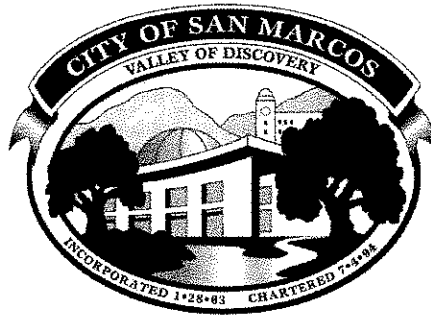


1 Civic Center Drive
San Marcos, CA 92069-2918



Telephone
760.744.1050
FAX: 760.591.4135

NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION

The City of San Marcos intends to adopt ND 11-812. A Negative Declaration* has been prepared for this project and is available for review at the City of San Marcos, Development Services Department, 1 Civic Center Drive, San Marcos, CA 92069-2949.

CASE NO.: CUP 11-857 / ND 11-812

APPLICANT: Venture Point Development

DESCRIPTION OF THE PROJECT: A request for a Conditional Use Permit (CUP) to allow for indoor/outdoor entertainment activities (limited to dancing, live music, disc jockey and karaoke), and special events (such as car shows, farmers market, art/crafts shows, music performances) at an existing 13.9-acre commercial center ("Restaurant Row") in the Commercial (C) Zone. The proposal would also allow for the option of a future banquet hall within an existing 6,006 square-foot suite.

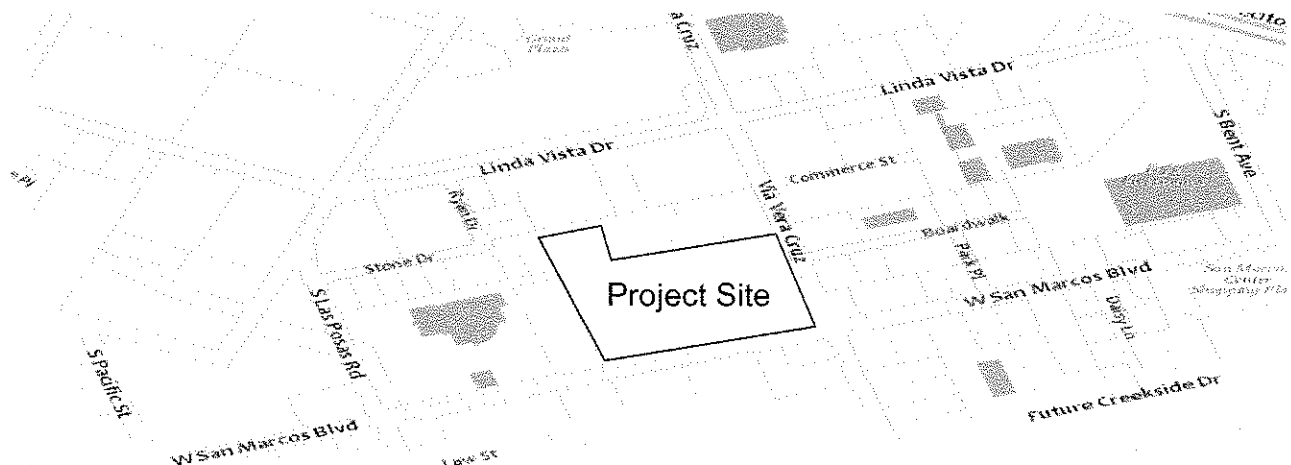
LOCATION: 1020-1080 San Marcos Boulevard. Assessor's Parcel Numbers: 219-200-30, 219-200-31, 219-200-45 and 219-200-46.

REVIEW PERIOD: August 12, 2011 – September 1, 2011

The purpose of this notice is to give interested persons an opportunity to be informed of the environmental determination prior to action by the City. If you have questions about this Notice, you may contact Sean del Solar, Assistant Planner, at 760-744-1050, Extension 3233.

COUNTY CLERK: Please post until **September 1, 2011** per Section 21092.3 of the Public Resources Code.

*Negative Declaration means a written statement/analysis briefly describing the reasons why a proposed project will not have a significant effect on the environment.



