Draft Initial Study/Mitigated Negative Declaration

ND19-002

San Marcos Boulevard/Bent Avenue Commercial

GPA18-0001

RZ18-0001

CUP18-0005

City of San Marcos

August 2019

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SMA

TABLE OF CONTENTS

LIST OF TABLES

LIST OF FIGURES

LIST OF APPENDICES (Appendices included on CD in back of document)

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I. INTRODUCTION

I. PURPOSE

This document is an Initial Study (IS) for evaluation of environmental impacts resulting from implementation of the San Marcos Boulevard/Bent Avenue commercial project. For the purposes of this document, the proposed development as described in Section II, Project Description, will be called the "project."

II. CALIFORNIA ENVIRONMENTAL QUALITY ACT REQUIREMENTS

As defined by Section 15063 of the State of California Environmental Quality Act (CEQA) Guidelines, an IS is prepared to provide the Lead Agency with information to use in deciding to prepare either an Environmental Impact Report (EIR) or a Negative Declaration (ND) as the most appropriate environmental documentation for the proposed discretionary action. The City of San Marcos (City) is designated the Lead Agency, in accordance with Section 15050 of the CEQA Guidelines. The Lead Agency is the public agency with the principal responsibility for approving a project that may have significant effects upon the environment.

Through this IS, the City has determined that although the project could have a significant effect on the environment, mitigation has been included to bring all potential impacts to less than significant levels. This determination was made based upon technical analysis, factual data, and other supporting documentation. Therefore, a Mitigated Negative Declaration (MND) is being proposed. The IS/MND will be circulated for a period of 30 days for public review. Comments received on the document will be considered by the City before it acts on the proposed project.

This IS has been prepared in conformance with CEQA of 1970, as amended (Public Resources Code, Section 21000 et. seq.) and Section 15070 of the State Guidelines for Implementation of CEQA of 1970, as amended (California Code of Regulations, Title 14, Chapter 3, Section 15000, et seq.).

III. INTENDED USES OF INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

This IS, along with the attached MND, is an informational document intended to inform City decision-makers, other responsible or interested agencies, and the public of potential environmental effects of the proposed project. The environmental review process has been established to enable public agencies to evaluate environmental consequences and to examine and implement methods of eliminating or reducing any potentially adverse impacts.

IV. CONTENTS OF DOCUMENT

This IS/MND is organized to facilitate a basic understanding of the existing setting and environmental implications of the proposed project as follows:

I. INTRODUCTION identifies the City contact persons involved in the process, scope of environmental review, environmental procedures, and incorporation by reference documents.

II. PROJECT DESCRIPTION describes the proposed project. A description of proposed discretionary approvals and permits required for project implementation is also included.

III. ENVIRONMENTAL CHECKLIST FORM presents the results of the environmental evaluation for the proposed project and those issue areas that would have a significant impact, potentially significant impact, a less than significant impact with mitigation incorporation, or no impact.

IV. ENVIRONMENTAL ANALYSIS evaluates each response provided in the environmental checklist form. Each response checked is discussed and supported with sufficient data and analysis. As appropriate, each response discussion describes and identifies specific impacts anticipated with project implementation. In this section, mitigation measures are also recommended, as appropriate, to reduce adverse impacts to levels of "less than significant" where possible.

V. MANDATORY FINDINGS presents Mandatory Findings of Significance in accordance with Section 15065 of the CEQA Guidelines.

VI. PERSONS AND ORGANIZATIONS CONSULTED identifies those persons consulted and involved in preparation of this IS.

VII. REFERENCES lists bibliographical materials used in preparation of this document.

VIII. MITIGATED NEGATIVE DECLARATION

IX. FINDINGS

V. SCOPE OF ENVIRONMENTAL ANALYSIS

For evaluation of environmental impacts, each question from the environmental checklist form is stated and responses are provided according to the analysis undertaken as part of the IS. All responses take into account the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts. Project impacts and effects will be evaluated and quantified, when appropriate. To each question, there are four possible responses, including:

1. **No Impact:** A "No Impact" response is adequately supported if the referenced information sources show that the impact simply does not apply to the proposed project.

2. **Less Than Significant Impact:** Development associated with project implementation will have the potential to impact the environment. These impacts, however, will be less than the thresholds that are considered significant and no additional analysis is required.

3. **Less Than Significant With Mitigation Incorporated:** This applies where incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to "Less Than Significant Impact." The Lead Agency must describe the mitigation measures and explain how the measures reduce the effect to a less than significant level.

4. **Potentially Significant Impact:** Future implementation will have impacts that are considered significant and additional analysis and possibly an EIR are required to identify mitigation measures that could reduce these impacts to less than significant levels.

VI. PERMITS AND ENTITLEMENTS FOR PROJECT APPROVAL

The requested entitlements for the project include the following:

- **General Plan Amendment (GPA18-0001)** to change the existing Mixed Use 1 (MU1) land use designation to Commercial (C).

- **Rezone (RZ18-0001)** to change the existing (MU-1) Mixed-Use-1 zone to (C) Commercial zone.

- **Conditional Use Permit (CUP18-0005)** to allow for a drive-thru in conjunction with the proposed restaurant and to address site plan design review, architecture, floor plans, landscaping and other development criteria.

- Additional permits required for project construction including Grading Permit, Improvement Plans, Landscape Plans and Building Permits.

- Approval from Vallecitos Water District.

- Approval from the San Diego County Department of Environmental Health (Public Health Permit for Food Facility)

