

## NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION

The City of San Marcos intends to adopt ND 12-821. 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.: TSM 470 / ND 12-821

APPLICANT: 1188 Borden Road LLC and 1200 Venture LLC

### BACKGROUND:

This project was originally submitted to the City in November 2006 and was scheduled to go to the Planning Commission in September 2009, after several project designs and public input which included a public workshop conducted with the Planning Commission in August 2009. A Negative Declaration was prepared and circulated (ND 09-785); and a staff report and preliminary Tentative Subdivision Map conditions were prepared for the Planning Commission hearing. However, the applicant requested the application be tabled and no public hearing was conducted. The applicant has since revised the project, primarily to address staff comments. The number of proposed lots has not changed (22 lots). Minimal adjustments were made to the lot layout, internal street design, and proposed grading. The applicant also revised the proposed drainage for the subdivision for the lots that are located along the west side of the site (adjacent to El Toro Lane), by eliminating the proposed brow ditches on each lot and modifying the proposed grades of the pads to allow drainage to flow towards the proposed subdivision's private street (Street "A"). This design change addresses comments presented at the public workshop as well as preliminary staff conditions. This Negative Declaration will analyze the revised Tentative Subdivision Map (plans dated September 4, 2012) design.

### DESCRIPTION OF PROJECT:

The proposed project is a request to subdivide three parcels into twenty-two (22) single family residential lots (Tentative Subdivision Map 470). The applicant is also requesting a 35% density bonus, as permitted by Government Code §65915. The maximum allowed density per the existing General Plan is sixteen (16) lots. The applicant has indicated that two (2) lots will be set aside for very low income residents, thus entitling the applicant to seek the 35% density bonus per the State Density Bonus law (Government Code 65915). Because the applicant will provide two very low income lots within the subdivision, this also entitles the applicant to request two (2) concessions of development standards as well as waivers of development standards. The applicant has requested two concessions and development standard waivers: a concession to allow private street access instead of a public street access, as required by Title 19 of the San Marcos Municipal Code; and the ability to use a combination of retaining wall and wood fencing along the perimeter and property lines (instead of a design requiring all solid decorative wall). The applicant has requested a waiver of the minimum 10,000 square foot lot size development standard required in the R-1 zone as well the reduced R-1 zone setbacks. Access will be provided by the private road onto Borden Road. This

AGENDA ITEM  
# 2



project was originally submitted to the City in 2007 and was scheduled to go to the Planning Commission in August 2009, after several project designs and public input, a Negative Declaration was prepared and circulated (ND 09-785). However, the applicant requested the application be tabled and no public hearing was conducted. The applicant has revised the project after August 2009, including lot layout, proposed grading, and revised the project's drainage. This Negative Declaration will analyze the revised Tentative Subdivision Map (plans dated September 4, 2012) design.

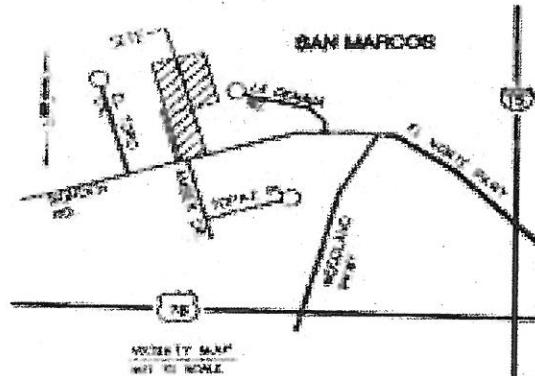
**LOCATION:** North side of Borden Road between El Toro Lane and La Cienega Road. Assessor's Parcel Number: 224-040-11; 224-040-28; 224-040-29.

**REVIEW PERIOD:** November 13, 2012 – December 3, 2012

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 Karen Brindley, Principal Planner, 760-744-1050, Extension 3220.

**COUNTY CLERK:** Please post until **December 3, 2012** 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.



**Vicinity/Site Map**



## CITY OF SAN MARCOS

### Negative Declaration # 12-821

**DATE:** November 13, 2012  
**APPLICANT:** 1188 Borden Road LLC and 1200 Venture LLC

- 1. PROJECT CASE NUMBER(S) / TITLE:** TSM 470
- 2. LEAD AGENCY NAME AND ADDRESS:** City of San Marcos, 1 Civic Center Drive, San Marcos, CA 92069.
- 3. CONTACT PERSON AND PHONE NUMBER:** Karen. Brindley, Principal Planner 760-744-1050 ext. 3220.
- 4. PROJECT LOCATION:** The project site is located on the north side of Borden Road, between El Toro Lane and La Cienega Road. Assessor Parcel Numbers: 224-040-11, 224-040-28, 224-040-29.
- 5. PROJECT SPONSOR'S NAME AND ADDRESS:** David C. Meyer, DCM Properties, Inc. Post Office Box 232280, Encinitas, California 92023; (760) 944-8151
- 6. GENERAL PLAN DESIGNATION:** Very Low Density Residential 2.1-4.0 du/ac
- 7. ZONING:** R-1-10
- 8. BACKGROUND:**  
This project was originally submitted to the City in November 2006 and was scheduled to go to the Planning Commission in September 2009, after several project designs and public input which included a public workshop conducted with the Planning Commission in August 2009. A Negative Declaration was prepared and circulated (ND 09-785); and a staff report and preliminary Tentative Subdivision Map conditions were prepared for the Planning Commission hearing. However, the applicant requested the application be tabled and no public hearing was conducted. The applicant has since revised the project, primarily to address staff comments. The number of proposed lots have not changed (22 lots). Minimal adjustments were made to the lot layout, internal street design, and proposed grading. The applicant also revised the proposed drainage for the subdivision for the lots that are located along the west side of the site (adjacent to El Toro Lane), by eliminating the proposed brow ditches on each lot and modifying the proposed grades of the pads to allow drainage to flow towards the proposed subdivision's private street (Street "A"). This design change addresses comments presented at the public workshop as well as preliminary staff conditions. This Negative Declaration will analyze the revised Tentative Subdivision Map (plans dated September 4, 2012) design.

#### **DESCRIPTION OF PROJECT:**

The proposed project is a request to subdivide three parcels into twenty-two (22) single family residential lots (Tentative Subdivision Map 470). The applicant is also requesting a 35% density bonus, as permitted by Government Code §65915. The maximum allowed density per the existing General Plan is sixteen (16) lots. The applicant has indicated that two (2) lots will be set aside for very low income residents, thus entitling the applicant to seek the 35% density bonus per the State Density Bonus law (Government Code

65915). Because the applicant will provide two very low income lots within the subdivision, this also entitles the applicant to request two (2) concessions of development standards as well as waivers of development standards. The applicant has requested two concessions and development standard waivers: a concession to allow private street access instead of a public street access, as required by Title 19 of the San Marcos Municipal Code; and the ability to use a combination of retaining wall and wood fencing along the perimeter and property lines (instead of a design requiring all solid decorative wall). The applicant has requested a waiver of the minimum 10,000 square foot lot size development standard required in the R-1 zone as well the reduced R-1 zone setbacks. Access will be provided by the private road onto Borden Road. This project was originally submitted to the City in 2007 and was scheduled to go to the Planning Commission in August 2009, after several project designs and public input, a Negative Declaration was prepared and circulated (ND 09-785). However, the applicant requested the application be tabled and no public hearing was conducted. The applicant has revised the project after August 2009, including lot layout, proposed grading, and revised the project's drainage. This Negative Declaration will analyze the revised Tentative Subdivision Map (plans dated September 4, 2012) design.

## **9. SURROUNDING LAND USES AND SETTING:**

The 4.01 acre site consists of three parcels. According to County Assessor records, APN 224-040-11 is approximately 1.22 acres and has an existing single family home (1200 Borden Road) and associated driveways and vegetation; County Assessor records indicate APN 224-040-28 is approximately 1.25 acres and is vacant with the exception of three small outbuildings and vegetation; and County Assessor records indicate APN 224-040-29 is approximately 1.49 acres and is occupied with a single family residence (1188 Borden Road), driveways, and associated vegetation. The site is zoned single Family Residential (R-1) and designated "Very Low Density (2.1-4.0 du/ac) in the General Plan. The site is bounded to the north by Calle Maria (which is within the County of San Diego); to the south by Borden Road; and to the east and west by existing single family residences. The residences to the north, east and west are single story, whereas the residences on the south side of Borden Road are two stories. The subject site topography consists of gently to moderately sloping terrain, with existing ground elevations that range from approximately 710 feet above mean sea level (MSL) in the southwest corner of the site to approximately 758 MSL in the northeast corner.