AGENDA ITEM
4



CITY OF SAN MARCOS

Negative Declaration 11-812

DATE: August 12, 2011
APPLICANT: Venture Point Development

- 1. PROJECT CASE NUMBER:** CUP 11-857
- 2. LEAD AGENCY NAME AND ADDRESS:** City of San Marcos, 1 Civic Center Drive, San Marcos, CA 92069.
- 3. CONTACT PERSON AND PHONE NUMBER:** Norm Pedersen, Associate Planner, 760-744-1050 x3204.
- 4. PROJECT LOCATION:** 1020-1080 San Marcos Boulevard. APNs: 219-200-30, 219-200-31, 219-200-45, and 219-200-46.
- 5. PROJECT SPONSOR'S NAME AND ADDRESS:** Venture Point Development, 3419 Via Lido, Suite 640, Newport Beach, California 92663.
- 6. GENERAL PLAN DESIGNATION:** Commercial.
- 7. ZONING:** Commercial (C).
- 8. DESCRIPTION OF PROJECT:** A request for a Conditional Use Permit (CUP) to allow for indoor/outdoor entertainment activities (limited to dancing, live music, disc jockey, and karaoke), and special events (such as car shows, farmers market, art/crafts shows, music performances) at an existing 13.9-acre commercial center ("Restaurant Row") in the Commercial (C) Zone. The proposal would also allow for the option of a future banquet hall within an existing 6,006 square-foot suite.
- 9. SURROUNDING LAND USES AND SETTING:** The existing site is developed with a 74,633 square-foot commercial center on a 13.9-acre property. The site is zoned Commercial (C) with the commercial center occupied by restaurant uses and limited retail. Properties to the west and east are also zoned Commercial (C), and developed with retail, office, theater, and restaurant uses. The properties to the north are zoned Light Industrial (L-M), and developed with office, manufacturing, and warehouse uses. To the south, these properties are located within the San Marcos Creek Specific Plan Area and currently occupied with non-conforming commercial and industrial development. In addition, the subject site and areas to the west and east are designated "Commercial", and to the north and south as "Light Industrial" and "Specific Plan Area", respectively, per the City's General Plan.
- 10. OTHER PUBLIC AGENCIES WHOSE APPROVAL IS REQUIRED (e.g. PERMITS, FINANCING APPROVAL OR PARTICIPATION AGREEMENT):** None.
- 11. MITIGATION MEASURES:**
 - The applicant shall obtain approval of a Major Conditional Use Permit (CUP) to allow for the proposed indoor/outdoor entertainment and special events.
 - The applicant shall implement operational and maintenance Best Management Practices (BMPs) during outdoor special events.

- The project shall comply with the Noise Ordinance Standards for commercial uses, and shall be conducted whereas not to become a noise nuisance.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

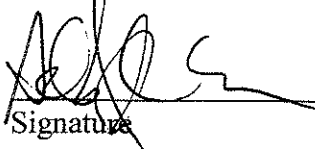
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" or "Less Than Significant Impact with Mitigation Incorporated" as indicated by the checklist on the following pages:

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

DETERMINATION:

