

## NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION

The City of San Marcos intends to adopt ND 12-002. 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.:** P12-0005 / ND 12-002

**APPLICANT:** Sonic Drive-In

**DESCRIPTION OF THE PROJECT:** A request for a Conditional Use Permit (CUP) to allow the construction of a 1,795 square-foot drive-in restaurant with an 899 square-foot covered dining area on a 0.9-acre lot. The drive-in will include a drive-thru feature and twenty-three (23) parking spaces for employees and visitors. In addition, the project includes a lot consolidation of the existing two (2) parcels into a single parcel.

**LOCATION:** Southeast corner of Grand Avenue and Via Vera Cruz. Assessor's Parcel Numbers: 219-152-58 and 219-152-59.

**REVIEW PERIOD:** December 14, 2012 – January 3, 2013

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 Norm Pedersen, Associate Planner, 760-744-1050, Extension 3236.

**COUNTY CLERK:** Please post until **January 3, 2013** 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.





## CITY OF SAN MARCOS Negative Declaration 12-002

**DATE:** December 14, 2012  
**APPLICANT:** Sonic Drive-In

- 1. PROJECT CASE NUMBER:** P12-0005
- 2. LEAD AGENCY NAME AND ADDRESS:** City of San Marcos, 1 Civic Center Drive, San Marcos, CA 92069.
- 3. CONTACT PERSON AND PHONE NUMBER:** Norm Pedersen, Associate Planner, 760-744-1050 x3236.
- 4. PROJECT LOCATION:** Southeast corner of Grand Avenue and Via Vera Cruz. Assessor's Parcel Numbers: 219-152-58 and 219-152-59.
- 5. PROJECT SPONSOR'S NAME AND ADDRESS:** Darrell Gentry, DWG Consulting, 16776 Bernardo Center Drive, Suite 110, San Diego, CA 92128.
- 6. GENERAL PLAN DESIGNATION:** Commercial.
- 7. ZONING:** Commercial (C).
- 8. DESCRIPTION OF PROJECT:** A request for a Conditional Use Permit (CUP) to allow the construction of a 1,795 square-foot drive-in restaurant with an 899 square-foot covered dining area on a 0.9-acre lot. The drive-in will include a drive-thru feature and twenty-three (23) parking spaces for employees and visitors. In addition, the project includes a lot consolidation of the existing two (2) parcels into a single parcel.
- 9. SURROUNDING LAND USES AND SETTING:** The existing site consists of an asphalt paved parking lot, and concrete slab from a previously demolished building. The site is zoned Commercial (C), and designated "Commercial" in the General Plan. The project site is surrounded by a commercial center (Grand Plaza) to the west, a fleet service station to the south, a veterinarian office to the east, and State Route 78 to north.
- 10. OTHER PUBLIC AGENCIES WHOSE APPROVAL IS REQUIRED (e.g. PERMITS, FINANCING APPROVAL OR PARTICIPATION AGREEMENT):** None.

### **11. 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 shall comply with Regional Air Quality Standards.
- An updated report for the 2012 geotechnical investigation shall be submitted to the City Engineer/Public Works Director for review and approval, addressing any changes of on-site conditions and said report shall include recommendations for cut and fill slopes and compaction.
- 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.

- A comprehensive grading plan shall be submitted and approved by the City Engineer/Public Works Director and Planning Director prior to the issuance of a grading permit.
- The City of San Marcos is located in Seismic Design Category "D". Buildings and structures shall be designed to adequately transmit the dynamic lateral forces in accordance with the requirements of the latest adopted California Building Code.
- 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. The details shall include landscaping and temporary irrigation systems on exposed slopes to be approved by the City's Engineering and Planning Divisions.
- A 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 build-out 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/Public Works Director.
- The applicant/developer shall submit to the City a Storm Water Pollution Prevention Plan (SWPPP) for management of storm water and non-storm water discharges from the site at all times. The SWPPP shall satisfy the requirements of the latest State Water Resources Control Board General Construction Permit. The SWPPP shall describe all BMPs to be implemented year round. Specific Best Management Practice (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. The SWPPP shall be prepared by a registered civil engineer.
- The applicant/developer shall submit to the City for review and approval, a report that identifies affected receiving water bodies, applicable water-quality objectives (Regional Water Quality Control Board (RWQCB) and San Diego Association of Governments) and pollutants of concern, and estimates post-construction discharge rates (with all BMPs in place) and explains why projected pollutant loads will not cause a violation of the water quality objectives.
- The applicant/developer shall submit to the City and implement a water quality improvement plan (WQIP) that depicts compliance with the National Pollutant Discharge Elimination System (NPDES) permit.
- The applicant/developer shall submit a plan and agreement, 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.
- The applicant shall obtain approval of a Conditional Use Permit (CUP) to allow for the proposed drive-in restaurant.
- The applicant shall obtain approval of a Boundary Adjustment for consolidation of the existing two (2) parcels (APNs: 219-152-58 and 219-152-59) into a single parcel. Said Boundary Adjustment shall be approved and recorded prior to issuance of grading permit.
- Construction hours shall be limited in accordance with the Grading Ordinance and Municipal Code.
- The applicant/developer/property owner shall submit executed versions of 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 a petition for annexation and consent and waiver executed by the property owners for each of the above-referenced Community Facilities Districts for the establishment of the special taxes. The applicant/developer/property owner shall comply with all rules, regulations, policies and practices established by State Law and/or by the City with respect to the Community Facilities Districts including, without limitation, requirements for notice and disclosure to future owners and/or residents.