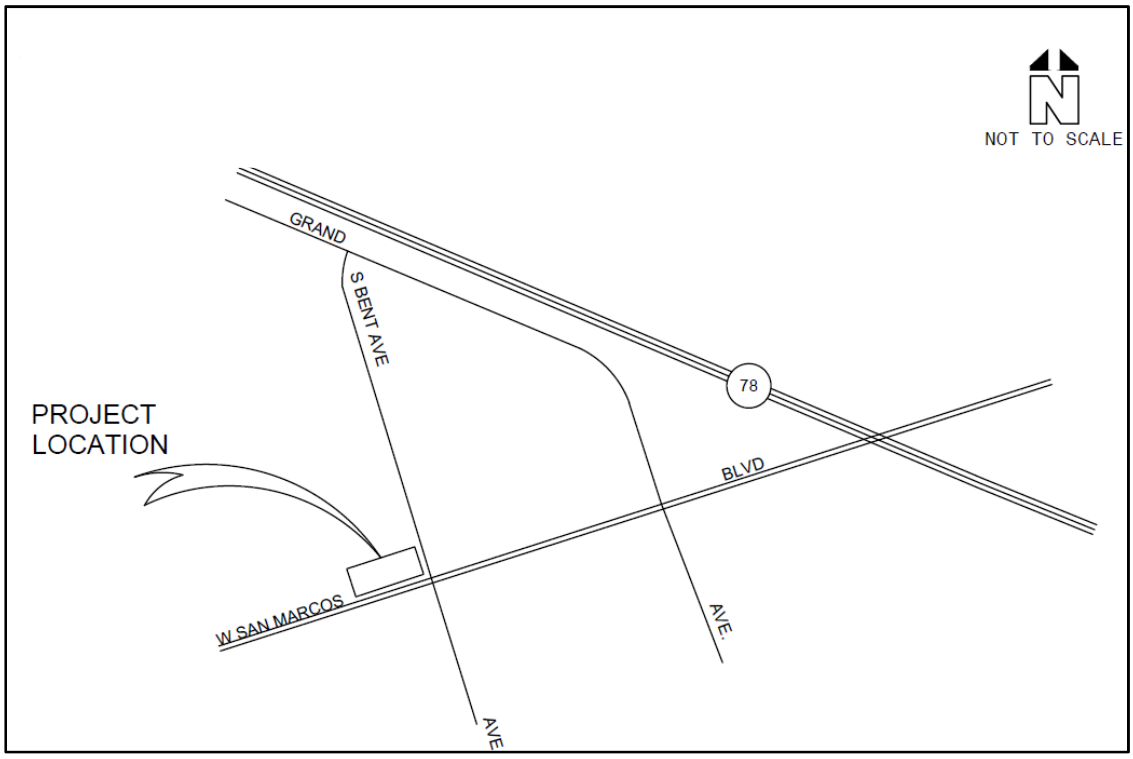
II. PROJECT DESCRIPTION

I. PROJECT LOCATION AND SETTING

The 0.86-acre project site is located in the Business/Industrial District of the City of San Marcos in North San Diego County. Specifically, the project site is located at the northwest corner of San Marcos Boulevard and Bent Avenue. The project site is bounded by San Marcos Boulevard on the south, Bent Avenue on the east, Fry's Electronics on the north and a neighborhood commercial shopping center to the west. The project site is graded and vacant with some mature trees along the northern, western and southern boundaries.

Per the Federal Emergency Management Agency (FEMA), the project site is located within Zone AE and the southern portion of the project site is within a regulatory floodway. The Assessor Parcel Numbers (APNs) are 219-331-39 and 219-331-40. **Figure 1** provides the location of the project area.

Figure 1. Vicinity Map

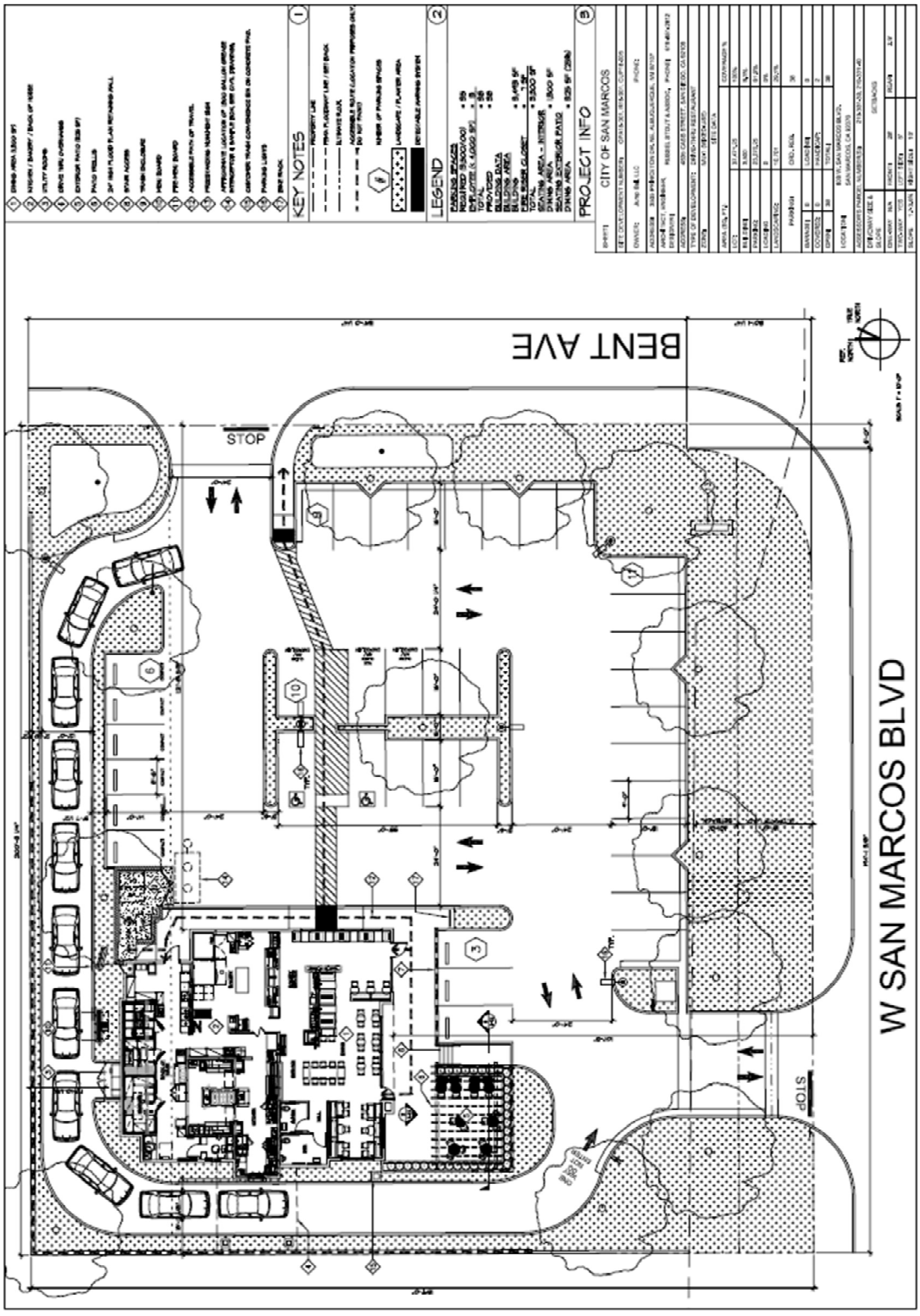


II. PROJECT DESCRIPTION

The project applicant is requesting approval of a General Plan Amendment, Rezone, and Conditional Use Permit to construct a restaurant with a drive-thru.

Restaurant - The project proposes to construct a 3,500-square foot (s.f.) restaurant with drive-thru. The restaurant will have both interior and approximately 325 s.f. of exterior seating. The drive-thru lane, which will be located along the northern and western boundary of the project site, has been designed to accommodate space for queueing for 11 vehicles. **Figure 2** provides a layout of the project and the complete project plans are included in **Appendix A.1**.

Figure 2. Site Plan



Landscape Concept Plan – The project site is vacant. There are ten existing trees on the project site, including one eucalyptus tree on the northern boundary, one melaleuca and three fan palms on the eastern boundary, and five camphor trees along the project frontage on San Marcos Boulevard. Construction of the project will require the removal of three trees. These trees will be replaced at a 4.3:1 ratio, with 13 new trees being planted as part of the landscape concept plan. The proposed planting palette detailing the specific types of the trees, shrubs, perennials, succulents, grasses and groundcovers to be planted is included as part of **Appendix A.2**. Landscaping will cover 29.1 percent of the project site and the project will also comply with the City's Model Water Efficient Landscape Ordinance (WELO).

Circulation and Parking – Vehicular access to the project site would be via two 24-foot wide driveways, one off of San Marcos Boulevard and one off of Bent Avenue. Internal vehicular circulation within the project is via 24-foot wide drive lanes. An accessible path of travel is located within the project site connecting the sidewalk on Bent Avenue to the project entrance. The project will also provide a bicycle rack for bicycle parking.

The project proposes 38 parking spaces, two of which will be accessible. Additionally, three of the spaces will be marked for clean air/carpool/electric vehicles, which is consistent with building code requirements.

Architectural Design - The commercial building will be 27 feet in height. Architectural detailing/enhancements will break up the bulk and scale of the buildings. The project proposes the use of stucco with complimentary brick accent detailing. **Figure 3** provides a schematic of the elevations for the west, north, east and south sides of the building.

Utility Improvements - The project site is within the Vallecitos Water District (VWD) water and sewer service boundaries and VWD has indicated they can serve the project (VWD 2018). For water service, the project will connect to existing VWD infrastructure located in Bent Avenue. For sewer service, the project will construct approximately 630 feet of new 8-inch sewer pipeline within Bent Avenue.