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

 Sean del Solar
for Norm Pedersen
Signature

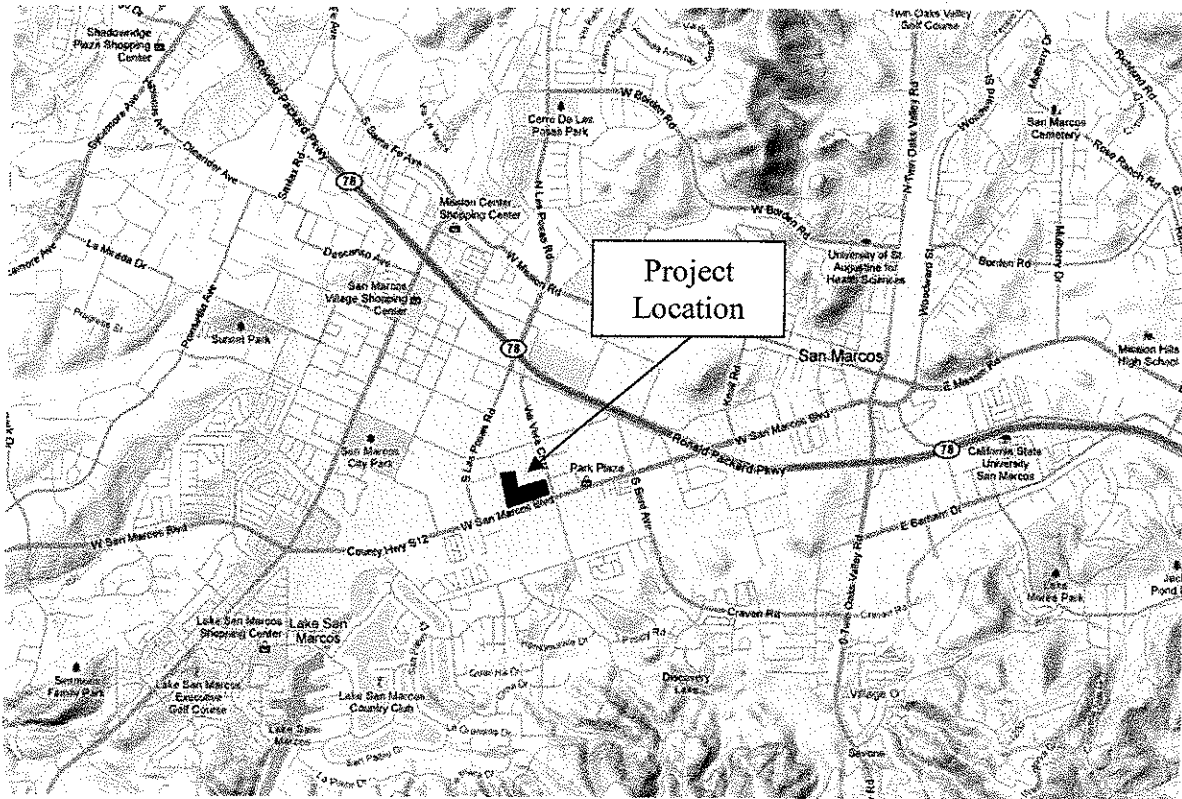
August 12, 2011

Date

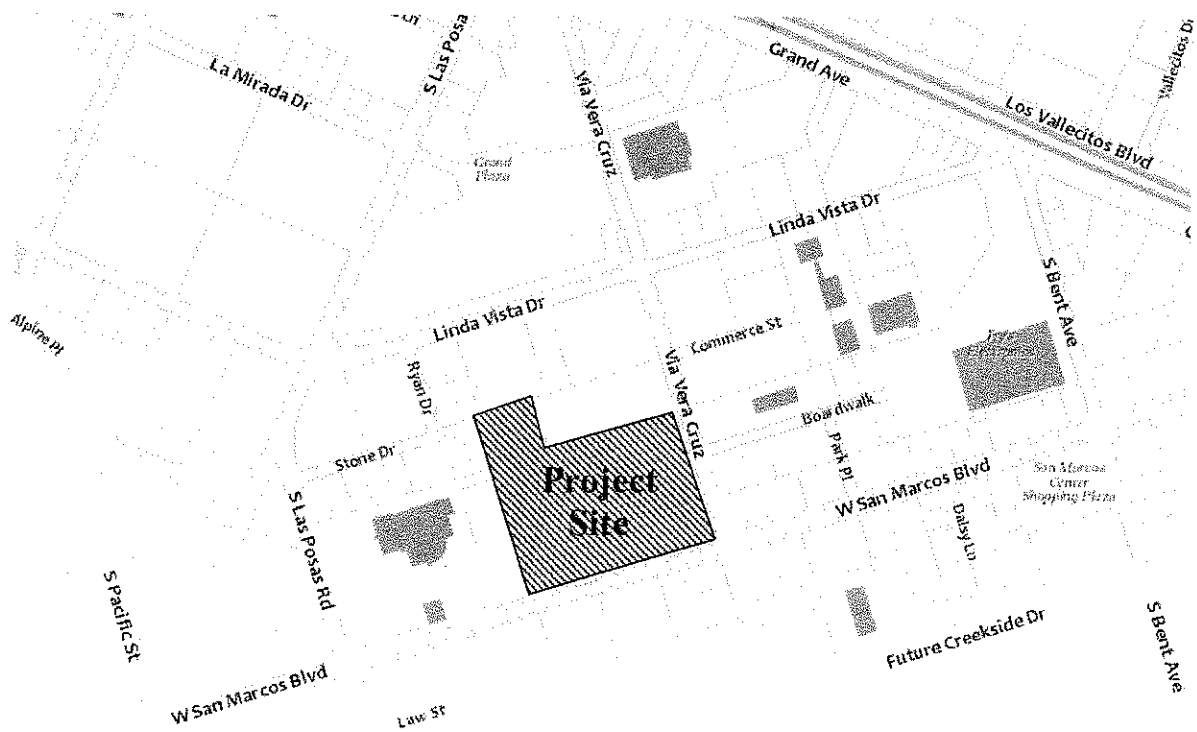
Norm S. Pedersen

Printed Name

PROJECT LOCATION



PROJECT SITE



INITIAL STUDY ENVIRONMENTAL CHECKLIST

	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
--	--------------------------------------	---	---------------------------------------	--------------