## **10. OTHER PUBLIC AGENCIES WHOSE APPROVAL IS REQUIRED (e.g. PERMITS, FINANCING APPROVAL OR PARTICIPATION AGREEMENT):**

N/A

## **11. MITIGATION MEASURES:**

### **AESTHETICS:**

- Graded slopes shall be landscaped with a mixture of trees, shrubs, and ground cover for beautification and erosion control purposes. Landscape plans shall be submitted to the Planning Division for review and approval prior to the issuance of grading permit.
- Front, side and rear elevations of the proposed residences visible from Borden Road shall have architectural treatment providing articulated walls and windows, varied roof profiles and variation in building elevations to break up the massing of the homes, and shall be architecturally compatible with each other and the surrounding neighborhood, subject to approval of the Planning Division Director.
- All retaining walls shall be constructed of keystone, split-face, or similar textured block. The applicant shall submit a material sample to the Planning Division for review and approval prior to issuance of grading permit. Landscaping shall be installed where deemed appropriate by the Planning Division Director to soften appearance of high walls.

- The applicant shall submit a fencing plan for the twenty-two (22) new residences which proposes a consistent type and style of fences and/or walls. The fencing plan shall include decorative fencing with a detail of each proposed fence/wall type, and shall not include chain link fencing. Plans shall identify fencing required or proposed on top of proposed retaining walls. Design shall be approved by the Planning Division Director prior to approval of grading plans.

#### AIR QUALITY

- The project shall implement a fugitive dust emissions control plan during construction. This plan shall include the watering of the site for dust control; isolating excavated soil until removed from the site; and periodic cleaning of streets to remove accumulated materials.
- The project construction shall comply with Regional Air Quality Standards

#### BIOLOGY

- Prior to grading the site or causing any impact to the site, in order to prevent potential impacts to nesting of any migratory, songbirds, or raptors, grading and/or construction activities on site must be avoided during the nesting season which extends from February 15<sup>th</sup> to August 31<sup>st</sup>. In order to begin grading or construction activities within the nesting season, a nesting survey from a qualified biologist or other expert in the field must be submitted to the Planning Division to verify there are no active nests on the subject site. This survey must be submitted and City approval shall be obtained prior to any disturbance or impact of the site.

#### GEOLOGY

- Prior to issuance of a grading permit, an updated report for the 2005 geotechnical investigation shall be submitted to the City Engineer for review and approval, addressing any changes of on-site conditions and said report shall include recommendations for cut and fill slopes, compaction, and foundations for potential liquefaction conditions on site.
- All recommendations and conclusions of the prepared geologic and soils study shall be incorporated into the project design and grading plan. Said report shall be approved by the City's Engineering and Building Divisions.
- All proposed structures shall be designed to adequately transmit to the foundation the dynamic lateral forces developed in the building in accordance with the engineering requirements of the latest adopted California Building Code and the Uniform Building Code, Volume II, as adopted by the City of San Marcos.
- A comprehensive grading plan shall be submitted and approved by the City Engineer and Planning Director prior to the issuance of a grading permit.
- All slopes shall be designed and graded in accordance with the City's Grading Ordinance, particularly with respect to terraces, drainage, access, erosion control and setbacks. A comprehensive grading plan shall be submitted and approved by the City Engineer and Planning Director prior to the issuance of a building permit.
- The subdivider shall secure letters of permission from adjacent property owners for all graded slopes crossing property lines

#### HAZARDS:

- The applicant shall obtain a demolition permit from the Building Division prior to demolition of the existing single-family residences and accessory structures on site. A certified asbestos consultant shall inspect the buildings for asbestos-containing materials and to provide recommendations for proper removal of said materials prior to demolition.
- An automatic fire extinguishing system shall be installed in each residence in accordance with the latest adopted Building Code and shall be installed per the National Fire Protection Association standards.

#### HYDROLOGY

- The developer shall revise the Water Quality Improvement Plan (WQIP) to reflect the latest City of San Marcos Storm Drain Water Standards Manual guidelines and NPDES Permit. Site Design BMP's shall be utilized. If the project is phased, the WQIP shall address the Best Management Practices (BMP's) to be utilized for each phase. Said WQIP shall be to the satisfaction of the City Engineer and Storm Water Manager.

- Erosion control and/or sediment control details and shall be submitted with/on the grading plans to the City's Engineering Division for review and approval. The details shall conform to the City's standards, codes and ordinances and the latest General Construction Permit. The details shall include landscaping and temporary irrigation systems on exposed slopes to be approved by the City's Engineering and Planning Divisions.
- Final hydrology report calculations shall be prepared for the proposed project. Storm drains and drainage structures shall be sized according to the approved hydrology report. All surface runoff originating within the project and all surface waters that may flow onto the project from adjacent properties shall be accommodated by the drainage system. The report shall also determine the buildout runoff into existing off-site natural drainage swales and storm drain systems, and shall address any need for off-site improvement requirements. Blocking, concentrating, lowering or diverting of natural drainage from or onto adjacent property shall not be allowed without written approval of the affected property owner. This report shall be subject to approval of the City Engineer.
- The subdivider shall be responsible for mitigating impacts created by changes in drainage runoff course, concentration, or quantity to the satisfaction of the City Engineer for both on-site and off-site drainage. This may require the subdivider to provide all necessary easements and improvements to accommodate drainage and flood control structures extending beyond the boundaries of the project.
- The final design of the two proposed bioretention basins along Borden Road (including the landscaping and fencing) shall be reviewed and approved by the City Engineer and the Planning Division Director. The proposed basins shall be designed to provide an enhanced landscape appearance along Borden Road.
- Permeable pavers shall not encroach into the public right-of-way.
- The applicant/developer shall submit for City review and approval for the implementation of a Storm Water Pollution Prevention Plan (SWPPP), per the latest City of San Marcos Design Standards and adopted General Construction Permit, to manage storm water and non-storm water discharges from the site at all times. The SWPPP shall describe all BMPs to be implemented year-round. Specific BMP implementation may be dependent upon wet or dry season operations. The SWPPP shall also emphasize that erosion prevention is the most important measure for keeping sediment on site during construction.
- All permanent BMP's per the approved grading plan shall be shown on the landscape plans. Landscape plans shall be reviewed and signed by the engineer of work stating the proposed landscape design complies with the requirements of the Water Quality Improvement Plan and/or Storm Water Standards Manual.
- The applicant/developer shall submit a plan, for review and approval by the City, for the long-term maintenance of all post construction BMP's. All manufactured slopes shall be landscaped and provided with an irrigation system.

#### LAND USE

- The proposed project shall comply with State Government Code Section 6565915 et. al, including providing two on-site lots for very-low income households.
- The applicant/developer shall pay an affordable housing in-lieu fee for two lots (15% of the target units) per the executed Inclusionary Housing Agreement dated September 24, 2008 between the developer (Klinek) and the City; and enter into an Affordable Housing Regulatory Agreement, to be approved by the City Manager and the City Attorney.
- The minimum front yard setback for straight entry garages (measured from the back of the sidewalk (or back of curb if applicable) shall be twenty (20) feet; and fifteen (15) feet (measured from the back of the sidewalk (or back of curb if applicable) for any habitable structure.

- Compliance with special setback of eighty-six (86) feet from center line of Borden Road to any structure.
- There shall be no ground level encroachment (including fireplaces) within the five (5) yard side yard setback.
- The applicant/developer shall provide a plotting of proposed houses on the precise grading plan and shall submit the proposed architectural elevations to the Planning Division for review and approval. Structures shall comply with all minimum setbacks as approved.
- There shall be a minimum of three house plans for the proposed project. The house plans for the very-low income lots shall be the same floor plan and elevations as the rest of the subdivision. There shall be a combination of front entry and side entry garages throughout the development.

#### NOISE

- Construction hours shall be limited in accordance with the Grading Ordinance and Municipal Code.
- Compliance with the California Building Code regarding interior noise levels for single-family residential dwelling units.
- The applicant/developer shall record an overflight notification document to disclose the subject site is presently located within the McClellan-Palomar Airport Influence Area, which may subject the resident to some of the annoyances or inconveniences associated with the proximity to the airport operations.

#### PUBLIC SERVICES

- The applicant/developer shall submit payment of School Fees as required by law. The applicant is required to submit a Certificate of Compliance from the school district to obtain building permits from the City.
- The subdivider shall submit separate petitions to annex into and establish with respect to the property, the special taxes levied by the following Community Facilities Districts (CFDs): (a) CFD 98-01, Improvement Area No. 1, Police, (b) CFD 2001-01, Fire and Paramedic, and (c) CFD 98-02, Lighting and Landscape. No final map, development entitlement or grading permit will be issued without receipt of an executed petition for annexation into each of the above-referenced CFDs and establishment of the special taxes. The subdivider shall comply with all rules, regulations, policies and practices established by the City with respect to the CFDs including, without limitation, requirements for notice and disclosure to future owners or residents.
- The applicant/developer shall submit payment of School Fees as required by law. The applicant is required to submit a Certificate of Compliance from the school district to obtain building permits from the City.
- The applicant shall install a fire hydrant(s) at a location(s) approved by the Fire Marshal.
- An automatic fire extinguishing system shall be installed in each residence in accordance with the latest adopted Building Code and shall be installed per the National Fire Protection Association standards.

#### RECREATION

- The project is subject to Public Facilities Fees as established by the City of San Marcos Public Facilities Financing Plan Ordinance. 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 or land use entitlement as determined by the City.