- The proposed new development is subject to the 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.
- An automatic fire extinguishing system is required in accordance with the latest adopted California Building Code and San Marcos Fire Code Ordinance. Fire suppression systems shall conform to the National Fire Protection Association standards.
- 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.
- The applicant/developer/property owner shall submit an executed version of petition to annex into and establish, with respect to the property, the special taxes levied by the following Community Facilities District (CFD): (a) CFD 2011-01, Congestion Management. No final map, development entitlement or grading permit will be issued without receipt of a petition for annexation and consent and waiver executed by the property owners for each of the above-referenced Community Facilities Districts for the establishment of the special taxes. The applicant/developer/property owner shall comply with all rules, regulations, policies and practices established by State Law and/or by the City with respect to the Community Facilities Districts including, without limitation, requirements for notice and disclosure to future owners and/or residents.
- The applicant/developer shall provide a design and construct a raised median with landscaping (if appropriate), striping of lanes, and signal modification along the property frontage on Grand Avenue to the satisfaction of the City Engineer/Public Works Director. Said design shall allow for left turns onto the site from westbound Grand Avenue, but restrict left-out turns only into the left turn lane to southbound Via Vera Cruz and prevent said turns onto the westbound lanes and the right turn lane onto the SR-78 ramp.
- The applicant/developer shall extend to the south, by approximately twenty-five (25) feet, the existing raised median along Via Vera Cruz in order to prevent left-in and left-out turns at the Via Vera Cruz driveway entry. Design and construction shall be to the satisfaction of the City Engineer/Public Works Director.
- Obtain “will-serve” letters from all affected public service and utilities agencies prior to issuance of grading permit.
- The proposed new development is subject to approval of the Vallecitos Water District and all applicable fees and charges shall be paid to the satisfaction of the District prior to permit issuance.
- The project shall incorporate site-design and naturalized treatment control Best Management Practices (BMPs) as required by the City Engineer/Public Works Director; and shall implement a program, in a form to the satisfaction of the City Engineer/Public Works Director, for long-term maintenance of all structural post-construction Best Management Practices (BMPs).

#### **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:

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

December 14, 2012

Date

Norm S. Pedersen  
Printed Name

## INITIAL STUDY ENVIRONMENTAL CHECKLIST

	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
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### 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 36.5-foot high, single-story drive-in restaurant. The subject site is currently developed with an asphalt paved parking lot. The site is not located within a State scenic highway route. The project requires approval of a Conditional Use Permit which will assure the proposal complies with the City's development standards, including incorporation of architectural enhancements, textured/colored walls, screened roof equipment, and landscaping to beautify the building site. The pedestrian access to the site, from the corner of Grand Avenue and Via Vera Cruz, will be enhanced with landscaping and a fountain. In addition, the drive-in parking spaces along Grand Avenue will be screened from view by landscaping and a fence with vines, and the drive-thru feature will be located internal to the site away from the street frontages. Parking lot lighting will be shielded downward so as not to spill light onto adjacent properties. Therefore, the proposed project will not have any significant impacts to scenic views, scenic resources, or visual quality.

	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
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### II. AGRICULTURE AND FOREST RESOURCES -- *In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and Forest carbon measurement*

*methodology provided in Forest Protocols adopted by the California Air Resources Board. - Would the project:*

- a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?
- b) Conflict with existing zoning for agricultural use, or a Williamson Act contract
- c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?
- d) Result in the loss of forest land or conversion of forest land to non-forest use?
- e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

The subject site is currently developed with an asphalt paved parking lot. The site is not used for agricultural purposes nor is the area designated as prime, unique, or farmland of statewide importance nor as forest land. Therefore, the proposed project will not impact agricultural resources.

	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
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**III . AIR QUALITY --** *Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:*

- a) Conflict with or obstruct implementation of the applicable air quality plan?
- b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

d) Expose sensitive receptors to substantial pollutant concentrations?

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

No greater impacts to air quality are anticipated as a result of the proposed drive-in restaurant. The project will not significantly contribute to the deterioration of ambient air quality. Based upon the trip generation rate established by San Diego Association of Governments (SANDAG), the expected trip generation for the project is estimated to generate approximately 1,697 Average Daily Trips (ADT). Routine Federal and State laws and regulations concerning emissions created by automobiles will mitigate potential air quality impacts. There are no sensitive receptors (i.e.: school, care facility) located within the vicinity of the subject site. During construction of the site, the project will implement a fugitive dust emissions control plan. Any development activity on the project site will be subject to all Federal and State air quality standards. Therefore, the development of the project will have a negligible impact to the air quality in the area due to vehicle trip generation of the potential drive-in restaurant and construction activities.

**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 shall comply with Regional Air Quality Standards.

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**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 an asphalt paved parking lot. No sensitive habitat exists on site. Therefore, the proposed project will not result in the alteration or diversity of plant or animal species, number of endangered species, or introduce new species of plants or habitat.

Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
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## V. CULTURAL RESOURCES -- *Would the project:*

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

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

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

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

The subject site is currently developed with an asphalt paved parking lot. 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
<b>VI. GEOLOGY AND SOILS -- <i>Would the project:</i></b>				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on-or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The subject site is currently developed with an asphalt paved parking lot. According to the geotechnical investigation (dated: 11/13/12) prepared by Allied Earth Technology, the site is suitable for development of the proposed project provided 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 750 cubic yards of cut and 500 cubic yards of fill. 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. The Rose Canyon Fault is located more than eleven (11) miles to the southwest. The proposed building will be built to current seismic construction standards per the California Building Code. 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 Measure:**

- An updated report for the 2012 geotechnical investigation shall be submitted to the City Engineer/Public Works Director for review and approval, addressing any changes of on-site conditions and said report shall include recommendations for cut and fill slopes and compaction.
- 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.
- A comprehensive grading plan shall be submitted and approved by the City Engineer/Public Works Director and Planning Director prior to the issuance of a grading permit.
- The City of San Marcos is located in Seismic Design Category "D". Buildings and structures shall be designed to adequately transmit the dynamic lateral forces in accordance with the requirements of the latest adopted California Building Code.

Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
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**VII. GREENHOUSE GAS EMISSIONS -- *Would the project:***

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

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

The subject site is currently developed with an asphalt paved parking lot. The City of San Marcos does not have adopted thresholds of significance for greenhouse gas (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 and whether a detailed GHG study would be required. The emission level is based on the amount of vehicle trips, typical energy and water use for the project, as well as other factors. Based on an evaluation prepared by Giroux & Associates (dated 11/16/12), the proposed new development will result in a net increase in GHG emissions from construction, vehicle trips, and operations (i.e.: energy/water use and waste generation) of the drive-in restaurant. The evaluation concluded that GHG emissions will be below the California Air Pollution Control Officers Association (CAPCOA) screening-level. The proposed project will therefore not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment, nor will it conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing emissions of greenhouse gases above the current General Plan build-out. Global climate change impacts will be less than significant.

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

- a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?
- b) Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment?
- c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?
- d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?
- e) For a project located within an airport land use plan, or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?
- f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?
- g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?
- h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

No significant impacts to emergency response plans or exposure to hazardous substances, or risk of explosion are anticipated as a result of the proposed drive-in restaurant. Adequate emergency response capability is available. San Marcos Fire Station No. 1 is located within a 2-mile vicinity. The drive-in restaurant will be required to be constructed with fire sprinklers, and the site layout provides adequate circulation for emergency vehicles. In addition, the property will be required to be annexed into the City's Community Facilities District,

CFD 2001-01: Fire/Paramedic. The subject property is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. The project is not located within two miles of any airports; however, it is located within the Airport Influence Area of the McClellan-Palomar Airport Land Use Compatibility Plan within Review Area 2. Due to the nature and location of the proposed project, it is a compatible land use within Review Area 2 which limits the heights of structures, particularly in areas of high terrain. The project would not subject people to safety hazards associated with public or private airports. The project site is not within the vicinity of a private airstrip; therefore, no safety hazard associated with such a facility would occur. The site is not located within a wildlands area. No impacts to these issues are anticipated as a result of the project.

	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
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## IX. HYDROLOGY AND WATER QUALITY -- *Would the project:*

- a) Violate any water quality standards or waste discharge requirements?
- b) Have a potentially significant adverse impact on groundwater quality or cause or contribute to an exceedance of applicable groundwater receiving water quality objectives or degradation of beneficial uses?
- c) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of preexisting nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?
- 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?

The subject site is currently developed as a paved asphalt parking lot. The site is not located within a floodplain nor floodway. Due to the grade changes and water quality treatment, the proposed project will result reduce the amount of surface water runoff from the site. This project is upstream from Lake San Marcos, an impaired water body, but, the required water quality and construction BMP's will result in this project being in

compliance with the National Pollutant Discharge Elimination System (NPDES) and General Construction permit requirements.

This project will use BMP's such as permeable pavers, a covered trash enclosure, and infiltration trenches in order to satisfy their water quality Low Impact Design, Source Control, and Treatment Control BMP quality requirements. Construction BMP's such as gravel bags, silt fencing, and storm drain inlet protection BMP's will be used to satisfy the General Construction Permit requirements. Hence, potential project impacts can be reduced to a level less than significant with implementation of mitigation measures.

#### **Mitigation Measures:**

- 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. The details shall include landscaping and temporary irrigation systems on exposed slopes to be approved by the City's Engineering and Planning Divisions.
- A 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 build-out 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/Public Works Director.
- The applicant/developer shall submit to the City a Storm Water Pollution Prevention Plan (SWPPP) for management of storm water and non-storm water discharges from the site at all times. The SWPPP shall satisfy the requirements of the latest State Water Resources Control Board General Construction Permit. The SWPPP shall describe all BMPs to be implemented year round. Specific Best Management Practice (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. The SWPPP shall be prepared by a registered civil engineer.
- The applicant/developer shall submit to the City for review and approval, a Water Quality Improvement Plan (WQIP) that identifies affected receiving water bodies, applicable water-quality objectives (Regional Water Quality Control Board (RWQCB) and San Diego Association of Governments) and pollutants of concern, and estimates post-construction discharge rates (with all BMPs in place) and explains why projected pollutant loads will not cause a violation of the water quality objectives.
- The applicant/developer shall submit to the City and implement a water quality improvement plan (WQIP) that depicts compliance with the National Pollutant Discharge Elimination System (NPDES) permit.
- The applicant/developer shall submit a plan and agreement, 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
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#### **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 proposed drive-in restaurant will be located on a property currently developed with an asphalt paved parking lot. The project includes a lot consolidation of the existing two (2) parcels into a single parcel. The site is zoned Commercial (C), and designated “Commercial” in the General Plan. The project site is surrounded by a commercial center (Grand Plaza) to the west, a fleet fueling station to the south, a veterinarian office to the east, and State Route 78 to north. The project requires approval of a Conditional Use Permit and Boundary Adjustment which will assure the proposal complies with the City’s zoning and development standards for commercial projects. The new building will provide adequate setbacks and separation from surrounding properties, will exceed the minimum landscape requirement (10% of site area), and the project is proposing twenty-four (24) parking spaces to provide parking for customers and employees. The project proposes a 36.5-foot height for the 1-story building, which complies with the provisions of the Commercial (C) Zone. The site is located within the “view corridor” of State Highway 78; therefore, the building design will incorporate architectural enhancements; and screened roof equipment from SR 78 and street view. The pedestrian access to the site, from the corner of Grand Avenue and Via Vera Cruz, will be enhanced with landscaping and a fountain. In addition, the drive-in parking spaces along Grand Avenue will be screened from view by landscaping and a 4-foot high fence with vines, and the drive-thru feature will be located internal to the site away from the street frontages. Parking lot lighting will be shielded downward so as not to spill light onto adjacent properties.