Stormwater Management – Stormwater management includes the use of two biofiltration catch basins with underdrain located adjacent to Bent Avenue, a proprietary flow-thru treatment within a landscaped area, and an underground detention vault sized to attenuate the 100-year flows to pre-development conditions. Runoff will eventually be released onto San Marcos Boulevard at a controlled rate to match the existing drainage conditions on the site.

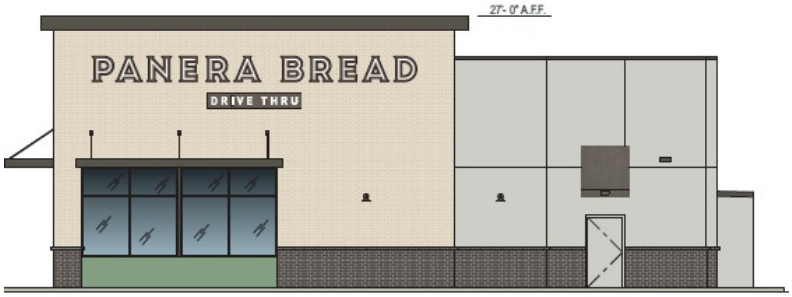
Grading - Grading will be required for the project to prepare the site for the new construction and to result in a finished floor elevation that is four feet above the base flood elevation. The project will import approximately 1,700 cubic yards (cy) of material from the project site. Assuming the use of 10 cy haul trucks, this would represent 170 truck trips. Soil import is expected to take 6 days with approximately 29 trucks per day. A concrete retaining wall, up to six feet in height, is proposed along portions of the northern and western project boundary.

Construction Schedule - Assuming receipt of all necessary approvals, the project would begin construction activities in December 2019 and with an opening date in mid-2020.

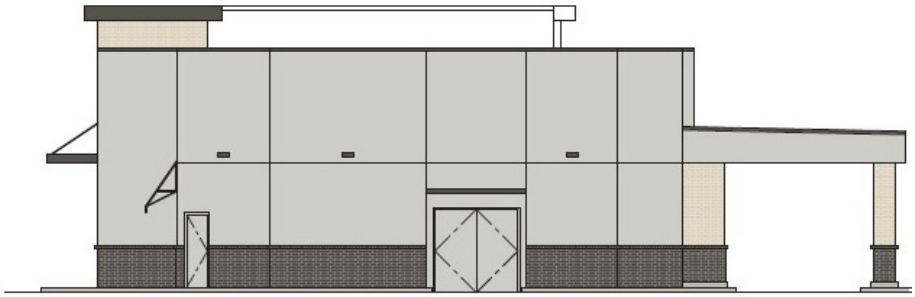
Project Design Features - The project includes design features which would reduce potential impacts and the project would adhere to applicable regulatory requirements, as identified in **Table 1**.

Figure 3. Architectural Elevations

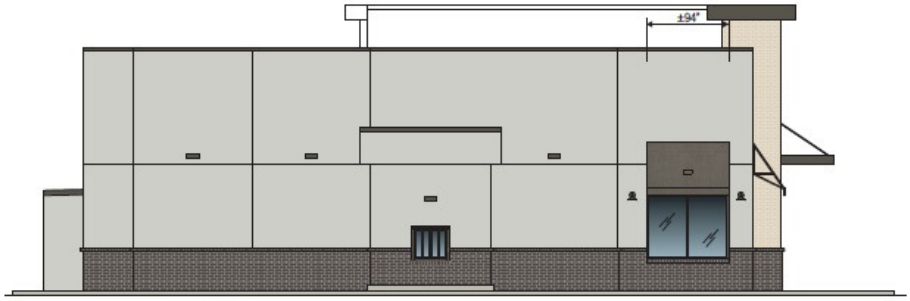
West Elevation



North Elevation



East Elevation



South Elevation

Table 1. Project Design Features

Aesthetics • Implementation of the landscape plan. • Planting of 13 trees to replace the three trees to be removed during project construction. • Implementation of the proposed architectural treatments.
Air Quality • The project shall comply with Section 87.426 of the City's Grading Ordinance and implement dust control measures. These measures include watering of active grading sites and unpaved roads a minimum of twice daily, replacement of ground cover as quickly as possible, reducing speeds on unpaved roads/surfaces to 15 miles per hour or less, and reducing dust during unloading and loading operations. • Low-VOC coatings shall be used for all buildings, as required under San Diego Air Pollution Control District (SDAPCD) Rule 67.0. • Heavy diesel construction equipment shall be rated Tier 3 or better.
Greenhouse Gases • Installation of smart meters. • Use of programmable thermostats for HVAC system. • Provision of a bicycle rack. • Provision of three electric vehicle parking spaces. • Connectivity to offsite pedestrian facilities (e.g., internal path of travel and connections to sidewalks). • Accessible to public transit. • Use of low-maintenance, drought-tolerant plants in the landscaping plan. • Compliance with the City's Water Efficient Landscape Ordinance.
Utilities and Services Systems - Water and Wastewater • Pay Water Capital Facility Fees per VWD Ordinance No. 175. • Pay Wastewater Capital Facility Fees per VWD Ordinance No. 176. • Construct 630 feet of new 8-inch sewer pipeline within Bent Avenue.

III. ENVIRONMENTAL CHECKLIST

I. BACKGROUND

1. **Project Title:** San Marcos Boulevard/Bent Avenue Commercial

2. **Lead Agency Name and Address:**
   City of San Marcos
   1 Civic Center Drive
   San Marcos, CA 92069

3. **Contact Person and Phone Number:**
   Norman Pedersen Associate Planner
   760-744-1050 ext. 3236
   npedersen@san-marcos.net

4. **Project Location:** The 0.86-acre project site is located at the northwest corner of San Marcos Boulevard and Bent Avenue (800 West San Marcos Boulevard).

5. **Project Sponsor's Name and Address:**
   Jump Ball, LLC
   3535 Princeton Drive NE
   Albuquerque, NM 87107

6. **General Plan and Zoning Designations:** The project site has a General Plan Designation of Mixed Use 1 (MU 1) and a zoning designation of MU-1 (Mixed-Use-1). The project is proposing a General Plan Amendment and rezone to change the designation and zoning to Commercial (C).

7. **Description of Project:** Please see Section II for project description.

8. **Surrounding Land Uses and Setting**: The project site is located within the Business/Industrial District. The site is bounded by West San Marcos Boulevard on the south, Bent Avenue on the east, Fry's Electronics on the north and a neighborhood commercial shopping center to the west. The project vicinity is developed with commercial uses. A bank, carwash/oil change shop and Smart & Final grocery store are located east of the project on the opposite of Bent Avenue. An empty lot, an oil change shop and self-storage facility are located southeast of the project. A neighborhood commercial center is located south of the project site on the opposite side of San Marcos Boulevard.

9. **Other Public Agencies Whose Approval is Required:** Vallecitos Water District and San Diego County Department of Environmental Health

II. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Mitigated to Below a Level of Significance," as indicated by the checklist on the following pages. All impacts identified for the project will be mitigated to below a level of significance.