#### TRAFFIC

- The design of all private streets and/or drainage systems for this project shall be approved by the City Engineer and Fire Marshal.
- All streets, drainage, street lights, street signage and striping improvements within the interior of this subdivision designated as private shall remain private and be maintained by a Individual Homeowners Association/Master Homeowners Association, or such other provision for maintenance which may be subsequently approved by City Council. The CCR's shall be reviewed and approved by the City Attorney.

#### UTILITIES

- Comply with the policies and requirements of Vallecitos Water District.
- Obtain "will serve" letters from each of the utilities serving the site

## ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

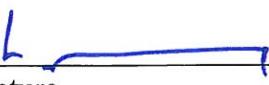
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” as indicated by the checklist on the following pages:

<ul style="list-style-type: none"><li><input checked="" type="checkbox"/> Aesthetics</li><li><input type="checkbox"/> Agriculture and Forestry Resources</li><li><input type="checkbox"/> Air Quality</li><li><input checked="" type="checkbox"/> Biological Resources</li><li><input type="checkbox"/> Cultural Resources</li><li><input type="checkbox"/> Geology / Soils</li><li><input type="checkbox"/> Greenhouse Gas Emissions</li><li><input checked="" type="checkbox"/> Hazards &amp; Hazardous Materials</li><li><input checked="" type="checkbox"/> Hydrology / Water Quality</li></ul>	<ul style="list-style-type: none"><li><input checked="" type="checkbox"/> Land Use / Planning</li><li><input type="checkbox"/> Mineral Resources</li><li><input type="checkbox"/> Noise</li><li><input type="checkbox"/> Population / Housing</li><li><input checked="" type="checkbox"/> Public Services</li><li><input type="checkbox"/> Recreation</li><li><input checked="" type="checkbox"/> Transportation / Traffic</li><li><input type="checkbox"/> Utilities / Service Systems</li><li><input type="checkbox"/> Mandatory Findings of Significance</li></ul>
---	---

## 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.

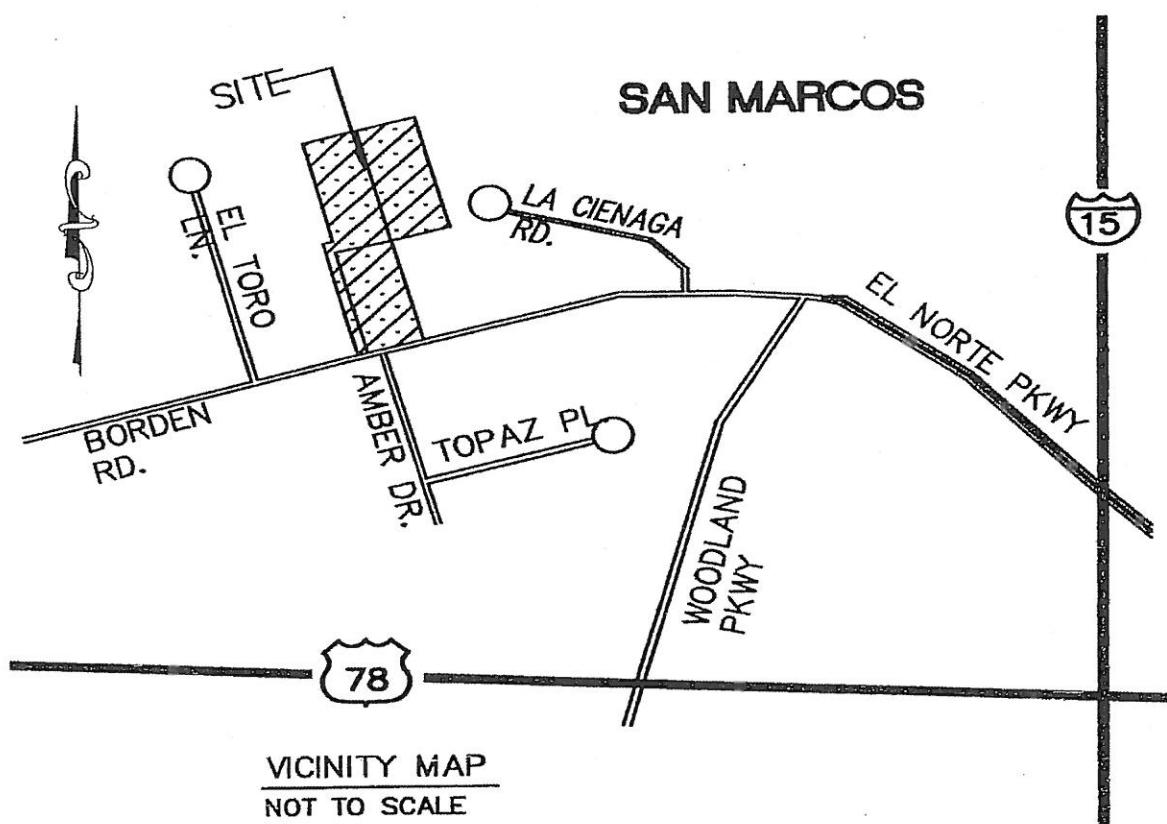
  
Signature

Date

11/13/2012

Karen Brindley  
Printed Name

Vicinity Map



## INITIAL STUDY ENVIRONMENTAL CHECKLIST

	Potentially Significant Impact	Less Than Significant w/ Mitigation Incorporated	Less Than Significant Impact	No Impact
--	--------------------------------	--	------------------------------	-----------

### I. AESTHETICS -- *Would the project:*

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

No significant impacts to the obstruction of any scenic vista, or view open to the public are anticipated as a result of the proposed 22-lot subdivision. The site is currently developed with two single-family residences on approximately four (4) acres which gently slopes up from Borden Road. The two existing single family homes are single story. On-site elevations range from approximately 710 to 758 feet above mean sea level with an average slope of less than 10 percent. The existing single-family residences will be demolished as part of the development and with the grading of the site the site elevations will change. The visual characteristic of the site will be altered from a gently sloped property to varied graded slopes, retaining walls, and pads for twenty-two (22) new single-family residences. Visual simulations prepared for the project indicate some roof lines of the new homes will be visible from Anna Lane and El Toro Lane. However, the visual simulations demonstrate the project will not result in any significant visual impacts to the neighboring residential uses. Given the proposed size of the single family lots, it is likely the project will be developed with two story homes. The applicant has not submitted architectural plans with the proposed subdivision. Therefore, the applicant/developer will be required to provide architectural plans to the Planning Division for review and approval, prior to the issuance of a grading permit. Enhanced elevations will be required for front, side, and rear elevations visible to Borden Road. The subject site is not located within a State scenic highway route and no scenic resources are located on the project site. Therefore, the proposed project will not have any significant impacts to scenic views, scenic resources, or visual quality.

#### **Mitigation measures:**

- Graded slopes shall be landscaped with a mixture of trees, shrubs, and ground cover for beautification and erosion control purposes. Landscape plans shall be submitted to the Planning Division for review and approval prior to the issuance of grading permit.

- Front, side and rear elevations of the proposed residences visible from Borden Road shall have architectural treatment providing articulated walls and windows, varied roof profiles and variation in building elevations to break up the massing of the homes, and shall be architecturally compatible with each other and the surrounding neighborhood, subject to approval of the Planning Division Director.
- All retaining walls shall be constructed of keystone, split-face, or similar textured block. The applicant shall submit a material sample to the Planning Division for review and approval prior to issuance of grading permit. Landscaping shall be installed where deemed appropriate by the Planning Division Director to soften appearance of high walls.
- The applicant shall submit a fencing plan for the twenty-two (22) new residences which proposes a consistent type and style of fences and/or walls. The fencing plan shall include decorative fencing with a detail of each proposed fence/wall type, and shall not include chain link fencing. Plans shall identify fencing required or proposed on top of proposed retaining walls. Design shall be approved by the Planning Division Director prior to approval of grading plans.

	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 or 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 proposed project will have no impacts regarding Agricultural Resources, since the site has been previously developed, contains no existing agricultural uses, and is not designated agricultural land or located on land designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance.

	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?

During construction, a short-term addition of truck trips will result from the export of approximately 7,195 cubic yards of soil as part of the grading operation. During grading, dust will be emanating from the project site, however this will be a short-term effect. Prior to any grading onsite, a detailed grading plan shall be submitted to the City Engineering Division for review and approval. The project shall implement a fugitive dust emissions control plan during construction. This plan shall include the watering of the site for dust control, isolating

excavated soil onsite until it is hauled away, and periodically sweeping adjacent streets to remove accumulated materials.

The proposed project is estimated to result in a long-term addition of 200 new ADT to the roadway segments that surround the property that include Borden Road, Woodland Parkway, and Richland Road. A Traffic Study prepared for the proposed project by Darnell & Associates (Attachment B, updated June 12, 2009) concluded that the proposed project will not result in any significant direct or cumulative traffic impacts. Recent Capital Improvement Projects have improved Borden Road and Woodland Parkway in accordance with the General Plan Circulation Element standards; these improvements will maintain good circulation in the project area, thus preventing congestion as a result of the proposed project. Traffic counts on this segment of Borden Road indicate a Level of Service "C" and the addition of 200 ADT will not change the Level of Service.