#### **Mitigation Measures:**

- The applicant shall obtain approval of a Conditional Use Permit (CUP) to allow for the proposed drive-in restaurant.
- The applicant shall obtain approval of a Boundary Adjustment for consolidation of the existing two (2) parcels (APNs: 219-152-58 and 219-152-59) into a single parcel. Said Boundary Adjustment shall be approved and recorded prior to issuance of grading permit.

Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
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#### **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 subject site is currently developed with an asphalt paved parking lot. Therefore, the proposed project will not impact mineral resources.

	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

No significant impacts regarding increases in existing noise levels or the exposure of people to severe noise levels are anticipated as a result of the proposed project. It is expected that there will be an incremental impact upon the ambient noise level of the area with the proposed drive-in restaurant. However, the noise generated by the proposed project is expected to generate no more noise than is usually associated with typical neighboring commercial uses, and no greater than anticipated noise levels for commercial uses per the General Plan. The proposed use is compatible with the adjacent commercial and industrial uses. There are no sensitive receptors (i.e.: school, care facility) or residential uses within the vicinity. Any severe noise 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 to Monday through Friday, 7 AM to 6 PM, and Saturday, 8 AM to 5 PM. The project is not located within two miles of any airports or private airstrip; however, it is located within the Airport Influence Area of the McClellan-Palomar Airport Land Use Compatibility Plan. Palomar Airport is located more than seven (7) miles to the west in Carlsbad, and the site is not located within an area exposed to potential excessive airport noise as identified per the plan.

**Mitigation Measures:**

- Construction hours shall be limited in accordance with the Grading Ordinance and Municipal Code.

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

Due to the nature of the proposed project, no significant impacts to population and housing are anticipated or will result in terms of the proposed drive-in restaurant. The proposal is located within the Commercial (C) Zone, and build out of the remaining commercial lots within the Business & Industrial District is anticipated by the General Plan. Therefore, the proposed project will not induce substantial population growth in the area. The site is currently developed with a parking lot, and zoned Commercial (C) and designated for commercial uses per the General Plan; therefore, the proposed project will not displace or relocate residents.

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

Parks?

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 Facilities Districts (CFDs). Adequate emergency response capability is available by virtue of the CFD system. San Marcos Fire Station No. 1 is located within an 2-mile vicinity. The drive-in restaurant will be required to be constructed with fire sprinklers in compliance with the California Building Code; and the site layout provides adequate circulation for emergency vehicles. The property will be required to be annexed into the Police/Fire and Lighting/Landscaping Community Facilities Districts. In addition, the proposal will be subject to school impact fees.

#### **Mitigation Measures:**

- The applicant/developer/property owner shall submit executed versions of 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 a petition for annexation and consent and waiver executed by the property owners for each of the above-referenced Community Facilities Districts for the establishment of the special taxes. The applicant/developer/property owner shall comply with all rules, regulations, policies and practices established by State Law and/or by the City with respect to the Community Facilities Districts including, without limitation, requirements for notice and disclosure to future owners and/or residents.
- The proposed new development is subject to the 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.
- An automatic fire extinguishing system is required in accordance with the latest adopted California Building Code and San Marcos Fire Code Ordinance. Fire suppression systems shall conform to the National Fire Protection Association standards.

	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
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#### **XV. RECREATION --**

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

No significant impacts to recreation are anticipated as a result of the proposed drive-in restaurant. Development of the proposed project will require payment of Public Facilities Fees which include park impact fees. The project will not affect the quality or quantity of recreational opportunities.

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

- a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?
- b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?
- 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) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

A traffic study was prepared by RBF Consulting (dated 12/11/12) for the proposed drive-in restaurant which indicated a trip generation rate of 1,697 Average Daily Trips (650 trips per 1,000 square feet of building square footage) based upon the traffic generation rates established by the San Diego Association of Governments (SANDAG). Levels of Service (LOS) of D or better comply with City standards. The study analyzed four (4) surrounding intersections and three (3) road segments which all currently operate at acceptable levels of service (LOS D or better). The traffic analysis considered potential traffic impacts by the proposed project plus cumulative project volumes from nearby approved and pending projects in 2014 conditions when the proposal is projected to be completed and operating. The cumulative conditions analysis

determined that surrounding intersection and road segments are forecast to operate at acceptable levels of service (LOS D or better) with or without the proposed drive-in restaurant. Since the traffic calculations were prepared, the proposed building square footage was increased to 1,795 square feet and 899 square feet of covered dining area as shown in the current site plan revision. This nominal increase in floor area is not considered significant and does not change any Levels of Service for any of the intersections and road segments analyzed in the study, and will not trigger any new mitigation requirements. Because the Levels of Service fall within acceptable City standards, there are no significant impacts anticipated for direct or cumulative conditions of surrounding intersections and road segments. However, the project will contribute toward City-wide traffic resulting in potential cumulative impacts to State Route (SR-78) which currently operates at below-satisfactorily Levels of Service. In order to mitigate for SR-78 cumulative impacts, the proposed project shall financially participate in the Congestion Management Community Facilities District (CFD) 2011-01 for a planned intra-City shuttle system which will assist in the reduction of City-wide traffic congestion and impacts to SR-78.

The proposed drive-in restaurant will have driveway access off of Via Vera Cruz and Grand Avenue. The Via Vera Cruz driveway access will be right-in and right-out turns only. The center median on Via Vera Cruz will be extended by the applicant approximately twenty-five (25) feet in order to prevent left-in or left-out turns. On Grand Avenue, the driveway access will be shared with the adjacent property to the east. This driveway access will have full turning movements, except that the left-out turn will only direct vehicles into the left turn lane to Via Vera Cruz, and a median will prevent vehicles from entering the west-bound lanes on Grand Avenue or the right-turn lane onto the SR-78 on-ramp. The project site will be served by a one-way circulation system that operates in a counter clockwise direction, and is consistent with the direction of the drive-thru. The site layout also provides adequate access for emergency vehicles. The drive-thru lane will provide adequate stacking of approximately nine (9) vehicles for customers to order at the menu board. No pick-up window is proposed for the drive-thru, but meals will be delivered directly to vehicles within the queue by "car-hops". After ordering at the menu board, there is space for four (4) vehicles within the drive-thru lane to wait for meal delivery by the "car-hops. Within this section of the drive-thru lane, vehicles are not restricted by a curb or median; therefore, the vehicle can exit the drive-thru lane once the customer's order is received which allows for a quicker queue-time through the drive-thru.