(PLACE "X'S" IN APPROPRIATE BOXES BELOW)

- □ Aesthetics
- □ Agriculture and Forestry Resources
- □ Air Quality
- X **Biological Resources**
- X **Cultural Resources**
- X **Geology and Soils**
- □ Greenhouse Gas Emissions
- □ Hazards and Hazardous Materials
- □ Hydrology and Water Quality
- □ Land Use and Planning
- □ Mineral Resources
- □ Noise
- □ Population and Housing
- X **Public Services**
- □ Recreation
- X **Transportation / Traffic**
- X **Tribal Cultural Resources**
- □ Utilities and Service Systems
- □ Mandatory Findings of Significance

III. 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 on the environment, 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 ENVIRONMENTAL IMPACT REPORT or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier ENVIRONMENTAL IMPACT REPORT or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

N. Pedersen 7/29/19

Norman Pedersen, Associate Planner — Date

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
I. AESTHETICS. Would the project:				
a) Have a substantial adverse effect on a scenic vista?			X	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State Scenic Highway?				X
c) Substantially degrade the existing visual character or quality of the site and its surroundings?			X	
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?			X	
II. AGRICULTURE AND FORESTRY 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 Department 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 Legacy Assessment Project and the 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?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined in Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
e) Involve other changes in the existing environment that, 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?				X
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?			X	
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			X	
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			X	

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?				
d) Expose sensitive receptors to substantial pollutant concentrations?			X	
e) Create objectionable odors affecting a substantial number of people?			X	
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 Wildlife or U.S. Fish and Wildlife Service?		X		
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 Wildlife or U.S. Fish and Wildlife Service?				X
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?				X
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?				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
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?				X
V. CULTURAL RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?		X		
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X	
d) Disturb any human remains, including those interred outside of dedicated cemeteries?		X		

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	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.				X
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?				X
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?			X	
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?			X	
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?		X		
e) Have soils capable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				X
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?			X	
b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?			X	
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?			X	
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?			X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to				X

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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?				X
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?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X	
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?				X
IX.HYDROLOGY AND WATER QUALITY. Would the project:				
a) Violate any water quality standards or waste discharge requirements?			X	
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?			X	
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)?			X	
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?			X	
e) Create a significant adverse environmental impact to drainage patterns due to changes in runoff flow rates or volumes?			X	
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?			X	
g) Create or contribute runoff water which would exceed the capacity of existing or planned storm			X	

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
water drainage systems or provide substantial additional sources of polluted runoff?				
h) Result in increased impervious surfaces and associated increased runoff?			X	
i) Result in significant alteration of receiving water quality during or following construction?			X	
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).			X	
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?			X	
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?			X	
m) Have a potentially significant environmental impact on surface water quality, to either marine, fresh or wetland waters?			X	
n) Otherwise substantially degrade water quality?			X	
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?				X
p) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?			X	
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?				X
r) Inundation by seiche, tsunami, or mudflow?				X
X. LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community?				X
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?			X	
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	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 a value to the region and the residents of the state?				X
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?				X
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?			X	
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			X	
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
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?				X
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?				X
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)?			X	
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X
XIV. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or 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 objectives for any of the public services:				
a) Fire protection?		X		
b) Police protection?		X		
c) Schools?				X
d) Parks?				X
e) Other public facilities?			X	

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	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?				X
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?				X
XVI. TRANSPORTATION/TRAFFIC. Would the project:				
a) Conflict with the 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?		X		
b) Conflict with an applicable congestion management plan, 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?				X
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?				X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
e) Result in inadequate emergency access?			X	
f) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?			X	
XVII. TRIBAL CULTURAL RESOURCES. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?		X		
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1. In applying the criteria set forth in		X		

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
subdivision (c) of Public Resources Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.				
XVIII. UTILITIES AND SERVICE SYSTEMS. Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			X	
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?			X	
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?			X	
d) Have sufficient water supplies available to serve the project from existing entitlements and resources or are new or expanded entitlements needed?			X	
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?			X	
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			X	
g) Comply with federal, state, and local statutes and regulations related to solid waste?			X	
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?		X		
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.)		X		
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?		X		

IV. ENVIRONMENTAL ANALYSIS

This section provides an evaluation of the impact categories and questions contained in the Environmental Checklist.

I. AESTHETICS

a) Have a substantial adverse effect on a scenic vista? No Impact

The project site is located within the Business/ Industrial District of the City of San Marcos. The Business/Industrial District is located in the west-central portion of San Marcos. The project vicinity is developed with a mix of commercial uses.

The City has a Ridgeline Protection and Management Overlay Zone to protect natural viewsheds and unique natural resources, minimize physical impacts to ridgelines, and to establish innovative sensitive architectures standards. The project site is not located in the Ridgeline Protection and Management Overlay Zone. Further, the project site does not include any primary or secondary ridgelines, as identified in Figure 4-5 of the Conservation and Open Element of the General Plan. The project site is flat and located at a lower elevation part of the City. Therefore, the project would not have a substantial adverse effect on a scenic vista and no impact is identified for this issue area.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State Scenic Highway? No Impact

The project site is located approximately 0.2 miles southwest of State Route 78 (SR-78). A portion of SR-78 is recognized as a Scenic Highway by Caltrans; however, that portion is not in the project vicinity. The portion identified as a Scenic Highway is approximately 50 miles east of the project site near Anza Borrego (Caltrans 2018). At a local level, SR-78 is designated by the City as a view corridor. The highway corridor provides view of the Merriam Mountains, Mount Whitney, and Double Peak.

The project would not impact views to these peaks from SR-78 since it is situated at a lower elevation than SR-78 and there is also intervening development (commercial buildings) between the project and SR-78. The project site is not visible from SR-78, Development of the project is not proposed on any area identified as a primary or secondary ridgeline in the City's Ridgeline Protection and Management Overlay Zone.

The project site is vacant and does not support any historic buildings. The project site does have ten existing trees, three of which will be removed during project construction. The project's landscape plan includes the planting of 13 new trees; therefore, the lost trees will be replaced at a 4.3:1 ratio. The project site does not support any significant rock outcroppings, or historic buildings as identified in or protected by the City's General Plan. In summary, the project would not damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State Scenic Highway. No impact would occur.

c) Substantially degrade the existing visual character or quality of the site and its surroundings? Less than Significant Impact

The project site is located in a developed part of the city. The project vicinity is developed primarily with commercial uses. A large commercial building, Fry's Electronics, is located immediately north of the project site. A neighborhood commercial center is located west of the project site. Additional commercial centers are located to the east (across Bent Avenue) and south (across San Marcos Boulevard).

Topographically, the project site is generally flat and located in the lower valley portion of the City. The site is currently vacant. Figure 3 presents the architectural renderings for the project. Architectural detailing/enhancements will break up the bulk and scale of the proposed building. The project proposes the use of stucco with complimentary brick accent detailing. Figure 3 provides a schematic of the elevations for the west, north, east and south sides of the building. Roof top equipment will be screened from public review. Proposed landscaping will further soften the look of the development. The landscape plan and palette are included in the project plan package which is included as Appendix A.2 of this document.

Grading will be required for the project to prepare the site for the new construction and to result in a finished floor elevation that is four feet above the base flood elevation. The project will import approximately 1,700 cubic yards (cy) of material from the project site. Assuming the use of 10 cy haul trucks, this would represent 170 truck trips. Soil import is expected to take 6 days with approximately 29 trucks per day. A concrete retaining wall, up to six feet in height, is proposed along portions of the northern and western project boundary. Per the landscape plan, 15-gallon purple hopseed bushes will be planted at the base of the wall and, as they grow, will provide screening to the retaining wall. The complete landscape plan is included as Appendix A.2 of this document.

The project is developing on a vacant lot in a developed portion of the city and includes implementation of architectural and landscaping plans that are aesthetically pleasing and compatible with the surrounding development, the project would not substantially degrade the existing visual character or quality of the site or its surroundings. Impacts would be less than significant.

d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area? Less than Significant Impact

The project site is currently vacant but located in a developed portion of the City. The project will incorporate lighting for safety, security and way finding. The project proposes to use 16-foot high pole lights for the parking area and additional lighting for walkways. Exterior building lighting includes awning lighting and wall sconces. Development of the proposed project would be required to comply with the City's lighting standards, and the location, type, and direction of the lighting would be reviewed during Improvement Plan review to ensure compliance. The City's standards require cut-off lighting fixtures to direct light downwards and avoid spillage onto adjacent properties.