As a matter of course, any development activity on the project site will be subject to all Federal and State air quality standards. The routine implementation of Federal and State laws and regulations concerning emissions created by automobiles serves to mitigate this impact to air quality to a level of insignificance and to prevent a cumulatively considerable impact.

Therefore, no significant long-term impacts to air quality are anticipated as a result of the proposed project.

No greater impacts to air quality are anticipated as a result of the proposed twenty-two (22) lot subdivision. The project will not significantly contribute to the deterioration of ambient air quality. The project is consistent with General Plan land uses. The project will not significantly contribute to the deterioration of ambient air quality and the construction of the project will only have a negligible impact to the air quality in the area due to vehicle trip generation.

**Mitigation Measures:**

- The project shall implement a fugitive dust emissions control plan during construction. This plan shall include the watering of the site for dust control; isolating excavated soil until removed from the site; and periodic cleaning of streets to remove accumulated materials.
- The project construction shall comply with Regional Air Quality Standards.

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 subject site is currently developed with two single-family residences and several accessory structures, and surrounded by residential development. A Biology Survey was prepared (Attachment A, updated June 15, 2009) for the subject site to assess potential biological impacts by the proposed 22-lot subdivision. Per the report, the entire site supports developed/disturbed lands and does not contain any sensitive or protected habitat or species.. The report indicates the site is developed with single family residences, driveways, and backyards, with evidence of regular use within these areas. No sensitive wildlife habitat, resource agency wetlands or other jurisdictional lands exist on site. No Federal or State-listed rare, threatened, or endangered species were detected on site and would not be expected to be on site, because of the nature of the on-site habitats.

The project will require the removal of several trees. The City does not have a Tree Protection Ordinance that would preclude removal of non-essential trees on the site. However, nesting birds may be significantly impacted by the proposed tree removal and construction-related noise. Prior to removal of any trees, or parts of trees found on-site during the nesting season (Feb 15 – August 31), a bird nesting survey shall be conducted per the Migratory Bird Treaty Act. The nesting survey from a qualified biologist or other expert in the field must be submitted to the Planning Division to verify there are no active nests on the subject site. This survey must be submitted prior to any disturbance or impact of the site. Should any nesting birds be found, appropriate protocols shall be followed prior to the removal of any trees on-site as stipulated in the Migratory Bird Treaty Act. This protocol will serve to mitigate any potential impact to birds protected by the Migratory Bird Treaty Act.

The project site is disturbed and does not contain any sensitive or protected habitat or species. Therefore, no significant impacts will occur to biological resources. However, to ensure that no migratory bird nests on site are impacted, the following mitigation measure shall be implemented:

Mitigation Measures:

Prior to grading the site or causing any impact to the site, in order to prevent potential impacts to nesting of any migratory, songbirds, or raptors, grading and/or construction activities on site must be avoided during the nesting season which extends from February 15<sup>th</sup> to August 31<sup>st</sup>. In order to begin grading or construction activities within the nesting season, a nesting survey from a qualified biologist or other expert in the field must be submitted to the Planning Division to verify there are no active nests on the subject site. This survey must be submitted and City approval shall be obtained prior to any disturbance or impact of the site.

	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?

No adverse impacts to cultural resources are anticipated as a result of the proposed 22-lot subdivision, and there are no known previously recorded cultural or historic resources on site. 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.
  - ii) Strong seismic ground shaking?
  - iii) Seismic-related ground failure, including liquefaction?
  - iv) Landslides?
- b) Result in substantial soil erosion or the loss of topsoil?
- c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on-or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?
- d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?
- e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

The site is currently developed with two (2) single-family residences on a gently sloped property with elevations ranging from 710 to 758 feet above mean sea level and an average slope of less than 10 percent, and is surrounded by existing residential development. According to the preliminary geotechnical investigation (dated: December 1, 2005) prepared by GeoTek, Inc., the site is suitable for development of the proposed 22-lot subdivision provided that the recommendations stated therein are implemented (i.e.: existing native soils and fill shall be excavated to firm native material and recompacted, etc.). The estimated earthwork will involve approximately 11,830 cubic yards of cut and 4,635 cubic yards of fill with approximately 7,195 cubic yards of soil exported off site. The project will create twenty-two (22) building pads with slopes not exceeding twenty (20) feet in height for the construction of the future residences. Staff is recommending the property lines or

location of proposed retaining walls between lots 17 and 22; and 18 and 21; and 19 and 20 be adjusted to eliminate or reduce the amount of inaccessible land between the lots. Retaining walls will be constructed on site, on most pads, and are anticipated to be less than ten feet in height. The soils investigation indicates there are no existing landslides, faults, or other natural disturbance on site, and the soil conditions do not allow for liquefaction. Therefore, there are no significant impacts to earth conditions or geologic substructures, substantial changes in topography, increase in soil erosion, or the exposure of people or property from the project, and no geologic hazards are anticipated from the implementation of the proposed project.

#### Mitigation Measures:

- Prior to issuance of a grading permit, an updated report for the 2005 geotechnical investigation shall be submitted to the City Engineer for review and approval, addressing any changes of on-site conditions and said report shall include recommendations for cut and fill slopes, compaction, and foundations for potential liquefaction conditions on site.
- All recommendations and conclusions of the prepared geologic and soils study shall be incorporated into the project design and grading plan. Said report shall be approved by the City's Engineering and Building Divisions.
- All proposed structures shall be designed to adequately transmit to the foundation the dynamic lateral forces developed in the building in accordance with the engineering requirements of the latest adopted California Building Code and the Uniform Building Code, Volume II, as adopted by the City of San Marcos.
- A comprehensive grading plan shall be submitted and approved by the City Engineer and Planning Director prior to the issuance of a grading permit.
- All slopes shall be designed and graded in accordance with the City's Grading Ordinance, particularly with respect to terraces, drainage, access, erosion control and setbacks. A comprehensive grading plan shall be submitted and approved by the City Engineer and Planning Director prior to the issuance of a building permit.
- The subdivider shall secure letters of permission from adjacent property owners for all graded slopes crossing property lines.

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

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

- Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?
- Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The proposed project will result in the estimated generation of 220 Average Daily Trips (ADT). The estimated ADT is not expected to generate a significant impact to the level of service of the roadways serving the project site. This said, 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 ROG. Emissions from construction are anticipated to be below the significance thresholds and no significant air quality impacts are anticipated from the project.

The City of San Marcos does not have adopted thresholds of significance for GHG emissions. The adopted General Plan Implementation Plan Program 4.2 requires the development of a Climate Action Plan by the year 2014 to identify ways to reduce greenhouse gas emissions to meet state requirements. However, the City is currently using 900 metric tons per year as a screening threshold to determine a level of significance to determine whether a GHG study would be required. This emission level is based on the amount of vehicle trips, typical energy and water use for the project, as well as other factors. The California Air Pollution Control Officers Association (CAPCOA) has identified project types that are estimated to emit approximately 900 metric tons of GHG's annually. A 50 unit Single Family Residential Subdivision would generate approximately 900 metric tons of GHG's annually, according to CAPCOA. Since this project is proposing 22 single family units, it is below the threshold of significance to require a GHG emission analysis and mitigation.

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?

The subject site is not within two miles of a public airport or within the vicinity of a private airstrip. No significant impacts to emergency response plans or exposure to hazardous substances, or risk of explosion are anticipated as a result of the proposed 22-lot subdivision. The two (2) existing single-family residences will be demolished prior to issuance of a grading permit. The buildings will be required to be inspected by a certified asbestos consultant for any asbestos and will be required to properly remove and dispose of said material prior to demolition. The subject site is not on a list of hazardous materials sites compiled in compliance with State Government Code Section 65962.5. Adequate emergency response capability is available. San Marcos Fire Station No. 3 is located approximately one mile from the subject site, and the project will be required to install a fire hydrant(s) and fire sprinklers within the future residences. The street width and cul-de-sac of the subdivision are designed to provide adequate accessibility and turn-around for emergency vehicles. In addition, the property will be required to be annexed into the City's Community Facilities Districts, CFD 2001-01: Fire/Paramedic and CFD 98-01: Police; and (c) CFD 98-02, Lighting and Landscape. Therefore, due to the nature of the proposed project, no impacts to these issues are anticipated as a result of the project.

#### Mitigation Measures:

- The applicant shall obtain a demolition permit from the Building Division prior to demolition of the existing single-family residences and accessory structures on site. A certified asbestos consultant shall inspect the buildings for asbestos-containing materials and to provide recommendations for proper removal of said materials prior to demolition.
- An automatic fire extinguishing system shall be installed in each residence in accordance with the latest adopted Building Code and shall be installed per the National Fire Protection Association standards.