I. AESTHETICS -- *Would the project:*

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Have a substantial adverse effect on a scenic vista? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

The site is already developed with a commercial center. No new development is proposed. The proposed use will occur within the existing commercial center. Therefore, no significant impacts to the obstruction of any scenic vista, or view open to the public are anticipated as a result of the proposed project.

	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
--	--------------------------------------	---	---------------------------------------	--------------

II. AGRICULTURE AND FOREST RESOURCES -- *In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and Forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. - Would the project:*

- a) Convert Prime Farmland, Unique Farmland,

or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

☐ ☐ ☐ ☒

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

☐ ☐ ☐ ☒

- c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

☐ ☐ ☐ ☒

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

☐ ☐ ☐ ☒

- e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

☐ ☐ ☐ ☒

The site is already developed as a commercial center and not used for agricultural purposes nor is the area designated as prime, unique, or farmland of statewide importance nor as forest land. Therefore, the proposed project will not impact agricultural resources.

Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
--------------------------------	--	------------------------------	-----------

III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

- a) Conflict with or obstruct implementation of the applicable air quality plan?

☐ ☐ ☐ ☒

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

☐ ☐ ☒ ☐

- c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region

is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

☐ ☐ ☐ ☒

d) Expose sensitive receptors to substantial pollutant concentrations?

☐ ☐ ☐ ☒

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

☐ ☐ ☐ ☒

No greater impacts to air quality are anticipated as a result of the proposed project. The project will not significantly contribute to the deterioration of ambient air quality. The expected trip generation for the project is estimated to generate approximately a potential 800 Average Daily Trips (ADT) for the proposed special events. Routine Federal and State laws and regulations concerning emissions created by automobiles will mitigate potential air quality impacts. The project will not violate any air quality plan or standards; nor will operation of the proposed use result in the creation of objectionable odors. Therefore, no significant impacts to air quality are anticipated as a result of the project and will not contribute significantly to the deterioration of ambient air quality.

Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
--------------------------------------	---	---------------------------------------	--------------

IV. BIOLOGICAL RESOURCES -- *Would the project:*

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

☐ ☐ ☐ ☒

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

☐ ☐ ☐ ☒

c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

☐ ☐ ☐ ☒

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native

resident or migratory wildlife corridors,
or impede the use of native wildlife nursery sites?

☐ ☐ ☐ ☒

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

☐ ☐ ☐ ☒

f) Conflict with the provisions of an adopted
Habitat Conservation Plan, Natural Community
Conservation Plan, or other approved local,
regional, or state habitat conservation plan?

☐ ☐ ☐ ☒

The site is already developed with a commercial center. No new development is proposed. The proposed use will occur within the existing commercial center. No sensitive habitat exists on site. Therefore, the proposed project will not result in the alteration or diversity of plant or animal species, number of endangered species, or introduce new species of plants or habitat.

Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
--------------------------------------	---	---------------------------------------	--------------

V. CULTURAL RESOURCES -- *Would the project:*

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

☐ ☐ ☐ ☒

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

☐ ☐ ☐ ☒

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

☐ ☐ ☐ ☒

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

☐ ☐ ☐ ☒

The site is already developed with a commercial center. No new development is proposed. The proposed use will occur within the existing commercial center. Therefore, the proposed project will not impact cultural resources.

Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
--------------------------------------	---	---------------------------------------	--------------

VI. GEOLOGY AND SOILS -- *Would the project:*

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|---|
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | | | | |
| i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | ■ |
| ii) Strong seismic ground shaking? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | ■ |
| iii) Seismic-related ground failure, including liquefaction? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | ■ |
| iv) Landslides? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | ■ |
| b) Result in substantial soil erosion or the loss of topsoil? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | ■ |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | ■ |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | ■ |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | ■ |

The site is already developed with a commercial center. No new development is proposed. The proposed use will occur within the existing commercial center. Therefore, no significant impacts to earth conditions or geologic substructures, increase soil erosion, or the exposure of people or property to geologic hazards are anticipated as a result of the proposed project.

Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
--------------------------------------	---	---------------------------------------	--------------

VII. GREENHOUSE GAS EMISSIONS -- *Would the project:*

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

☐ ☐ ☐ ☒

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

☐ ☐ ☐ ☒

The proposed project will result in the generation of a potential 800 Average Daily Trips (ADT). This ADT will not generate a significant impact to the level of service of the roadways serving the project site. Therefore, the maximum daily and average emissions associated with the project are not anticipated to exceed significance thresholds derived from the San Diego Air Pollution Control District's Air Quality Impact Assessment as set forth in SDAPCD Rule 20.2, and the City of San Diego's thresholds for reactive organic gases (ROG). The project does not conflict with any applicable plan or regulation adopted to reduce emission of greenhouse gases. It is not anticipated that the project will have a negative significant impact on greenhouse gas emissions, directly or indirectly.

Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
--------------------------------------	---	---------------------------------------	--------------

VIII. HAZARDS AND HAZARDOUS MATERIALS -- *Would the project:*

- a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?

☐ ☐ ☐ ☒

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

☐ ☐ ☐ ☒

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

☐ ☐ ☐ ☒

- d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

☐ ☐ ☐ ☒

- e) For a project located within an airport land use plan, or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people

residing or working in the project area?

☐ ☐ ☐ ☒

- f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

☐ ☐ ☐ ☒

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

☐ ☐ ☐ ☒

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

☐ ☐ ☐ ☒

No significant impacts to emergency response plans or exposure to hazardous substances or the risk of explosion are anticipated as a result of the proposed project. Adequate emergency access will be maintained through the existing driveways from San Marcos Boulevard and Via Vera Cruz into and throughout the commercial center, including when outdoor events are held on site. Adequate emergency response capability is available. San Marcos Fire Station No. 1 is located within a 2-mile vicinity. The subject property is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. The project is not located within two miles of any airports; however, it is located within the Airport Influence Area of the McClellan-Palomar Airport Land Use Compatibility Plan. Due to the nature of the proposed project, it is a compatible land use within Review Area 2 of said plan. Therefore, the project would not subject people to safety hazards associated with public or private airports. The project site is not within the vicinity of a private airstrip; therefore, no safety hazard associated with such a facility would occur. Therefore, no impacts to these issues are anticipated as a result of the project.

Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
--------------------------------------	---	---------------------------------------	--------------

IX. HYDROLOGY AND WATER QUALITY -- *Would the project:*

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

☐ ☐ ☒ ☐

- b) Have a potentially significant adverse impact on groundwater quality or cause or contribute to an exceedance of applicable groundwater receiving water quality objectives or degradation of beneficial uses?

☐ ☐ ☐ ☒

- c) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of

preexisting nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on-or off-site (e.g. downstream)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create a significant adverse environmental impact to drainage patterns due to changes in runoff flow rates or volumes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Result in increased impervious surfaces and associated increased runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Result in significant alteration of receiving water quality during or following construction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
m) Have a potentially significant environmental impact on surface water quality, to either marine, fresh or wetland waters?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| n) Otherwise substantially degrade water quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| p) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| r) Inundation by seiche, tsunami, or mudflow? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

No bodies of water are present on the site, therefore, the project is not expected to result in the alteration of: currents or water movements, temperature or turbidity of water, direction or rate of flow of ground waters, the quantity of water, or the amount of potable water. The site is not located within the 100-year floodplain or in proximity to a body of water of which the proposed project would be subject to flooding. The site is already developed with a commercial center. The proposed use will occur within the existing commercial center. No new development is proposed. Therefore, there will be no change to the rate and amount of surface water runoff from the site. The proposed project will require implementation of operational and maintenance Best Management Practices (BMPs) during outdoor special events. Therefore, potential project impacts can be reduced to a level less than significant with implementation of mitigation measures.

Mitigation Measures:

- The applicant shall implement operational and maintenance Best Management Practices (BMPs) during outdoor special events.