The project proposes twenty-four (24) parking spaces on site. Sixteen (16) of those spaces will be used for drive-in parking for customers eating in their vehicles or at the outdoor dining tables. No dining is proposed within the building. The remaining eight (8) parking spaces will be used for employee parking. The proposed drive-in restaurant is a unique type of use in that it includes a drive-thru feature. Per the City Parking Ordinance, a drive-in facility requires a minimum of one (1) parking space for every four (4) seats of dining area plus one (1) space for every employee on the largest shift. This translates to a total of sixteen (16) parking spaces for a drive-in. For a drive-thru facility, the Parking Ordinance requires a minimum of twenty (20) parking spaces plus one (1) space for every employee. This calculates to twenty-eight (28) parking spaces for a drive-thru. Therefore, the required parking ranges from sixteen (16) to twenty-eight (28) spaces for a drive-in and drive-thru establishment, respectively. As a comparison, the City reviewed several other Sonic Drive-Ins in other cities, and found that similar size facilities fell within this range and some required less parking spaces than what is proposed for the subject site. Because of the unique operation of the restaurant as a drive-in and drive-thru and the project proposes twenty (24) parking spaces which is on the high end of the parking supply range, the City has determined that the proposed spaces will provide adequate parking for the site.

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 applicant/developer shall provide a design and construct a raised median with landscaping (if appropriate), striping of lanes, and signal modification along the property frontage on Grand Avenue to the satisfaction of the City Engineer/Public Works Director. Said design shall allow for left turns onto the site from westbound Grand Avenue, but restrict left-out turns only into the left turn lane to southbound Via Vera Cruz and prevent said turns onto the westbound lanes and the right turn land onto the SR-78 ramp.
- The applicant/developer shall extend to the south, by approximately twenty-five (25) feet, the existing raised median along Via Vera Cruz in order to prevent left-in and left-out turns at the Via Vera Cruz driveway entry. Design and construction shall be to the satisfaction of the City Engineer/Public Works Director.
- The applicant/developer/property owner shall submit an executed version of petition to annex into and establish, with respect to the property, the special taxes levied by the following Community Facilities District (CFD): (a) CFD 2011-01, Congestion Management. No final map, development entitlement or grading permit will be issued without receipt of a petition for annexation and consent and waiver executed by the property owners for each of the above-referenced Community Facilities Districts for the establishment of the special taxes. The applicant/developer/property owner shall comply with all rules, regulations, policies and practices established by State Law and/or by the City with respect to the Community Facilities Districts including, without limitation, requirements for notice and disclosure to future owners and/or residents.

	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
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**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). There is a 20-feet wide VWD easement along the southern property for a sewer line from Via Vera Cruz to the property(s) to the east. No construction is proposed within this easement. 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. The project proposes to connect to the existing storm drain pipe along Via Vera Cruz. Per the City's implementation of the Standard Urban Storm Water Mitigation Plan (SUSMP) storm water discharge procedures and the latest adopted NPDES Permit, the proposed project will incorporate site-design and naturalized treatment control Best Management Practices (BMPs) for all drainage before entering the City's storm drain system per the approval of the City Engineer/Public Works Director. 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:**

- Obtain "will-serve" letters from all affected public service and utilities agencies prior to issuance of grading permit.
- The proposed new development is subject to approval of the Vallecitos Water District and all applicable fees and charges shall be paid to the satisfaction of the District prior to permit issuance.
- The project shall incorporate site-design and naturalized treatment control Best Management Practices (BMPs) as required by the City Engineer/Public Works Director; and shall implement a program, in a form to the satisfaction of the City Engineer/Public Works Director, for long-term maintenance of all structural post-construction Best Management Practices (BMPs).

Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
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**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 drive-in restaurant lacks the potential to degrade the quality of the environment, since the proposed project will locate on a previously developed site, and not known to contain any significant biological resources, and therefore will not result in the alteration or diversity of plant or animal species, number of endangered species, or introduce new species of plants or habitat.

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

The proposed project does not have impacts that are “individually limited, but cumulatively considerable” since this project proposes a drive-in restaurant which is allowed per the General Plan, except that the proposal will contribute toward City-wide traffic resulting in potential cumulative impacts to State Route (SR-78) which currently operates at below-satisfactorily Levels of Service. Although the Negative Declaration analysis does identify potentially significant impacts unless mitigated that could result from the project, any such impact will be mitigated to below a level of significance thereby insuring that impacts are not cumulatively considerable, including the proposed project shall financially participate in the Congestion Management Community Facilities District (CFD) 2011-01 for a planned intra-City shuttle system which will assist in the reduction of City-wide traffic congestion and impacts to SR-78.

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 geology/soils, greenhouse gas emissions, land use/planning, hydrology/water quality, public services, and transportation/traffic are fully mitigated to below a level of significance and will not cause a substantial adverse effects on human beings, either directly or indirectly.