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

**VIII. 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)?
- d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on-or off-site (e.g. downstream)?
- e) Create a significant adverse environmental impact to drainage patterns due to changes in runoff flow rates or volumes?
- f) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on-or off-site?
- g) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?
- h) Result in increased impervious surfaces and associated increased runoff?
- i) Result in significant alteration of receiving water quality during or following construction?

- j) Result in an increase in pollutant discharges to receiving waters? Consider water quality parameters such as temperature, dissolved oxygen, turbidity and other typical storm water pollutants (e.g. heavy metals, pathogens, petroleum derivatives, synthetic organics, sediment, nutrients, oxygen-demanding substances, and trash).
- k) Be tributary to an already impaired water body as listed on the Clean Water Act Section 303(d) list. If so, can it result in an increase in any pollutant for which the water body is already impaired?
- l) Be tributary to environmentally sensitive areas (e.g. MSCP, RARE, Areas of Special Biological Significance, etc.)? If so, can it exacerbate already existing sensitive conditions?
- m) Have a potentially significant environmental impact on surface water quality, to either marine, fresh or wetland waters?
- n) Otherwise substantially degrade water quality?
- o) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?
- p) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?
- q) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?
- r) Inundation by seiche, tsunami, or mudflow?

No bodies of water are present on the site; therefore, the project is not expected to result in the alteration of currents or water movements, temperature or turbidity of water, direction or rate of flow of ground waters, the quantity of water, or the amount of potable water. The site is not located within the 100-year floodplain or in proximity to a body of water of which the proposed project would be subject to flooding. A Drainage study and Water Quality Technical Report was prepared for the project by Construction Testing & Engineering, Inc. (September 22, 2008) and was subsequently replaced by a drainage study prepared by Tory R Walker Engineering, Inc (May 16, 2011). A "Technical Memorandum-Summary of SWMM Modeling for Hydromodification Compliance" was also prepared by Tory R Walker (October 2011). The purpose of the study was to quantify project runoff in both the pre-developed and post-developed conditions.

The existing runoff pattern for the subject site sheet flows generally from the north to the southwest through the site onto Borden Road. The site topology slopes at approximately 7% from Calle Maria to Borden Road. The report identifies two bioretention basins constructed at the site entrance and proposed rain gardens on

each lot for water quality and hydromodification compliance. The runoff that is generated on approximately the first half of the lot is proposed to be routed to a rain garden to detain and treat runoff near its source. Runoff from the other halves of the lots, streets, and overflow from the rain gardens, is proposed to flow in the gutter to the bioretention basins at the site entrance along Borden Road. Runoff from offsite upstream of Calle Maria will be collected in a brow ditch along the northerly site boundary and conveyed in a storm drain located between lots 14 and 15 to a flow splitter, which will send the peak 100-year storm to an offline underground detention basin. A connection will also be constructed between the site storm drain and the existing storm drain that collects runoff from the drainage inlet to the west of the site. The May 2011 Drainage study concludes the proposed underground detention basin will reduce the 100 year peak flow rate to the existing condition level, and the bioretention basins and rain gardens will reduce flows between 10% of the 2 year storm and the 10-year storm. The peak 100 year flow reaching Borden Road will be reduced and the 12.6 cfs that was previously overland flow will now be routed underground to the City storm drain system. In the updated Technical Memorandum, the proposed rain gardens on each lot were eliminated; and the proposed bioretention basins at the site entrance will be designed in such a way there will be sufficient water quality volume and adequate discharge to meet the current Hydromodification Management Plan Requirements from the Regional Water Quality Control Board as well as to exceed the SUSMP requirements for bioretention sizing. However, the proposed project will be required to implement a Water Quality Improvement Plan which is consistent with the NPDES Permit in effect at the time of final map. The site-design treatment control BMPs will be designed per the approved Water Quality Improvement Plan and to the satisfaction of the City Engineer and the Storm Water Manager. The proposed project impacts can be reduced to a level less than significant with implementation of mitigation measures.

#### Mitigation Measures:

- The developer shall revise the Water Quality Improvement Plan (WQIP) to reflect the latest City of San Marcos Storm Drain Water Standards Manual guidelines and NPDES Permit. Site Design BMP's shall be utilized. If the project is phased, the WQIP shall address the Best Management Practices (BMP's) to be utilized for each phase. Said WQIP shall be to the satisfaction of the City Engineer and Storm Water Manager.
- Erosion control and/or sediment control details and shall be submitted with/on the grading plans to the City's Engineering Division for review and approval. The details shall conform to the City's standards, codes and ordinances and the latest General Construction Permit. The details shall include landscaping and temporary irrigation systems on exposed slopes to be approved by the City's Engineering and Planning Divisions.
- Final hydrology report calculations shall be prepared for the proposed project. Storm drains and drainage structures shall be sized according to the approved hydrology report. All surface runoff originating within the project and all surface waters that may flow onto the project from adjacent properties shall be accommodated by the drainage system. The report shall also determine the buildout runoff into existing off-site natural drainage swales and storm drain systems, and shall address any need for off-site improvement requirements. Blocking, concentrating, lowering or diverting of natural drainage from or onto adjacent property shall not be allowed without written approval of the affected property owner. This report shall be subject to approval of the City Engineer.
- The subdivider shall be responsible for mitigating impacts created by changes in drainage runoff course, concentration, or quantity to the satisfaction of the City Engineer for both on-site and off-site drainage. This may require the subdivider to provide all necessary easements and improvements to accommodate drainage and flood control structures extending beyond the boundaries of the project.
- The final design of the two proposed bioretention basins along Borden Road (including the landscaping and fencing) shall be reviewed and approved by the City Engineer and the Planning Division Director. The proposed basins shall be designed to provide an enhanced landscape appearance along Borden Road.
- Permeable pavers shall not encroach into the public right-of-way.

- The applicant/developer shall submit for City review and approval for the implementation of a Storm Water Pollution Prevention Plan (SWPPP), per the latest City of San Marcos Design Standards and adopted General Construction Permit, to manage storm water and non-storm water discharges from the site at all times. The SWPPP shall describe all BMPs to be implemented year-round. Specific BMP implementation may be dependent upon wet or dry season operations. The SWPPP shall also emphasize that erosion prevention is the most important measure for keeping sediment on site during construction.
- All permanent BMP's per the approved grading plan shall be shown on the landscape plans. Landscape plans shall be reviewed and signed by the engineer of work stating the proposed landscape design complies with the requirements of the Water Quality Improvement Plan and/or Storm Water Standards Manual.
- The applicant/developer shall submit a plan, for review and approval by the City, for the long-term maintenance of all post construction BMP's. All manufactured slopes shall be landscaped and provided with an irrigation system.

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?
- b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?
- c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

The subject site is zoned Single Family Residential (R-1) and designated as "Very Low Residential" with a density of 2.1-4.0 dwelling units per acre in the Richland Neighborhood of the General Plan. The minimum net lot size for newly created lots in a proposed subdivision site that has an average slope of ten percent (10%) or less is 10,000 square feet. Development setback standards are as follows: Front yard-fifty (50) feet from center line of street; side yard ten (10) feet from property line; and a twenty-five (25) foot rear yard.

The proposed project site currently consists of three parcels, with single family residences on two of the parcels. Although the San Diego County Assessor records show all three parcels as 1.22 acres; 1.25 acres; and 1.49 acres, respectively (3.96 acres), a survey prepared for the site indicates it is 4.01 acres. According to County assessor records, the home at 1200 Borden (APN 224-040-11) was built in 1947, and the single family residence located at 1188 Borden Road was built in 1965. The third parcel is vacant with the exception of a few outbuildings/shade structures. The two existing single family homes will be demolished. These buildings shall be inspected by a certified asbestos consultant for any asbestos and if determined necessary, proper removal and disposal of said material shall occur prior to demolition.

The proposed project is requesting to subdivide the three parcels into twenty-two (22) single family residential lots (Tentative Subdivision Map 470). Per the General Plan land use designation and zoning requirements, the

maximum allowable density is sixteen (16) lots, with a minimum net lot size of 10,000 square feet. However, pursuant to State Government Code Section (“SGC”) 65915, the applicant is requesting a Density Bonus for six additional lots over the maximum General Plan land use, and is entitled to a 35% density bonus because two lots within the housing development will be set aside for Very Low income residents. In addition, pursuant to Government Code Section 65915 (d)(2)(B), the developer is also entitled two incentives or concessions for projects that include at least 10% of the units for Very Low income households, and by setting aside two lots, the proposed project meets this requirement ( $2/16=12.5\%$ ). The applicant has requested two concessions/incentives in order to achieve the density bonus authorized by state law. The first concession the applicant has requested is to allow the subdivision to be constructed with a private street. Section 19.16.010(c) of the City’s Subdivision Ordinance requires that all lots front on a public street. Due to the provisions of State Government Code (d)(2)(B), the private road will be allowed as a requested concession/waiver of a development standard. The proposed private street (Street “A”, which provides direct access to Borden Road) is designed with a curb to curb right of way measured at forty (40) feet, with a private five (5) foot sidewalk located on one side of the street (it is outside of the right of way). Proposed Street “B”, which provides access from Street “A” to lots 20, 21, and 22 is designed with a twenty-four (24) foot curb to curb right of way, with a four (4) foot sidewalk on one side of the street. Proposed Street “C” is designed at thirty-two (32) foot right of way, with a five (5) foot sidewalk on one side of the street. The project will be required to submit Covenants, Codes, and Restrictions (CCR’s) structured to the satisfaction of the City Attorney, which will include provisions for maintenance of the private road.

