:30 p.m., Monday through Friday. No work shall be allowed on Saturdays, Sundays and holidays.
3. Work related activities shall be conducted between the hours of 7:00 a.m. and 6:00 p.m. on Monday through Friday, and between the hours of 8:00 a.m. to 5:00 p.m. on Saturdays. The hours of work will be strictly enforced and citations will be issued for violations. The City may suspend the construction work on the project, or revoke the building permits and stop the work, for subsequent violations of the hours of work requirements.

N. Prior to occupancy, the following conditions shall be complied with:

1. The following items shall be addressed and complied with as required by the Fire Department.
2. This project shall comply with the Mid-Rise Ordinance.
3. Developer shall install the following life safety features for "Davia Village" buildings as required by code:
  - a. Automatic Fire Sprinklers and Standpipes
  - b. Fire Alarm System
  - c. Emergency Voice Alarm Signaling System
  - d. Fire Department Communication System
  - e. Pressurized Enclosures and Stairways.
  - f. Fire Department access to roof.
  - g. Provide Fire Hydrants 300 feet apart and within 150 feet from farthest part of any buildings. (Type Jones 3775 or the equivalent Clow hydrant). Applicant must meet with San Marcos Fire Marshall to determine if additional hydrants or upgrades are necessary.
  - h. All streets must maintain a minimum 24-foot wide road free and clear of any obstruction. No parking can encroach in this area.
  - i. Buildings will be fire sprinklered as determined by the Fire Marshall.
  - j. All building accesses shall be approved by the Fire Department.
4. All mechanical equipment shall be completely screened from view and all trash areas shall be designed with similar architectural treatment as the main buildings.
5. The proposed development shall comply with Federal Law, Americans with Disabilities Act ("ADA90") and State Law, California Code of Regulations, Title 24, for accessibility standards for new construction. The ground level apartments, common areas and parking facilities shall comply with accessibility standards for new construction.
6. All tenant vehicles must be registered with Property Management.
7. A guest parking pass system will be included in the Parking Management Plan and regulated by the Property Management Company.
8. All carports or open garages shall be restricted for tenant parking use only. There will be no storage, no boats, RV's, or any other personal belongings allowed in this area.
9. Buildings or structures shall not be used or occupied until the City or appropriate agencies have accepted the buildings for occupancy. A Certificate of Occupancy ("C of O") shall not be issued until the project improvements have been accepted and all the project conditions have been satisfied.
10. All improvements shown on the improvement plans, as approved by the City Engineer for each phase of development, shall be constructed prior to release of any improvement securities and as specified in the Subdivision Improvement Agreement for this project.
11. All building on this project site shall be equipped with fire suppression systems and fire protection (i.e. hydrants and fire).
12. All building accesses shall be approved by the Fire Department.
13. The applicant/developer shall ensure that the management company will be

responsible to maintain the project in a high quality manner.

14. Submit certification of completion of landscaping per approved plans including hardscape and streetscape areas.

O. Davia Village's total occupancy shall be capped at 885 residents. An annual notarized report shall be submitted to the City Manager or his designee by the project owner/operator no later than November 15<sup>th</sup> of each year and shall be based on data collected as of October 15<sup>th</sup> of the same year. Said report shall include copy of leases and any other documentation that supports the annual report's conclusions. The City has the right but not the obligation to audit all leases to verify data within the report. In any year that the number of residents exceeds 885 residents the project owner/operator shall pay the City \$2,000 per resident over the 885 cap for said year. The applicant/developer shall record a deed restriction covering this requirement.

P. Developer/Owner shall be responsible in reimbursing the City \$2,500 for administrative costs associated with monitoring and review of the annual occupancy report.

Q. The management company will be responsible for the distribution and monitoring of parking stickers to its tenants. They will also be responsible to monitor the availability of guest parking spaces on-site. A quarterly report shall be submitted to the City to verify the monitoring of parking on-site.

R. To the extent permitted by law, Applicant/developer shall defend and hold the City of San Marcos ("City"), its agents and employees harmless from liability from: (i) any and all actions, claims damages, injuries, challenges and/or costs of liabilities arising from the City's approval of any and all entitlements or permit arising from the project as defined in the Multi-Family Site Development Plan; (ii) any damages, liability and/or claims of any kind for any injury to or death of any person, or damage or injury of any kind to property which may arise from or be related to the direct or indirect operation of applicant/developer or its contractors, subcontractors, agents, employees or other persons acting on applicant/developer's behalf which relate to the project and (iii) any and all damages, liability and/or claims of any kind arising from operation of the project. Applicant/developer further agrees that such indemnification and hold harmless shall include all defense-related fees and costs associated with the defense of City by counsel selected by City. This indemnification shall not terminate upon expiration of the Multi-Family Site Development Plan, but shall survive in perpetuity.

S. To the extent feasible and as permitted by law, developers and contractors are requested to first consider the use of San Marcos businesses for any supplies, materials, services and equipment needed and the hiring of local residents in order to stimulate the San Marcos economy to the greatest extent possible.

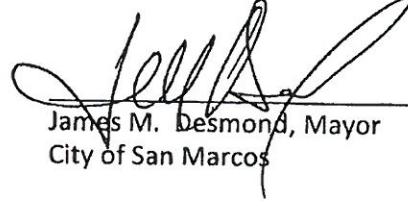
T. All conditions as stated in the final Resolutions approving the Specific Plan (SP 12-55), Site Development Plan (SDP 12-352) and Mitigated Negative Declaration (MND 13-003), mitigation measures and a Mitigation Monitoring Program are hereby incorporated by reference and shall be complied with.

PASSED, APPROVED AND ADOPTED by the City Council of the City of San Marcos this 14th day of January 2014, by the following roll call vote:

AYES: COUNCILMEMBERS: JABARA, JENKINS, JONES, ORLANDO, DESMOND

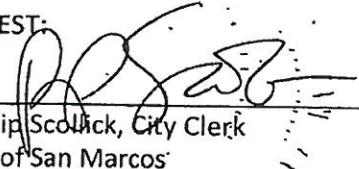
NOES: COUNCILMEMBERS: NONE

ABSENT: COUNCILMEMBERS: NONE



James M. Desmond, Mayor  
City of San Marcos

ATTEST:



Phillip Scollack, City Clerk  
City of San Marcos