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

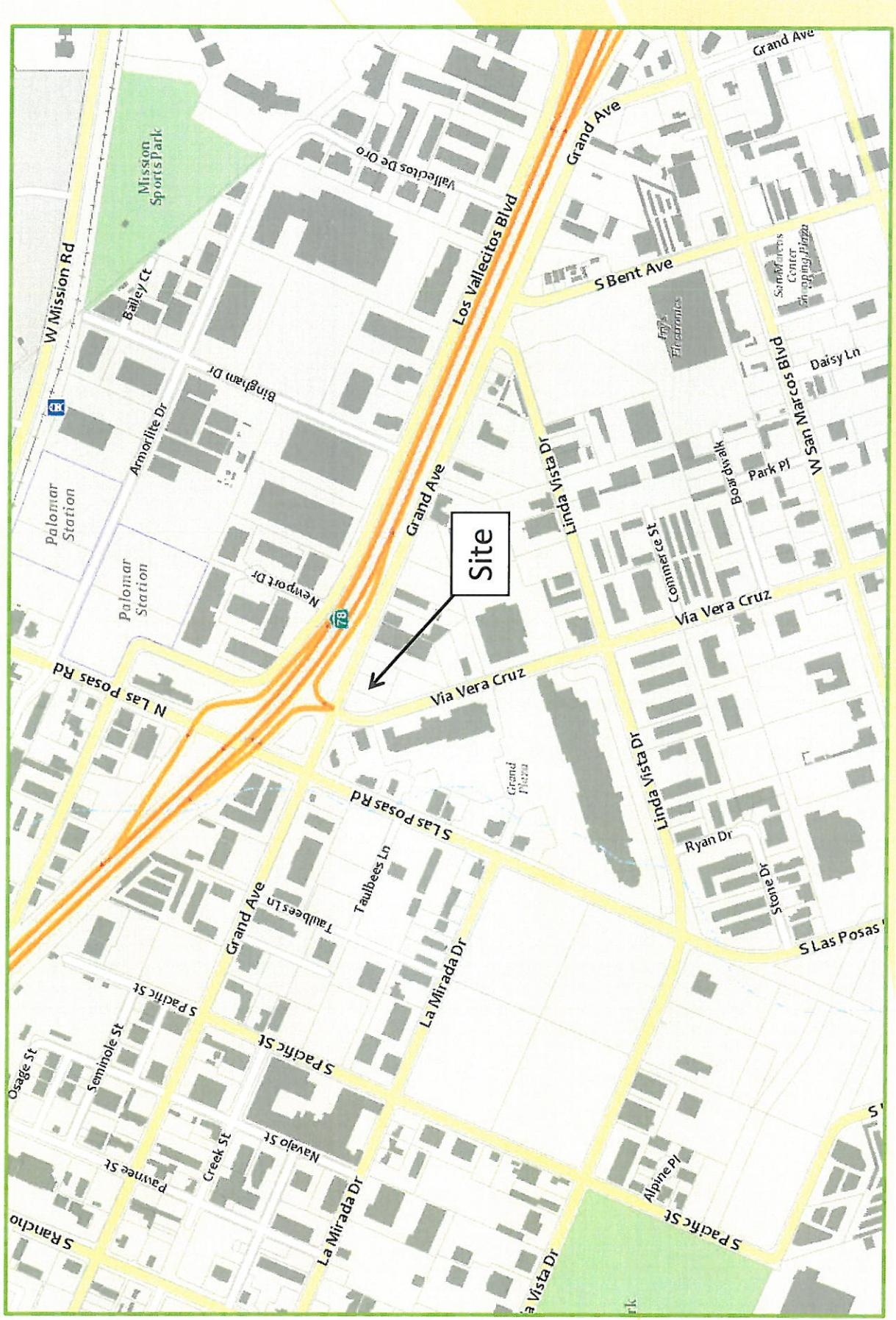
**MITIGATION MONITORING PROGRAM  
FOR NEGATIVE DECLARATION 12-002**

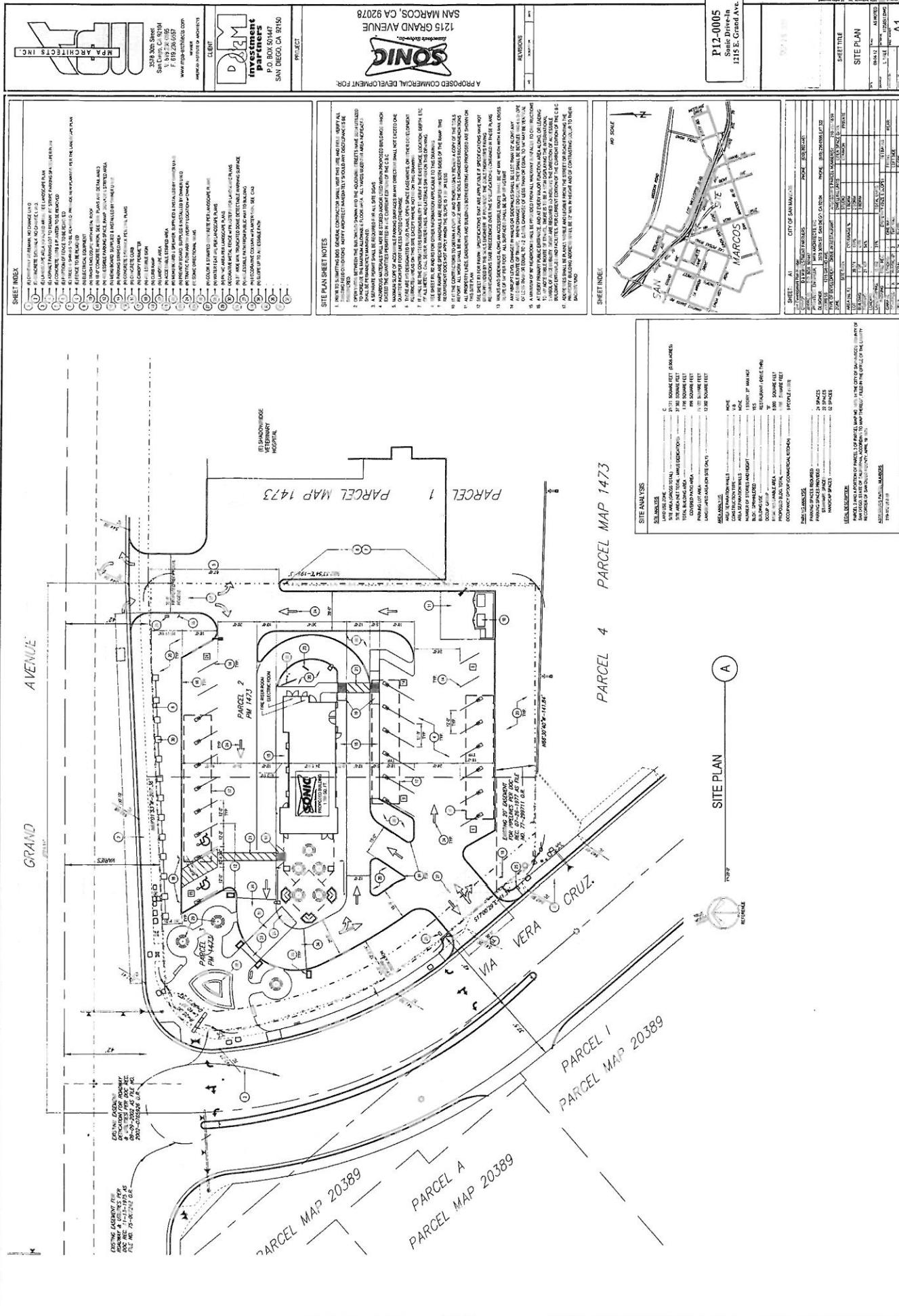
MITIGATION MEASURES	MONITORING ACTIVITY/TIMING	RESPONSIBILITY
The applicant shall obtain approval of a Conditional Use Permit (CUP) to allow for the proposed drive-in restaurant.	Processing concurrently	Developer
The applicant shall obtain approval of a Boundary Adjustment for consolidation of the existing two (2) parcels (APNs: 219-152-58 and 219-152-59) into a single parcel. Said Boundary Adjustment shall be approved and recorded prior to issuance of grading permit.	Prior to issuance of grading permits	Developer
An updated report for the 2012 geotechnical investigation shall be submitted to the City Engineer/Public Works Director for review and approval, addressing any changes of on-site conditions and said report shall include recommendations for cut and fill slopes and compaction.	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
A comprehensive grading plan shall be submitted and approved by the City Engineer/Public Works Director and Planning Director prior to the issuance of a grading permit.	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. 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
A 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/Public Works Director.	Prior to issuance of grading permits	Developer
The applicant/developer shall submit to the City a Storm Water Pollution Prevention Plan (SWPPP) for management of storm water and non-storm water discharges from the site at all times. The SWPPP shall satisfy the requirements of the latest State Water Resources Control Board General Construction Permit. The SWPPP shall describe all BMPs to be implemented year round. Specific Best Management Practice (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. The SWPPP shall be prepared by a registered civil engineer.	Prior to issuance of grading permits	Developer
The applicant/developer shall submit to the City for review and approval, a report that identifies affected receiving water bodies, applicable water-quality objectives (Regional Water Quality Control Board (RWQCB) and San Diego Association of Governments) and pollutants of concern, and estimates post-construction discharge rates (with all BMPs in place) and explains why projected pollutant loads will not cause a violation of the water quality objectives.	Prior to issuance of grading permits	Developer
The applicant/developer shall submit to the City and implement a water quality improvement plan (WQIP) that depicts compliance with the National Pollutant Discharge Elimination System (NPDES) permit.	Prior to issuance of grading permits	Developer
The applicant/developer shall submit a plan and agreement, for review and approval by the City, for the long-term maintenance of all post construction BMP's.	Prior to issuance of grading permits	Developer
The project shall incorporate site-design and naturalized treatment control Best Management Practices (BMPs) as required by the City Engineer/Public Works Director; and shall implement a program, in a form to the satisfaction of the City Engineer/Public Works Director, for long-term maintenance of all structural post-	Prior to issuance of grading permits	Developer

MITIGATION MEASURES	MONITORING ACTIVITY/TIMING	RESPONSIBILITY
construction Best Management Practices (BMPs).		