Landscaping will be used along the project boundaries to provide screening and minimize nuisance from vehicle headlights in the drive-thru.

Additionally, proposed exterior finishes (stucco with brick accents) would not be characterized as inducing glare. Therefore, the project would not create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area. Impacts would be less than significant.

II. AGRICULTURE AND FORESTRY RESOURCES

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? No Impact

The project site is not mapped as prime farmland, unique farmland, or farmland of statewide importance, as determined by the Farmland Mapping and Monitoring Program, as shown in the San Marcos General Plan (Figure 4-4, Agricultural Areas). Therefore, the project would not result in the conversion of prime farmland, unique farmland, or farmland of statewide importance. No impact is identified.

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? No Impact

The project site has a General Plan designation of Mixed Use 1 (MU1) and a zoning designation of Mixed-Use-1 (MU-1). The project proposes a General Plan amendment and rezone to change the project site to Commercial (C). The project site is not located within a Williamson Act contract area. Therefore, the project would not conflict with existing zoning for agricultural use or a Williamson Act contract. No impact is identified.

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined in Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))? No Impact

The project site has a General Plan designation of Mixed Use 1 (MU1) and a zoning designation of Mixed-Use-1 (MU-1). The project proposes a General Plan amendment and rezone to change the project site to Commercial (C). Therefore, the proposed project is not located in an area that is zoned for forest land, timber land or for timber production. Implementation of the proposed project would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production. No impact is identified.

d) Result in the loss of forest land or conversion of forest land to non-forest use? No Impact

The project site does not support forests, nor is there any forest land adjacent to the project site. The project site is vacant with some street trees along the frontage of San Marcos Boulevard. Therefore, the proposed project would not result in the loss of forest land or the conversion of forest land to non-forest use. No impact is identified for this issue area.

e) Involve other changes in the existing environment that, 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? No Impact

The project site is located within the Business/Industrial District of the City and is located in a developed portion of the City. There is existing development on both sides of the project site. The project area does not support any agricultural or forest land. Therefore, the project would not 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. No impact is identified for this issue area.

III. AIR QUALITY

An air quality report was prepared for the project by Ldn Consulting (LDN) (2019a) and is included as **Appendix B** of this document.

a) Conflict with or obstruct implementation of the applicable air quality plan? Less than Significant Impact

The proposed project is related to the Regional Air Quality Strategy (RAQS) and/or State Implementation Plan (SIP) through the land use and growth assumptions that are incorporated into the air quality planning process. Both air quality plans contain strategies for the region to attain and maintain the ambient air quality standards. Projects that are consistent with existing General Plan documents and subsequent SANDAG population projections, which are used to develop air emissions budgets for air quality planning and attainment demonstrations, would be consistent with the San Diego Air Basin's (SDAB) air quality plans, including the RAQS and SIP. Provided a project proposes the

same or less development as accounted for in the General Plan document, and provided the project is in compliance with applicable Rules and Regulations adopted by the San Diego Air Pollution Control District (SDAPCD) through their air quality planning process, the project would not conflict with or obstruct implementation of the RAQS or SIP.

The project involves construction of a 3,500 square foot restaurant with drive thru. The General Plan designation for the site, Mixed Use 1 (MU 1), is intended for a variety of commercial, office and residential uses integrated as a cohesive development. A maximum floor area ratio of 1.75 and a density of 20.1 – 30.0 dwelling units/acre (du/ac) is permitted under this designation. The project proposes to change the General Plan designation to Commercial (C) to allow for the proposed use. Anticipated air emissions would be similar as what would be expected under the current designation. Furthermore, the project would comply with all applicable rules and regulations that have been adopted as part of the SIP. Therefore, the project would not conflict with or obstruct implementation of the applicable air quality plan. Impacts would be less than significant.

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? Less Than Significant Impact

Air quality emissions were calculated as part of the greenhouse gas study prepared by LDN (2019a).

Table 2 shows the state and federal attainment status for criteria pollutants in the San Diego Air Basin (SDAB). As shown, the SDAB is a nonattainment area for the state and federal O_3 standards and for the state PM_{10} and $PM_{2.5}$ standards.

Table 2. Attainment Status of Criteria Pollutants in San Diego Air Basin

Pollutant	Federal	State
Ozone (8-Hour)	Nonattainment	Nonattainment
Ozone (1-Hour)	Attainment (1)	Nonattainment
Carbon Monoxide (CO)	Attainment	Attainment
Particulate Matter–10 microns (PM_{10})	Unclassified (2)	Nonattainment
Particulate Matter–2.5 microns ($PM_{2.5}$)	Attainment	Nonattainment
Nitrogen Dioxide (NO_2)	Attainment	Attainment
Sulfur Dioxide (SO_2)	Attainment	Attainment
Lead	Attainment	Attainment
Sulfates	No Federal Standard	Attainment
Hydrogen Sulfide	No Federal Standard	Unclassified
Visibility	No Federal Standard	Unclassified

Source: SDAPCD 2017.
Notes:
(1) The federal 1-hour standard of 12 ppm was in effect from 1979 through June 15, 2005. The revoked standard is referenced because it was employed for such a long period and because this benchmark is addressed in State Implementation Plans.
(2) At the time of designation, if the available data does not support a designation of attainment or nonattainment, the area is designated as unclassifiable.

The SDAPCD establishes significance criteria for air quality emissions through Rule 20.2. The screening thresholds are shown in **Table 3**. These criteria can be used as numeric indicators that demonstrate whether a project's emissions would result in a significant impact to air quality. Any project with daily construction- or operation-related emissions that exceed any of the following thresholds would be considered to have a significant air quality impact and modeling would be required to demonstrate that the project's total air quality impacts result in ground-level concentrations that are below State and Federal Ambient Air Quality Standards, including appropriate background levels. For nonattainment pollutants (O_3, with ozone precursors NOx and VOCs, and PM_{10}), if emissions exceed the thresholds shown below, the project could have the potential to result in a cumulatively considerable net increase in these pollutants.

Table 3. Screening-Level Thresholds for Criteria Pollutants

Pollutant	Total Emissions (lbs per day)
Construction Emissions	
Respirable Particulate Matter (PM_{10})	100
Fine Particulate Matter ($PM_{2.5}$)	55
Oxides of Nitrogen (NOx)	250
Carbon Monoxide (CO)	550
Volatile Organic Compounds (VOCs)[1]	75
Reactive Organic Gases (ROG) SCAQMD	75
Operational Emissions	
Respirable Particulate Matter (PM_{10})	100
Fine Particulate Matter ($PM_{2.5}$)	55
Nitrogen Oxide (NOx)	250
Sulfur Oxide (SOx)	250
Carbon Monoxide (CO)	550
Lead and Lead Compounds	3.2
Volatile Organic Compounds (VOC)	75
Reactive Organic Gases (ROG) SCAQMD	75

Note: (1) SDAPCD does not have an air quality impact threshold for VOCs. The South Coast Air Quality Management District threshold for the Coachella Valley is used for this analysis.

Construction Emissions (Proposed Project)

Construction activities for the project would include minor site grading and preparation, paving, building construction, and architectural coating application. A total of 1,700 cubic yards of impact is anticipated for the project.