The second concession the applicant has requested is to allow a combination of retaining wall/decorative wood fencing along the west side of the perimeter as well as along the rear of the project site. When the project was reviewed in 2009, staff had recommended and conditioned the project to provide a decorative solid retaining wall along this property line to ensure neighborhood compatibility and long term maintenance of the wall (maintained by the HOA). The applicant will be required to submit a fencing plan which will be reviewed and approved by the Planning Division Director.

The applicant has also requested development standard waivers in order to achieve the density bonus authorized by state law. To achieve this density, the proposed lot sizes are less than 10,000 square feet. Additionally, the applicant has requested the front, side, and rear setbacks also be reduced. Staff has determined the requested the reduced lot sizes and setback reductions are in compliance with the SGC provisions. The gross lot sizes range from 4,703 square feet to 10,152 square feet, and the with an average of approximately 5,800 square foot lots. The requested setbacks range from a twenty (20) foot front yard setback (to the garage) and a fifteen foot front yard setback to the main structure (habitable space); five foot side yard setbacks; and a fifteen (15) foot rear yard setback. Section 20.116.010 of the Zoning Ordinance also requires a minimum special setback of eighty-six feet from the center line of Borden Road to any structure. This project will be required to comply with this special setback.

The City of San Marcos also has an Inclusionary Housing Ordinance, which per Section 20.129.050 requires proposed single family developments to provide fifteen (15%) of the target units provided on site or the payment of an in-lieu fee, to the satisfaction of the City Manager. Since the maximum density per the City’s General Plan is sixteen units (the “target” lots), fifteen percent represents the equivalent of two (2) lots. The City requires compliance with the Inclusionary Ordinance in addition to compliance with the State Government Code requirements for the on-site affordable units. As such, this project is subject to providing two lots very low income; and has also executed an Inclusionary Affordable Housing agreement (dated September 24, 2008) which specifies the obligations to pay an in-lieu fee to comply with the City’s Inclusionary Housing Ordinance for the equivalent of an additional two lots. Additionally, the applicant/developer will be required to enter into an Affordable Housing Regulatory Agreement with the City to ensure the long-term affordability of all affordable-income lots.

The applicant/developer has only submitted the proposed subdivision map and has not provided house plans with elevations with the requested subdivision. Due to the reduced lot size and setbacks, it is likely the product type will be two story residences, which is allowed in the single family residential zone, with building heights up to thirty-five (35) feet. The applicant/developer will be required to provide enhanced elevations for front, side and rear elevations visible from Borden Road. Prior to the issuance of a grading permit, the applicant/developer will be required to submit a plotting plan on the precise grading plan, along with the proposed elevations, subject to the approval of the Planning Division Director. The applicant shall provide a minimum of three house plan types, with no differentiation in the design for the affordable units, which shall have a comparable square footage as the rest of the subdivision.

Mitigation Measures:

- The proposed project shall comply with State Government Code Section 6565915 et. al, including providing two on-site lots for very-low income households.
- The applicant/developer shall pay an affordable housing in-lieu fee for two lots (15% of the target units) per the executed Inclusionary Housing Agreement dated September 24, 2008 between the developer (Klinek) and the City; and enter into an Affordable Housing Regulatory Agreement, to be approved by the City Manager and the City Attorney.
- The applicant shall obtain a demolition permit from the Building Division prior to demolition of the existing single-family residence on site. A certified asbestos consultant shall inspect the buildings for asbestos-containing materials and to provide recommendations for proper removal of said materials prior to demolition.
- The minimum front yard setback for straight entry garages (measured from the back of the sidewalk (or back of curb if applicable) shall be twenty (20) feet; and fifteen (15) feet (measured from the back of the sidewalk (or back of curb if applicable) for any habitable structure.
- Compliance with special setback of eighty-six (86) feet from center line of Borden Road to any structure.
- There shall be no ground level encroachment (including fireplaces) within the five (5) yard side yard setback.
- The applicant/developer shall provide a plotting of proposed houses on the precise grading plan and shall submit the proposed architectural elevations to the Planning Division for review and approval. Structures shall comply with all minimum setbacks as approved.
- There shall be a minimum of three house plans for the proposed project. The house plans for the very-low income lots shall be the same floor plan and elevations as the rest of the subdivision. There shall be a combination of front entry and side entry garages throughout the development.

	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 proposed project will have no impacts regarding Mineral Resources, as the site is not identified as containing mineral resources in the General Plan Conservation Element. The development of the site will not result in a loss of a locally important mineral resource recovery site as it is not designated as this in the General Plan.

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

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



No significant impacts regarding increases in existing noise levels or the exposure of people to severe noise levels are anticipated as a result of the proposed project. Potential noise impacts associated with construction activities will be minor in nature as a result of the small amount of earthwork required for the project (approximately 11,830 cubic yards of cut and approximately 4,635 cubic yards of fill) and will be temporary. Construction activities are limited to the hours of 7:00 AM to 6:00 PM Monday through Friday and 8:00 AM to 5:00 PM on Saturdays in accordance with the City of San Marcos Municipal Code. The project will not therefore result in any significant construction noise impacts and no mitigation is required. It is expected that there will be an incremental impact upon the ambient noise level of the area by the activities associated with the future single-family residences. However, the noise generated by the proposed project is expected to generate no more noise than is usually associated with typical neighboring single-family subdivisions, and no greater than anticipated noise levels for residential uses per the General Plan. In addition, the future residences will be required to comply with the California Building Code regarding interior noise levels. Therefore, the proposed use is compatible with surrounding land uses of single-family residential uses with the implementation of mitigation measures.

The subject site is located within the Airport Influence Area 2 as defined in the McClellan-Palomar Airport Land Use Compatibility Plan, which has been incorporated into the Safety Element of the General Plan. The subject site is approximately 8 miles from the McClellan Airport, and is within the Airport Influence Area 2. The residents of the proposed development may be subjected to some of the annoyances or inconveniences associated with the proximity to the airport operations (such as noise, vibration, etc). Therefore, the applicant will be required to provide a disclosure to purchasers of the lots to advise of this. Any potential noise impacts during the site preparation and construction will be mitigated to a level of insignificance with routine implementation of the Grading Ordinance and Municipal Code which limit the hours of construction.

#### **Mitigation Measures:**

- Construction hours shall be limited in accordance with the Grading Ordinance and Municipal Code.
- Compliance with the California Building Code regarding interior noise levels for single-family residential dwelling units.
- The applicant/developer shall record an overflight notification document to disclose the subject site is presently located within the McClellan-Palomar Airport Influence Area, which may subject the resident the some of the annoyances or inconveniences associated with the proximity to the airport operations.

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

No significant impacts to population are anticipated nor will substantial growth be induced by the development of the proposed 22-lot subdivision. The proposed project will exceed the maximum allowed density per the City's General Plan by six units, thereby providing additional housing opportunities within the City. With the additional density, the State of California considers the density to be in conformance with the City's General Plan density because the proposed project conforms to the requirements of the State Government Code requirements for Density Bonus. Both of the existing single-family residences will be removed and twenty-two new residences will be constructed in the future. Therefore, the proposed project will potentially displace/relocate the existing residents of the two single family homes, however, the project will provide additional single-family housing anticipated by the General Plan for the Richland Neighborhood. Therefore, no significant impacts to housing or population will occur as a result of the proposed project.

	Potentially Significant Impact	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?

Police protection?

Schools?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parks?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 provided the project site is annexed into the appropriate Community Facility Districts (CFDs). Although it is expected the proposed project will cause an increase in students, the applicant will be required to pay development fees, prior to the issuance of building permits, to the San Marcos Unified School District as provided for by the State Code to mitigate any potential impacts. Adequate emergency response capability is available by virtue of the CFD system. Additionally, the San Marcos Fire Department will require the applicant to install a fire hydrant(s) at a location(s) approved by the Fire Marshal. Fire sprinklers will also be required to be installed in each single family home, in accordance with the latest adopted Building Code and installed per the National Fire Protection Association standards. The property will also be required to annex into the Police/Fire and Lighting/Landscaping Community Facilities Districts.