	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
--	--------------------------------------	---	---------------------------------------	--------------

X. LAND USE AND PLANNING -- *Would the project:*

- | | | | | |
|---|--------------------------|-------------------------------------|--------------------------|-------------------------------------|
| a) Physically divide an established community? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

The proposed project will be located within an existing commercial center, and no new development is

proposed. The subject site is zoned Commercial (C) with a General Plan land use designation of Commercial. The 74,633 square-foot commercial center ("Restaurant Row") is almost entirely occupied with restaurant uses. Currently, 1,813 square feet of space is used for retail use, but has the potential to also be used for food services in the future. The project proposes indoor/outdoor entertainment and special events at the existing commercial center. Entertainment, limited to dancing, live music, disc jockey, and karaoke, will occur either within the enclosed buildings or restaurant patio areas. Several restaurants currently operate under Entertainment Licenses issued by the City Clerk's Office. This Conditional Use Permit would discontinue the requirement for individual Entertainment Licenses at Restaurant Row, and allow for any of the restaurants to offer limited entertainment activities. Night club activities (entertainment with dancing) would be limited to only two (2) suites which include the Acapulco Restaurant which currently operates with a night club. All entertainment activities would be secondary in use to the restaurant use. Special events, such as car shows, farmers markets, art/crafts shows, and music performances, would take place within any of the proposed five (5) outdoor areas identified in the parking lot per the site plan. The proposal would also allow for the option of a future banquet hall within an existing 6,006 square-foot suite. The project will require approval of a Major Conditional Use Permit which assures that the project would be a compatible use with the restaurant and retail uses within the commercial center and surrounding area. The Conditional Use Permit will set forth conditions to address operational standards of the use, such as requirements to comply with noise standards, security, hours of operation, and storm water operational standards for outdoor events.

Mitigation Measures:

- The applicant shall obtain approval of a Major Conditional Use Permit (CUP) to allow for the proposed indoor/outdoor entertainment and special events.

	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
--	--------------------------------------	---	---------------------------------------	--------------

XI. MINERAL RESOURCES -- *Would the project:*

- a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

☐
☐
☐
☒
- b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

☐
☐
☐
☒

The site is already developed with a commercial center. No new development is proposed. The proposed use will occur within the existing commercial center. Therefore, the proposed project will not impact mineral resources.

	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
--	--------------------------------------	---	---------------------------------------	--------------

XII. NOISE -- *Would the project result in:*

- | | | | | |
|---|--------------------------|-------------------------------------|--------------------------|-------------------------------------|
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

No significant impacts regarding increases in existing noise levels or the exposure of people to severe noise levels are anticipated as a result of the proposed project. It is expected that there will be an incremental impact upon the ambient noise level of the area within the immediate area, but this is not significant. The project will be conditioned to comply with the Noise Ordinance Standards for commercial uses.

Mitigation measures:

- The project shall comply with the Noise Ordinance Standards for commercial uses, and shall be conducted whereas not to become a noise nuisance.

Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
--------------------------------------	---	---------------------------------------	--------------

XIII. POPULATION AND HOUSING -- *Would the project:*

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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

☐ ☐ ☐ ☒

Due to the nature of the proposed project, no significant impacts to population are anticipated nor will substantial growth be induced in that the subject site is designated for Commercial uses. Therefore, no significant impacts to housing or population will occur as a result of the proposed project.

Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
--------------------------------------	---	---------------------------------------	--------------

XIV. PUBLIC SERVICES --

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

Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

No significant impacts to fire protection, police, schools, parks, maintenance of public facilities, or other governmental facilities are anticipated as a result of the proposed project. Adequate emergency response capability is available. San Marcos Fire Station No. 1 is located within an 2-mile vicinity. The site layout provides adequate circulation for emergency vehicles, including when special events would occur.

Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
--------------------------------------	---	---------------------------------------	--------------

XV. RECREATION --

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

☐ ☐ ☐ ☒

physical effect on the environment?

☐ ☐ ☐ ☒

No significant impacts to recreation are anticipated as a result of the proposed project. Due to the nature of the project it will not affect the quality or quantity of recreational opportunities.

Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
--------------------------------------	---	---------------------------------------	--------------

XVI. TRANSPORTATION/TRAFFIC -- *Would the project:*

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

Utilizing SANDAG's Traffic Generation Rates, the existing commercial center generates approximately 100 trips per 1,000 square feet of restaurant area. Therefore, "Restaurant Row" currently generates approximately 7,463 Average Daily Trips (ADTs). Based on the largest proposed outdoor special event with a potential 1,000 attendees, it is estimated that said special event would potentially generate 800 ADTs to the commercial center. However, since most of the special event attendees would also visit the on-site restaurants, any potential increase of ADTs to the site due to the special events would be considered less than significant. Due to the size of the events and occurrence on an occasional basis, the potential increase in ADT for the Business & Industrial District is negligible and no greater than anticipated for the area. It is estimated that the entertainment activities would not generate additional ADTs since said activities are conducted in conjunction with the existing restaurant uses on site. Access to the site will continue via the existing two (2) driveway entries on San Marcos

Boulevard, three (3) entries on Via Vera Cruz, and one (1) from Las Posas Road via the movie theater development to the west. The site provides adequate circulation for vehicles and delivery and fire trucks, and this would be maintained when special events occur. The subject property provides 1,160 parking spaces for the existing restaurant and retail uses. 909 parking spaces are required per the City Parking Ordinance; therefore, the site provides an extra 251 spaces above the ordinance requirements. A parking survey was conducted over a two (2) week period to determine the amount of parking being utilized on site for the existing uses. The greatest number of parking spaces are used by patrons on Friday and Saturday evenings with an average of 662 cars parked in the parking lot. Per the site plan, Parking Lot Area A is the largest special event area, and would occupy 150 parking spaces leaving 1,010 spaces available for parking on site. Typically, most of those event attendees (an estimated two-thirds based on similar projects) will also visit the on-site restaurants. Even during the highest parking demand on Friday and Saturday evenings, there would be on average 350 extra spaces available on site for those estimated one-third of attendees who may just attend the special event. In addition, the proposed special events are intended to be family-oriented activities where vehicles driving to the event would most likely be occupied by multiple persons (families); therefore, reducing the number of trips to the site and the demand for parking. No significant impacts or generation of substantial additional vehicular movement, substantial impacts upon existing transportation systems, alterations of present patterns of circulation or movement of people and/or goods, alterations to waterborne, rail or air traffic, or increase in traffic hazards are anticipated as a result of the proposed project.

	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
--	--------------------------------------	---	---------------------------------------	--------------

XVII. UTILITIES AND SERVICE SYSTEMS -- *Would*

the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

- f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? ☐ ☐ ☐ ☒
- g) Comply with federal, state, and local statutes and regulations related to solid waste? ☐ ☐ ☐ ☒

Public utilities are existing in the area and are provided to the existing facility. The proposed project will require implementation of operational and maintenance Best Management Practices (BMPs) during outdoor special events. No greater impacts to utilities and services systems are anticipated as a result of the proposed project than otherwise anticipated and projected with the implementation of the City's General Plan.

Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
--------------------------------------	---	---------------------------------------	--------------

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE --

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

The proposal lacks the potential to degrade the quality of the environment, since the proposed use will be located within an existing commercial center which does not contain any significant biological resources, and therefore will not result in the alteration or diversity of plant or animal species, number of endangered species, or introduce new species of plants or habitat.

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

The proposed project does not have impacts that are "individually limited, but cumulatively considerable" since this project proposes indoor/outdoor entertainment and special events which is allowed per the General Plan through issuance of a Conditional Use Permit. Although the Negative Declaration analysis does identify less than significant impacts that could result from the project, any such impact will be mitigated to below a level of significance thereby insuring that impacts are not cumulatively considerable.

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

The project will be mitigated and conditioned to ensure that impact areas of concern such as land use, water

quality, and parking are fully mitigated to below a level of significance and will not cause a substantial adverse effects on human beings, either directly or indirectly.

In staff's opinion, no significant issues remain unmitigated through compliance with mitigation measures, compliance with code requirements, and the recommended conditions of approval for the proposed project.

**MITIGATION MONITORING PROGRAM
FOR NEGATIVE DECLARATION 11-857**

MITIGATION MEASURES	MONITORING ACTIVITY/TIMIN G	RESPONSIBILIT Y
The applicant shall obtain approval of a Major Conditional Use Permit (CUP) to allow for the proposed indoor/outdoor entertainment and special events.	Processing concurrently	Developer
The applicant shall implement operational and maintenance Best Management Practices (BMPs) during outdoor special events.	During operation	Developer
The project shall comply with the Noise Ordinance Standards for commercial uses, and shall be conducted whereas not to become a noise nuisance.	During operation	Developer