All phases of the proposed project (e.g., grading, paving, and construction) are anticipated to start in late 2019 and be completed in 2020. Consistent with SDAPCD's fugitive dust rules/fugitive dust control measures outlined in Section 87.426 of the City's Grading Ordinance, the project would implement fugitive dust control measures during grading, which would include watering the site a minimum of twice daily to control dust, as well as reducing speeds on unpaved surfaces to 15 mph or less, replacing ground cover in disturbed areas quickly, and reducing dust during loading/unloading of dirt and other materials. In addition, the project would use low-VOC paints that would not exceed 100 grams of VOC per liter for interior surfaces and 150 grams of VOC per liter for exterior surfaces, in accordance with the requirements of SDAPCD Rule 67.0 for architectural coatings. The project

would also require that all heavy diesel construction equipment be rated Tier 3 or better. These requirements have been identified as project design features for the project in Table 1.

Construction equipment anticipated to be used for the project are identified in Table 3.1 of air quality report, included as Appendix B of this document.

Table 4 presents the anticipated construction emissions for the project, incorporating the identified project design features.

Table 4. Construction Emissions (lbs/day)

Year	ROG	NOx	CO	SO_2	PM_{10} (Total)	$PM_{2.5}$ (Total)
2019	0.466	14.477	7.150	0.037	1.839	0.718
2020	16.389	3.488	4.297	0.007	0.044	0.034
Significance Threshold (lbs/day)	*75*	*250*	*550*	*250*	*100*	*55*
Exceeds Screening Threshold?	**No**	**No**	**No**	**No**	**No**	**No**

Source: LDN 2019a

As shown in Table 4, maximum daily emissions would be below the significance thresholds for all criteria pollutants and construction emissions impacts would be less than significant.

Operational Emissions (Proposed Project)

Operational impacts associated with the project would include area sources, energy use, mobile sources, waste, and water use. Area sources include consumer products, landscaping, and architectural coatings applied during routine maintenance. Emissions associated with project operations were estimated based on the project's overall trip generation of 2,048 ADT. An average trip length of 5.54 miles was used. **Table 5** provides a summary of the estimated operational emissions for the proposed project. As shown, operational emissions associated with the project would be below the significance thresholds for all criteria pollutants.

In summary, since the project would not result in any construction- or operation-related emissions above the significance thresholds, the project would not violate any air quality standard or contribute substantially to an existing or projected air quality violation. Impacts would be less than significant.

Micro-Scale Operational Findings

The traffic study prepared for the project (LLG 2019) reported that the project would maintain classification of Level of Service (LOS) of E or worse directly at the intersection of West San Marcos Boulevard/Bent Avenue and is expected to operate with over 3,000 vehicles during the AM and PM peak-hours. **Table 6** shows the number of peak hour vehicles using this intersection during the AM and PM peak hours. Utilizing CALINE4 CO emissions were found to be less than the California Ambient Air Quality Standards (CAAQS).

Table 5. Operations Emissions (lbs/day)

	ROG	NOx	CO	Sox	PM10	PM2.5
Summer Scenario						
Area Source Emission Estimates Mitigated (lbs/day)	0.097	0.000	0.000	0.000	0.000	0.000
Energy Emission Estimates Mitigated (lbs/day)	0.018	0.164	0.138	0.001	0.013	0.013
Mobile Emission Estimates Mitigated (lbs/day)	2.985	9.679	19.958	0.049	3.471	0.962
Total (lbs/day)	**3.100**	**9.843**	**20.096**	**0.050**	**3.483**	**0.974**
Screening Level Thresholds	75	250	550	250	100	55
Significant Impact?	**No**	**No**	**No**	**No**	**No**	**No**
Winter Scenario						
Area Source Emission Estimates (lbs/day)	0.097	0.000	0.000	0.000	0.000	0.000
Energy Emission Estimates (lbs/day)	0.018	0.164	0.138	0.001	0.013	0.013
Mobile Emission Estimates (lbs/day)	2.894	9.733	21.795	0.046	3.472	0.963
Total (lbs/day)	**3.009**	**9.897**	**21.933**	**0.047**	**3.484**	**0.975**
Screening Level Thresholds	75	250	550	250	100	55
Significant Impact?	**No**	**No**	**No**	**No**	**No**	**No**

Source: LDN 2019a
Note: Daily pollutant generation assumes trip distances with CalEEMod

Table 6. Intersections with LOS E or Worse and Delay

Intersection	Scenario	AM/PM	Number of peak-hour Vehicles
W. San Marcos Blvd/Bent Ave.	Cumulative plus Project	AM	4,881
		PM	6,001

The CALINE4 model was set up to show a typical intersection with a north, east, south and west segment extending a typical 50-meters in every direction. Peak hour segment volumes were taken from the peak-hour turning movements within the project traffic study (LLG 2019) for the intersection analyzed above. Receptors were assumed to be roughly 25-feet to each roadway which represents a worst-case environment. The EMFAC2014 model was run to determine the emission factors for 2025 or approximately when the cumulative traffic impacts would be expected.

It should be noted that the traffic impacts would be mitigated by the project and cumulative projects through fair share contributions. The mitigation would include widening the roads and providing dedicated left, thru and right turn lanes at the intersection of West San Marcos Boulevard and Bent Avenue.

Table 7 identifies both the 1-hour emission concentration predictions and the 8-hour average after utilizing the carbon dioxide persistence factor of 0.7. Based on model output results, no CO impacts are expected for this intersection. Based on this calculation, since all other remaining intersections have lower traffic volumes, we can conclude that all other remaining intersections would also comply with the CAAQS. The EMFAC 2014 emission factors and the CALINE output included in Attachments D and E of Appendix B of this document.

Table 7. Expected Carbon Monoxide Hot Spot Concentration Levels

Intersection	Existing plus Cumulative plus Project (Worst Case)		
	Vehicles Per Hour	Predicted Concentration (PPM)	
		1-hour	8-hour
W. San Marcos Blvd./Bent Ave. AM Peak Hour	4,881	3.9	2.73
W. San Marcos Blvd./Bent Ave. PM Peak Hour	6,001	4.0	2.80
CAAQS - Significant Thresholds		20	9
Significant Impact?		**No**	**No**

Source: LDN 2019a
Note: Traffic volumes obtained from project traffic study (LLG 2019).

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)? Less Than Significant Impact

The project would generate air emissions during project construction and operation. As identified above, the SDAB is a nonattainment area for state and federal O_3 standards and for state PM_{10} and $PM_{2.5}$ standards. Evaluating whether the project could result in a cumulatively considerable impact on air quality relies on both the project's consistency with the RAQS and the SIP, which address attainment of the O_3 standards, and the potential for the project to result in a cumulatively considerable impact due to particulate emissions.

As part of the RAQS and SIP planning process, the SDAPCD develops an emission inventory, based on projections from SANDAG, of growth in the region as well as on information maintained by the SDAPCD on stationary source emissions within the SDAB. The SDAPCD then uses the emission inventory to conduct airshed modeling, to demonstrate that the SDAB will attain and maintain the O_3 standards. Provided a project's emissions are consistent with the projections within the RAQS and SIP, the project would not result in a cumulatively considerable impact on O_3 within the SDAB.

With regard to emissions of O_3 precursors NOx and VOCs during construction, the SIP includes emissions associated with construction in its emissions budget and therefore within its attainment demonstration. As identified above, the O_3 precursor emissions associated with project construction are well below the screening level thresholds. Therefore, the project would not result in additional emissions of O_3 precursors above those projected in the attainment demonstration for O_3. The project would therefore not result in a cumulatively considerable impact to O_3 levels within the SDAB. In summary, the project would not result in a cumulatively considerable net increase of O_3, PM_{10}, or $PM_{2.5}$ standards, for which the project region is non-attainment.

d) Expose sensitive receptors to substantial pollutant concentrations? Less Than Significant Impact

Sensitive receptors are defined as schools, hospitals, resident care facilities, and day-care centers, as well as residential receptors in the project vicinity. The closest sensitive receptor is a preschool located at 933 West San Marcos Boulevard.