#### Mitigation Measures:

- The applicant/developer shall submit payment of School Fees as required by law. The applicant is required to submit a Certificate of Compliance from the school district to obtain building permits from the City.
- The subdivider shall submit separate petitions to annex into and establish with respect to the property, the special taxes levied by the following Community Facilities Districts (CFDs): (a) CFD 98-01, Improvement Area No. 1, Police, (b) CFD 2001-01, Fire and Paramedic, and (c) CFD 98-02, Lighting and Landscape. No final map, development entitlement or grading permit will be issued without receipt of an executed petition for annexation into each of the above-referenced CFDs and establishment of the special taxes. The subdivider shall comply with all rules, regulations, policies and practices established by the City with respect to the CFDs including, without limitation, requirements for notice and disclosure to future owners or residents.
- The applicant/developer shall submit payment of School Fees as required by law. The applicant is required to submit a Certificate of Compliance from the school district to obtain building permits from the City.
- The applicant shall install a fire hydrant(s) at a location(s) approved by the Fire Marshal.
- An automatic fire extinguishing system shall be installed in each residence in accordance with the latest adopted Building Code and shall be installed per the National Fire Protection Association standards.

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?

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	-------------------------------------	--------------------------	--------------------------

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. The project will not affect the quality or quantity of recreational opportunities. It is expected that the occupants of the twenty-two (22) residences will be able to utilize existing recreational facilities within the Richland Neighborhood, particularly the Helen Bouger Park and Woodland Park. Development of the proposed project will require payment of Public Facilities Fees which include park impact fees which will mitigate any potential impacts of the project on City recreational facilities to a level of insignificance.

**Mitigation Measures:**

- The project is subject to Public Facilities Fees as established by the City of San Marcos Public Facilities Financing Plan Ordinance. 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 or land use entitlement as determined by the City.

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

**XV. TRANSPORTATION/TRAFFIC. *Would the project:***

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 ratio on roads, or congestion at intersections)?

b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

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

e) Result in inadequate emergency access?

f) Result in inadequate parking capacity?

g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g. bus turnouts,

bicycle racks)?



As discussed previously, the existing site is developed with two single family residences, which will be demolished when the subject site is redeveloped with twenty-two single family homes. Therefore, the project proposes an additional twenty (20) single family homes to be constructed on this site. Based upon the trip generation rate established by San Diego Association of Governments (SANDAG), this project will generate 200 additional Average Daily Trips (20 units x 10 trips per unit = 200 ADT), plus the 20 current trips for the existing single-family residences. Due to the size of the development, the increase in ADT for the Richland Neighborhood is negligible and will not cause a significant impact. Based upon 2010 traffic counts, Borden Road is experiencing 9000 ADT. With the additional ADT being generated by this project, Borden Road (at its current configuration) will operate at an acceptable Level of Service (LOS) of C. The segment of Borden Road along the proposed project frontage has been improved to the ultimate right-of-way and the additional traffic generation will not impact the level of service. The twenty-two (22) future residences will be accessed by a private street (Street "A") off of Borden Road that will end at the north end of the project. The design of the private street will accommodate parking and will allow adequate emergency access. Sidewalks will be provided on the east side of the private Street "A," on the south side of Private Street "B;" and the south side of Private Street "C" which will provide pedestrian access from Borden Road through the subdivision. Per the City's Off-Street Parking Ordinance, each future residence will require a minimum 2-car garage. Additionally, the project will be required to comply with a minimum twenty foot front yard setback to the garage, which will ensure that vehicles will be able to park in the driveway without projecting into the private street. Per Section 20.116.010 of the City's Zoning Ordinance, a special setback of eighty-six (86) feet from the center line of Borden Road to any structure shall be complied with. This project will be required to comply with this setback. No significant impacts or the generation of substantial additional vehicular movement, effects on existing parking facilities, or demand for new parking, substantial impacts upon existing transportation systems, alterations of present patterns of circulation or movement of people and/or goods, alterations to waterborne, rail or air traffic, or increase in traffic hazards are anticipated as a result of the proposed project.

#### Mitigation Measures:

- The design of all private streets and/or drainage systems for this project shall be approved by the City Engineer and Fire Marshal.
- All streets, drainage, street lights, street signage and striping improvements within the interior of this subdivision designated as private shall remain private and be maintained by a Individual Homeowners Association/Master Homeowners Association, or such other provision for maintenance which may be subsequently approved by City Council. The CCR's shall be reviewed and approved by the City Attorney.

	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?
- b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?
- c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?
- d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?
- e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?
- f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?
- g) Comply with federal, state, and local statutes and regulations related to solid waste?

The subject site is located within the boundaries of the Vallecitos Water District (VWD). The applicant will be required to comply with all requirements of Vallecitos Water District (VWD) for the provision of water and sewer services to the subject site. According to Vallecitos Water District, the property is within a pressure zone which maintains a hydraulic gradeline of 920 feet (source of water for fire protection and domestic use) above sea level (msl). Based on VWD's analysis, extension of the water main will be required due to the existing elevation of the site (725 feet). A 10 inch water main exists in Borden Road and there is also a 10 inch water main in Calle Maria (north of the site) and both are available for service. There is an existing 8 inch diameter VCP sewer main in Borden Road that is available for service, however, additional capacity may be required and the VWD will require sewer flow data for the proposed project to determine sewer capacity fees. Extension of the sewer line will be required for the proposed project. The Vallecitos Water District submitted comments when the previous Negative Declaration (ND 09-785) was circulated, which included the following: Based on

VWD's Master Plan, the increased water usage will have an impact on VWD's water facilities and will require mitigation fees for the increased density, per Ordinance No. 164; A hydraulic analysis for fireflow will be required; The increased sewer flows will have an impact on the District's sewer system and will require mitigation fees for the increased density per Ordinance No. 164.

The applicant/developer will be required to address on-site and off-site drainage impacts in compliance with the City's SUSMP and latest adopted NPDES permit. The project will be required to provide onsite bioretention and filtration facilities, including permeable pavers as described in the October 2011 "Technical Memorandum-Summary of SWMM Modeling for Hydromodification Compliance" which was an update to the May 2011 drainage study. The final design and BMPs will be required as determined by the City Engineer. The project applicant will be required to contact all public utility agencies in the service area and comply with any applicable requirements or fees prior to issuance of grading permits. The proposed project will result in no greater impacts to utilities and service systems than otherwise anticipated by the implementation of the General Plan.

#### Mitigation Measures:

- Comply with the policies and requirements of Vallecitos Water District.
- Obtain "will serve" letters from each of the utilities serving the site.

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 proposed project involves the development of an approximately four acre site that currently is developed with two single family homes, driveways, and accessory structures that will be redeveloped with a twenty-two lot subdivision. The proposed project is not considered significant with respect to wildlife movement. Therefore, the proposed project lacks the potential to degrade the quality of the environment, 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 project does not have impacts that are individually limited, but does have impacts that are cumulatively considerable, as the project site will involve the development of a previously developed site. Although the Negative Declaration analysis does identify potentially significant impacts that could result from the project, any such impact will be mitigated to below a level of significance thereby ensuring 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 air quality, geology/soils, hydrology/water quality, land use and planning, noise, public services, transportation/traffic, and utilities/service systems are fully mitigated to below a level of significance and will not cause a substantial adverse effects on human beings, either directly or indirectly.

MITIGATION MONITORING REPORT MND 12-821

MITIGATION MEASURES MND 12-821	MONITORING ACTIVITY/TIMING	RESPONSIBILITY
Graded slopes shall be landscaped with a mixture of trees, shrubs, and ground cover for beautification and erosion control purposes. Landscape plans shall be submitted to the Planning Division for review and approval prior to the issuance of grading permit.	Prior to issuance of grading permits	Developer
Front, side and rear elevations of the proposed residences visible from Borden Road shall have architectural treatment providing articulated walls and windows, varied roof profiles and variation in building elevations to break up the massing of the homes, and shall be architecturally compatible with each other and the surrounding neighborhood, subject to approval of the Planning Division Director.	Prior to issuance of grading permits	Developer
All retaining walls shall be constructed of keystone, split-face, or similar textured block. The applicant shall submit a material sample to the Planning Division for review and approval prior to issuance of grading permit. Landscaping shall be installed where deemed appropriate by the Planning Division Director to soften appearance of high walls.	Prior to issuance of grading permits	Developer
The project shall implement a fugitive dust emissions control plan during construction. This plan shall include the watering of the site for dust control; isolating excavated soil until removed from the site; and periodic cleaning of streets to remove accumulated materials.	Prior to issuance of grading permits	Developer
The project construction shall comply with Regional Air Quality Standards.	During construction and Operation	Developer
Prior to grading the site or causing any impact to the site, in order to prevent potential impacts to nesting of any migratory, songbirds, or raptors, grading and/or construction activities on site must be avoided during the nesting season which extends from February 15 <sup>th</sup> to August 31 <sup>st</sup> . In order to begin grading or construction activities within the nesting season, a nesting survey from a qualified biologist or other expert in the field must be submitted to the Planning Division to verify there are no active nests on the subject site. This survey must be submitted prior to any disturbance or impact of the site.	Prior to issuance of grading permits	Developer
Prior to issuance of a grading permit, an updated report for the 2005 geotechnical investigation shall be submitted to the City Engineer for review and approval, addressing any changes of on-site conditions and said report shall include recommendations for cut and fill slopes, compaction, and foundations for potential liquefaction conditions on site.	Prior to issuance of grading permits	Developer
All recommendations and conclusions of the prepared geologic and soils study shall be incorporated into the project design and grading plan. Said report shall be approved by the City's Engineering and Building Divisions.	Prior to issuance of grading permits	Developer
All proposed structures shall be designed to adequately transmit to the foundation the dynamic lateral forces developed in the building in accordance with the engineering requirements of the latest adopted California Building Code and the Uniform Building Code, Volume II, as adopted by the City of San Marcos.	Prior to issuance of building permits	Developer
A comprehensive grading plan shall be submitted and approved by the City Engineer and Planning Director	Prior to	Developer