The applicant/developer/property owner shall submit executed versions of 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 a petition for annexation and consent and waiver executed by the property owners for each of the above-referenced Community Facilities Districts for the establishment of the special taxes. The applicant/developer/property owner shall comply with all rules, regulations, policies and practices established by State Law and/or by the City with respect to the Community Facilities Districts including, without limitation, requirements for notice and disclosure to future owners and/or residents.	Prior to issuance of grading permits	Developer
The applicant/developer/property owner shall submit an executed version of petition to annex into and establish, with respect to the property, the special taxes levied by the following Community Facilities District (CFD): (a) CFD 2011-01, Congestion Management. No final map, development entitlement or grading permit will be issued without receipt of a petition for annexation and consent and waiver executed by the property owners for each of the above-referenced Community Facilities Districts for the establishment of the special taxes. The applicant/developer/property owner shall comply with all rules, regulations, policies and practices established by State Law and/or by the City with respect to the Community Facilities Districts including, without limitation, requirements for notice and disclosure to future owners and/or residents.	Prior to issuance of grading permits	Developer
The proposed new development is subject to approval of the Vallecitos Water District and all applicable fees and charges shall be paid to the satisfaction of the District prior to permit issuance.	Prior to issuance of grading permits	Developer
Obtain "will-serve" letters from all affected public service and utilities agencies prior to issuance of grading permit.	Prior to issuance of grading permits	Developer
The applicant/developer shall provide a design and construct a raised median with landscaping (if appropriate), striping of lanes, and signal modification along the property frontage on Grand Avenue to the satisfaction of the City Engineer/Public Works Director. Said design shall allow for left turns onto the site from westbound Grand Avenue, but restrict left-out turns only into the left turn lane to southbound Via Vera Cruz and prevent said turns onto the westbound lanes and the right turn land onto the SR-78 ramp.	Prior to issuance of grading permits	Developer
The applicant/developer shall extend to the south, by approximately twenty-five (25) feet, the existing raised median along Via Vera Cruz in order to prevent left-in and left-out turns at the Via Vera Cruz driveway entry. Design and construction shall be to the satisfaction of the City Engineer/Public Works Director.	Prior to issuance of grading permits	Developer
The City of San Marcos is located in Seismic Design Category "D". Buildings and structures shall be designed to adequately transmit the dynamic lateral forces in accordance with the requirements of the latest adopted California Building Code.	Prior to issuance of building permits	Developer
The proposed new development is subject to the 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 permits	Developer
An automatic fire extinguishing system is required in accordance with the latest adopted California Building Code and San Marcos Fire Code Ordinance. Fire suppression systems shall conform to the National Fire Protection Association standards.	Prior to issuance of building permits	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 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	During construction	Developer