Pursuant to SDAPCD Rule 1200, new, relocated, or modified emission units that may increase emissions of one or more toxic air contaminant (TAC) must be evaluated for risk to sensitive receptors. If a project has the potential to result in emissions of any TAC which results in an increased cancer risk between 1 and 10 in one million, the project would be deemed to have a potentially significant impact and toxics best available control technology (T-BACT) would need to be implemented. All heavy diesel equipment to be used by the project will be Tier 3 or better. Commercial uses, such as those proposed under the project, do not typically emit substantial amounts of TACs. With the use of T-BACT measures, the risk would decrease below 1 in one million. Therefore, the project would not expose sensitive receptors to substantial pollutant concentrations. Impacts would be less than significant.

e) Create objectionable odors affecting a substantial number of people? Less Than Significant Impact

For operations, according to the *SCAQMD CEQA Air Quality Handbook* (SCAQMD 1993), land uses associated with odor complaints are agricultural operations, wastewater treatment plants, food processing plants, chemical plants, composting facilities, refineries, landfills, dairies, and fiberglass molding plants. The project is not in any of these categories, and is not proposing any of these uses.

Potential onsite odor generators would include short-term construction odors from activities such as paving and painting. Given this, short-term of these construction activities and the absence of sensitive receptors in the project vicinity, construction odors would not be considered an impact.

Once operational, the proposed project may generate odors from baking bread or cooking food. In order for this to be a significant impact, the odors would generally need to be defined as objectionable by a significant number of people. Based on the odors which may be produced by the building tenant (a restaurant with bakery), less than significant odor impacts from operations would be expected.

Furthermore, all sources within the SDAB are subject to Rule 51, Nuisance, which requires that a facility "shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public or which endanger the comfort, repose, health, or safety of any such persons or the public or which cause or have a natural tendency to cause injury or damage to business or property." Rule 51 prohibits emissions of odors that would cause a nuisance. Therefore, the Project is not considered a source of objectionable odors from operations.

Because the project would not generate objectionable odors or place sensitive receptors near existing odor sources that would affect a considerable number of persons or the public during Project construction or operation, odor impacts are less than significant.

IV. BIOLOGICAL RESOURCES

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

The project site is vacant but there are existing trees along the project's southern, western and northern boundary. Three of these trees will need to be removed to make room for project infrastructure. Trees can provide nesting places for species protected under the Migratory Bird Treaty Act (MBTA). If trees area removed during the breeding season, a potential impact could occur (**Impact BIO-1**). Implementation of the following mitigation measures, which would be required as a condition of project approval, would reduce this potential impact to below a level of significance.

MM-BIO-1a In order to avoid and minimize impacts to nesting birds (pursuant to the Migratory Bird Treaty Act), no removal of ornamental trees will occur during the avian breeding season (February 15 through August 31) within the project area, unless preconstruction surveys indicate that active nests are not present on the site or in surrounding areas. If surveys show that nesting birds are present, mitigation measure MM-BIO-1b would be implemented.

MM-BIO-1b If nesting birds are found during the preconstruction survey performed under MM-BIO-1a, a no-work buffer would be placed around the nest. The no-work buffer size would be determined by a qualified biologist and would vary based on site conditions and type of work to be conducted and what species are nesting. The no-work buffer would be maintained until the end of the breeding season or until surveys by a qualified biologist confirm that fledglings are no longer dependent on nest. If no nesting birds are detected during pre-construction surveys, no restrictions would be necessary and construction may proceed as planned.

Implementation of MM-BIO-1a and MM-BIO-1b would reduce impacts to MBTA-covered species to less than significant. Additionally, the project will implement a landscape plan includes planting of 13 replacement trees.

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 Wildlife or U.S. Fish and Wildlife Service? No Impact

The project site is graded and is located in an urbanized portion of the city. Based upon a site visit conducted on September 10, 2018 and a review of aerial photography, the project does not support any riparian habitat nor does it support any sensitive natural communities identified in local or regional plans, policies, regulations or by the CDFW or USFWS. No impact is identified for this issue area.

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? No Impact

The project site is graded and located in a developed part of the City. Based upon a site visit conducted on September 10, 2018 and a review of aerial photography, the project site does not support any federally protected wetlands as defied by Section 404 of the Clean Water Act. No impact is identified for this issue area.

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? No Impact

The project site is graded and is located within and urbanized area of the City. The project site is not identified as being in a wildlife corridor area, as depicted in Figure 4-2, Wildlife Corridors and Linkage, in the Open Space and Conservation Element of the City's General Plan. Therefore, the project would not 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. No impact is identified for this issue area.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? No Impact

The proposed project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. Three existing trees would be removed during project construction and 13 new trees and complimentary landscaping will be planted. Tree replacement will be at 4.3:1 ratio which exceeds the City's requirement of a 1:1 ratio. The landscape concept plan is included in Appendix A.2. No impact is identified for this issue area.

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? No Impact

The project site is not located within a Focused Planning Area (FPA) of the City's Draft Subarea Plan for the Multiple Habitat Conservation Program (MHCP) nor is the project subject to a NCCP. The project site is undeveloped with sparse vegetation cover. Therefore, the project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. No impact is identified.

V. CULTURAL RESOURCES

A cultural resources study was prepared for the project by ASM Affiliates (ASM) (2019). The complete report is included as **Appendix C** of this document.

As part of the cultural resources study, a records search request of the archives at the South Coastal Information Center (SCIC), San Diego State University, of the California Historical Resources Information System (CHRIS) for San Diego County, was submitted by ASM on December 3, 2018 for the project site and was received on January 28, 2019. The record search area encompasses the project area and a search radius of one mile around it. The California Register of Historic Resources (CRHR) and the National Register of Historic Places (NRHP) were also examined to identify any additional resources within one mile of the project area.

The CHRIS records identified 67 previous reports that addressed areas within a one-mile radius of the project area. Of these reports, only three reports intersect or overlap the project site. CHRIS records also indicate the presence of 40 previously recorded cultural resources within a one-mile radius of the project area. Additionally, two unique historical addresses were also identified as occurring within the one-mile radius.

On December 3, 2018 a letter was sent to the Native American Heritage Commission (NAHC) to inquire about known areas of cultural concern, such as traditional cultural places, sacred sites, archaeological sites, or cultural landscapes that may exist within or within one mile of the originally proposed Project. ASM received a response from the NAHC dated December 21, 2018 stating that a record search of

the sacred land file indicated the presence of Native American cultural resource in or within the vicinity of the project area.

The project site was surveyed by Doug Drake, Associate Archaeologist with ASM, on February 5, 2019. A Native American monitor was invited to attend the site visit but was unable to participate. All accessible portions of the project site were inspected for the presence of cultural material. Large portions of the project site were obscured by vegetation so ground surface visibility was limited to relatively small, discontiguous patches throughout the project site, all of which were examined for cultural resources as access permitted during the inspection.

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? No Impact

A cultural resources study was prepared for the project by ASM (2019). The report presents the results of a cultural and historical resources inventory conducted within the project site and within a one-mile radius.

Two unique historical addresses were also identified as occurring within the one-mile radius. All are located outside of the project site footprint. Therefore, the project would not cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5 and no impact is identified.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? Less Than Significant with Mitigation Incorporated

Based upon the cultural resources study prepared for the project, no archaeological resources are known to occur on the project site (ASM 2019).