MITIGATION MEASURES MND 12-821	MONITORING ACTIVITY/TIMING	RESPONSIBILITY
	issuance of grading permit	
All slopes shall be designed and graded in accordance with the City's Grading Ordinance, particularly with respect to terraces, drainage, access, erosion control and setbacks. A comprehensive grading plan shall be submitted and approved by the City Engineer and Planning Director prior to the issuance of a building permit.	Prior to submittal of grading permit	Developer
The subdivider shall secure letters of permission from adjacent property owners for all graded slopes crossing property lines.	Prior to submittal of grading permit	Developer
An automatic fire extinguishing system shall be installed in each residence in accordance with the latest adopted Building Code and shall be installed per the National Fire Protection Association standards.	Prior to issuance of building permits	Developer
The applicant shall obtain a demolition permit from the Building Division prior to demolition of the existing single-family residences and accessory structures on site. A certified asbestos consultant shall inspect the buildings for asbestos-containing materials and to provide recommendations for proper removal of said materials prior to demolition.	Prior to issuance of building permits	Developer
The developer shall revise the Water Quality Improvement Plan (WQIP) to reflect the latest City of San Marcos Storm Drain Water Standards Manual guidelines and NPDES Permit. Site Design BMP's shall be utilized. If the project is phased, the WQIP shall address the Best Management Practices (BMP's) to be utilized for each phase. Said WQIP shall be to the satisfaction of the City Engineer.	Prior to issuance of grading permits	Developer
Erosion control and/or sediment control details shall be submitted with/on the grading plans to the City's Engineering Division for review and approval. The details shall conform to the City's standards, codes and ordinances and the latest General Construction Permit. The details shall include landscaping and temporary irrigation systems on exposed slopes to be approved by the City's Engineering and Planning Divisions.	Prior to issuance of grading permits	Developer

MITIGATION MEASURES MND 12-821	MONITORING ACTIVITY/TIMING	RESPONSIBILITY
Final hydrology report calculations shall be prepared for the proposed project. Storm drains and drainage structures shall be sized according to the approved hydrology report. All surface runoff originating within the project and all surface waters that may flow onto the project from adjacent properties shall be accommodated by the drainage system. The report shall also determine the buildup runoff into existing off-site natural drainage swales and storm drain systems, and shall address any need for off-site improvement requirements. Blocking, concentrating, lowering or diverting of natural drainage from or onto adjacent property shall not be allowed without written approval of the affected property owner. This report shall be subject to approval of the City Engineer	Prior to issuance of grading permits	Developer
The subdivider shall be responsible for mitigating impacts created by changes in drainage runoff course, concentration, or quantity to the satisfaction of the City Engineer for both on-site and off-site drainage. This may require the subdivider to provide all necessary easements and improvements to accommodate drainage and flood control structures extending beyond the boundaries of the project	Prior to issuance of grading permits	Developer
The final design of the two proposed detention basins along Borden Road (including the landscaping and fencing) shall be reviewed and approved by the City Engineer and the Planning Division Director. The proposed basins shall be designed to provide an enhanced landscape appearance along Borden Road.	Prior to issuance of grading permits	Developer
Permeable pavers shall not encroach into the public right-of-way.	Prior to issuance of grading permits and during construction	Developer/City inspection
The applicant/developer shall submit for City review and approval for the implementation of a Storm Water Pollution Prevention Plan (SWPPP), per the latest City of San Marcos Design Standards and latest adopted General Construction Permit, to manage storm water and non-storm water discharges from the site at all times. The SWPPP shall describe all BMPs to be implemented year-round. Specific BMP implementation may be dependent upon wet or dry season operations. The SWPPP shall also emphasize that erosion prevention is the most important measure for keeping sediment on site during construction	Prior to issuance of grading permits	Developer
All permanent BMP's per the approved grading plan shall be shown on the landscape plans. Landscape plans shall be reviewed and signed by the engineer of work stating the proposed landscape design complies with the requirements of the Water Quality Improvement Plan and/or Storm Water Standards Manual.	Prior to issuance of grading permits	Developer
The applicant/developer shall submit a plan, for review and approval by the City, for the long-term maintenance of all post construction BMP's. All manufactured slopes shall be landscaped and provided with an irrigation system	Prior to issuance of grading permits	Developer
The proposed project shall comply with State Government Code Section 65915 et. al, including providing two on-site lots for very-low income households.	Prior to final map	Developer
The applicant/developer shall pay an affordable housing in-lieu fee for two lots (15% of the target units) per the executed Inclusionary Housing Agreement dated September 24, 2008 between the developer (Klinek) and the City; and enter into an Affordable Housing Regulatory Agreement, to be approved by the City Manager and the City Attorney.	Prior to issuance of Final Map	Developer

MITIGATION MEASURES MND 12-821	MONITORING ACTIVITY/TIMING	RESPONSIBILITY
The minimum front yard setback for straight entry garages (measured from the back of the sidewalk (or back of curb if applicable) shall be twenty (20) feet; and a minimum of fifteen (15) feet (measured from the back of the sidewalk (or back of curb if applicable) for habitable structures.	Prior to issuance of building permits	Developer
Compliance with special setback of eighty-six (86) feet from center line of Borden Road to any structure. There shall be no ground level encroachment (including fireplaces) within the five (5) yard side yard setback.	Prior to grading permits and building permits	Developer
The applicant/developer shall provide a plotting of proposed houses on the precise grading plan and shall submit the proposed architectural elevations to the Planning Division for review and approval. Structures shall comply with all minimum setbacks as approved. There shall be a combination of front entry and side entry garages throughout the development	Prior to issuance of grading permit and building permit	Developer
There shall be a minimum of three house plans for the proposed project. The house plans for the very-low income lots shall be the same floor plan and elevations as the rest of the subdivision	Prior to issuance of building permit	Developer
Construction hours shall be limited in accordance with the Grading Ordinance and Municipal Code.	During construction	Developer
Compliance with the California Building Code regarding interior noise levels for single-family residential dwelling units.	Prior to issuance of building permit	Developer
The applicant/developer shall record an overflight notification document to disclose the subject site is presently located within the McClellan-Palomar Airport Influence Area, which may subject the resident to some of the annoyances or inconveniences associated with the proximity to the airport operations.	Prior to final map	Developer/City
The applicant/developer shall submit payment of School Fees as required by law. The applicant is required to submit a Certificate of Compliance from the school district to obtain building permits from the City	Prior to issuance of Building Permit	Developer
The subdivider shall submit separate petitions to annex into and establish with respect to the property, the special taxes levied by the following Community Facilities Districts (CFDs): (a) CFD 98-01, Improvement Area No. 1, Police, (b) CFD 2001-01, Fire and Paramedic, and (c) CFD 98-02, Lighting and Landscape. No final map, development entitlement or grading permit will be issued without receipt of an executed petition for annexation into each of the above-referenced CFDs and establishment of the special taxes. The subdivider shall comply with all rules, regulations, policies and practices established by the City with respect to the CFDs including, without limitation, requirements for notice and disclosure to future owners or residents	Prior to Final Map	Developer
The applicant/developer shall submit payment of School Fees as required by law. The applicant is required to submit a Certificate of Compliance from the school district to obtain building permits from the City	Prior to issuance of Building Permit	Developer
The applicant shall install a fire hydrant(s) at a location(s) approved by the Fire Marshal	During construction/Prior to occupancy	Developer

MITIGATION MEASURES MND 12-821	MONITORING ACTIVITY/TIMING	RESPONSIBILITY
An automatic fire extinguishing system shall be installed in each residence in accordance with the latest adopted Building Code and shall be installed per the National Fire Protection Association standards	On Building Plans/ installed prior to occupancy	Developer
The project is subject to Public Facilities Fees as established by the City of San Marcos Public Facilities Financing Plan Ordinance. 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 or land use entitlement as determined by the City	Prior to issuance of building permit	Developer
The design of all private streets and/or drainage systems for this project shall be approved by the City Engineer.	Prior to issuance of grading permit	Developer
All streets, drainage, street lights, street signage and striping improvements within the interior of this subdivision designated as private shall remain private and be maintained by a Individual Homeowners Association/Master Homeowners Association, or such other provision for maintenance which may be subsequently approved by City Council. The CCR's shall be reviewed and approved by the City Attorney.	Prior to Final Map	Developer
Comply with the policies and requirements of Vallecitos Water District.	Prior to grading permits and building permits	Developer
Obtain "will serve" letters from each of the utilities serving the site.	Prior to issuance of building permit	Developer