MITIGATION MEASURES	MONITORING ACTIVITY/TIMING	RESPONSIBILITY
to remove accumulated materials.		
The project shall comply with Regional Air Quality Standards.	During construction	Developer
Construction hours shall be limited in accordance with the Grading Ordinance and Municipal Code.	During construction	Developer

# Vicinity Map







## M E M O

**To:** Darrell Gentry; DWG Consulting

**From:** Hans Giroux, Senior Analyst

**Subject:** San Marcos Sonic Drive-In Greenhouse Gases (GHG) Emissions

**Date:** November 16, 2012

**Via e-mail:**

As per your request, we have calculated the GHG emissions associated with proposed operation of a Sonic Restaurant Drive-In at the southeast corner of Grand Avenue and Via Vera Cruz in the City of San Marcos. The Implementation Plan for the project area requires development of a Climate Action Plan (CAP) no later than October 1, 2013. In the interim, any project within the study area must quantify its direct, indirect and cumulative GHG emissions. The adopted CEQA threshold of significance is 900 metric tons (MT) of CO<sub>2</sub>-equivalent emissions per year. If that threshold is predicted to be exceeded, an analysis of all feasible measures must be performed that would reduce the GHG emissions attributable to the project to a level of insignificance.

Sources of GHGs associated with operation of a drive-in and drive-thru restaurant include the following:

- Energy use – natural gas and electricity
- Vehicular emissions from site visitors as they enter or depart the facility
- Water use for food preparation, restaurant cooking and sanitary needs
- Solid waste generation of material to be landfilled
- Facility construction

Regional travel by site visitors will also contribute GHG emissions. Such emissions are difficult to quantify because a substantial number of customers derive from pass-by traffic headed for an ultimate destination other than the project site. Average trip lengths to fast-food restaurants are also somewhat shorter than typical home-to-shop trips such that reasonable assumptions must be made to determine vehicle miles traveled (VMT). In the following analysis, vehicular GHG emissions from on-site maneuvering and from drive-thru idling have been calculated separately from regional travel.

GHG emissions were calculated by combining resource consumption (energy and water) and project generation of travel and solid waste with the accepted conversion factors to derive a GHG estimate. A construction activity contribution was added to the project burden assuming that construction GHG emissions are amortized over the project lifetime (assumed 30 years). Operational characteristics were provided by Sonic Restaurants from utility records and traffic counts from a comparable facility in Vista. As a comparison, GHG emissions from a 2,610 square foot fast food restaurant were calculated using the GHG module from the California emissions estimator computer model CalEEMod using ITE trip generation factors with an assumed 40 percent passby reduction.

The site-specific input data included the following:

- 1000 daily customers, each averaging 4 minutes on site to idle/maneuver
- 252,432 KWH of annual electricity
- 5,532 therms of natural gas
- 502,000 gallons of cooking & drinking water
- 341,000 gallons of irrigation water
- 305,000 gallons of sanitary service water
- 64.2 tons of solid waste
- 1000 daily customers averaging 5 miles of on-road travel to/from the site

The CalEEMod default model with 1020 daily trips (2.61 KSF X 650 trips/KSF X 0.6 non-passby) produced surprisingly similar results in terms of annual GHG emissions seen as follows (MT CO<sub>2</sub>-equivalent per year)

GHG Source	Site Specific Data	Default CalEEMod
Electrical Use	83.6	
Natural Gas Us	29.2	
Total Energy	112.8	63.1
Regional Travel	578.7	
On-Site Travel	131.4	
Total Travel	710.1	810.6
Solid Waste	37.2	13.7
Water Use (all)	4.6	4.6
Amortized Constr.	3.2	3.2
Total (no on-road)	289.2	
Total (w/ on-road)	867.9	895.2

Both approaches demonstrate that the proposed project would not cause the 900 MT per year significance threshold to be exceeded.

Please call me if you have any questions regarding our findings.

## Calculation Back-Up:

- Electrical generation in California generates 0.331 MT of CO<sub>2</sub>-equivalent emissions per mega-watt hour of electricity (CCAR General Reporting Protocol, Version 3.1, 2009)
- Natural gas combustion generates 54.6 MT per million cubic feet burned. Natural gas energy density is 96.7 cubic feet per therm (CCAR Protocol, 2009)
- Southern California water pumping and treatment averages 4.0 MT per million gallons, slightly more for treated, slightly less for irrigation. (BAAQMD BGM User's Guide)
- Solid Waste decomposition generates 0.58 MT per ton of waste from non-biogenic sources (EPA WARM Computer Model)
- In-facility exhaust emissions generate 361.7 grams of CO<sub>2</sub>-equivalent during 4 minutes of maneuvering, parking or waiting in the drive-thru (EMFAC2011 Computer Model)
- On-road emissions generate 1582.1 grams during 5 miles of travel at an average speed of 35 mph (EMFAC2011 Computer Model, San Diego County, light-duty auto)