Three previously-conducted studies intersect or overlap with the project site and approximately one hundred-percent of the project site had been included in these prior-conducted surveys for cultural resources. The project site was previously graded, therefore, surficial cultural resources that are or were present on the project site were very likely disturbed and/or destroyed. However subsurface cultural resource deposits could be preserved.

The sites that occur within a one-mile radius of the project site consist predominantly of prehistoric resources. Many of these prehistoric sites contain bedrock milling components, most are associated with lithic scatters. A small number of sites also contained occupation debris indicating a more intensive use of those locations. In general, most of these sites have been disturbed by modern activities and are characterized by sparse surficial, as well as sparse and relatively shallow, subsurface deposits.

The intensive visual inspection of the accessible portions of the project site provided scant evidence for the presence of cultural resources in those areas. In total, four very small fragments of invertebrate remains were identified on the project site. These invertebrate remains are consistent with prehistoric food gathering of local shellfish. All four of the observed shell fragments were highly damaged and found in secondary context. The original depositional location of the remains could not be determined. Since the majority of the project site is covered with vegetation; it is possible that additional cultural materials are present and were not visible during the time of the survey.

While most of the project site has been previously disturbed by historic airport-related activities and the subsequent construction of nearby commercial buildings, it is possible that subsurface cultural deposits are still presents under the surface and construction activities could impact these resources if they are present. This represents a significant impact and mitigation is required. (**Impact CR-1**). The

following mitigation measures apply to grading and construction activity that occurs within areas of previously-undisturbed soil and would be required as a condition of project approval:

MM-CR-1a Prior to the issuance of a Grading Permit, or ground-disturbing activities, the Applicant/Owner shall enter into a Tribal Cultural Resource Treatment and Monitoring Agreement (also known as a pre-excavation agreement) with the San Luis Rey Band of Mission Indians, and/or another Traditionally and Culturally Affiliated Native American Tribe ("TCA Tribe"). The purpose of this agreement shall be to formalize protocols and procedures between the Applicant/Owner and the TCA Tribe for the protection and treatment of Native American human remains, funerary objects, cultural and/or religious landscapes, ceremonial items, traditional gathering areas and other tribal cultural resources, located within and/or discovered during ground disturbing and/or construction activities for the proposed project, including any additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, preparation for wet and dry infrastructure, and all other ground disturbing activities.

MM-CR-1b The landowner shall relinquish ownership of all non-burial related tribal cultural resources collected during the grading monitoring program and from any previous archaeological studies or excavations on the project site to the TCA Tribe for proper treatment and disposition per the Cultural Resources Treatment and Monitoring Agreement. Any burial related tribal cultural resources (as determined by the Most Likely Descendant) shall be repatriated to the Most Likely Descendant as determined by the Native American Heritage Commission pursuant to California Public Resources Code Section 5097.98. If none of the TCA Tribes accept the return of the cultural resources, then the cultural resources will be subject to the curation requirements contained herein. Additionally, in the event that curation of tribal cultural resources is required by a superseding regulatory agency, curation shall be conducted by an approved facility and the curation shall be guided by California State Historic Resource Commissions Guidelines for the Curation of Archaeological Collections. The City of San Marcos shall provide the developer final curation language and guidance on the project grading plans prior to issuance of the grading permit, if applicable, during project construction. The applicant shall provide to the City written documentation from the TCA Tribe, the Most Likely Descendant, and/or the curation facility, whichever is most applicable, that the repatriation and/or curation have been completed.

MM-CR-1c Prior to the issuance of a Grading Permit or ground-disturbing activities, the Applicant/Owner or Grading Contractor shall provide a written and signed letter to the Development Services Department stating that a Qualified Archaeologist and TCA Native American monitor have been retained at the Applicant/Owner or Grading Contractor's expense to implement the monitoring program, as described in the Tribal Cultural Resource Treatment and Monitoring Agreement.

MM-CR-1d Prior to submittal of grading and/or improvement as-built plans, or prior to the issuance of any project Certificate of Occupancy, a monitoring report, which describes the results, analysis and conclusions of the archaeological monitoring program shall be submitted by the Qualified Archaeologist, along with the TCA Native American monitor's notes and comments, to the Planning Division Manager for approval. A copy of any submitted monitoring report shall be provided to the San Luis Rey Band of Mission Indians and any other TCA Tribe that requests the report.

MM-CR-1e The Qualified Archaeologist shall maintain ongoing collaborative consultation with the TCA Native American monitor during all ground disturbing activities. The requirement for the monitoring program shall be noted on all applicable construction documents, including demolition plans, grading plans, etc. The Applicant/Owner or Grading Contractor shall notify the Planning Division, preferably through e-mail, of the start and end of all ground disturbing activities.

MM-CR-1f The Qualified Archaeologist and TCA Native American Monitor shall attend all applicable pre-construction meetings with the General Contractor and/or associated Subcontractors to present the archaeological monitoring program. The Qualified Archaeologist and TCA Native American monitor shall be present on-site full-time during grubbing, grading and/or other ground disturbing activities, including the placement of imported fill materials or fill used from other areas of the project site, to identify any evidence of potential archaeological or cultural resources. All fill materials shall be absent of any and all cultural resources. The Applicant/Owner or Grading Contractor may submit written documentation to the City to substantiate if any fill material is absent of cultural resources. Should the City concur that the fill material is absent of cultural resources, in consultation with a Qualified Archaeologist and/or the TCA Native American monitor, then no monitoring of that fill material is required.

MM-CR-1g The Qualified Archaeologist or the TCA Native American monitor may halt ground disturbing activities if unknown archaeological artifact deposits or cultural features are discovered. Ground disturbing activities shall be directed away from these deposits to allow a determination of potential importance. Isolates and clearly non-significant deposits (as determined by the Qualified Archaeologist, in consultation with the TCA Native American monitor) will be minimally documented in the field, collected and be given to the TCA Tribe so that they may be reburied at the site on a later date. If a determination is made that the unearthed artifact deposits or tribal cultural resources are considered potentially significant, the San Luis Rey Band of Mission Indians and/or the TCA Tribe referenced in CR-1a shall be notified and consulted with in regards to the respectful and dignified treatment of those resources. All sacred sites, significant tribal cultural resources and/or unique archaeological resources encountered within the project area shall be avoided and preserved as the preferred mitigation, if feasible. If, however, a data recovery plan is authorized by the City as the Lead Agency under CEQA, the contracted San Luis Rey Band of Mission Indians and/or the TCA Tribe referenced in CR-1a shall be notified and consulted regarding the drafting and finalization of any such recovery plan. For significant artifact deposits, tribal cultural resources or cultural features that are part of a data recovery plan, an adequate artifact sample to address research avenues previously identified for sites in the area will be collected using professional archaeological collection methods. If the Qualified Archaeologist collects such resources, the TCA Native American monitor must be present during any testing or cataloging of those resources. Moreover, if the Qualified Archaeologist does not collect the cultural resources that are unearthed during the ground disturbing activities, the TCA Native American monitor, may at their discretion, collect said resources and provide them to the contracted TCA Tribe referenced in CR-1 for respectful and dignified treatment in accordance with the Tribe's cultural and spiritual traditions. If the Developer, the Qualified Archaeologist and the TCA Tribe cannot agree on the significance or mitigation for such resources, these issues will be presented to the Planning Division Manager for decision. The Planning Division Manager shall make a determination based

upon the provisions of the California Environmental Quality Act and California Public Resources Code Section 21083.2(b) with respect to archaeological resources, tribal cultural resources and shall take into account the religious beliefs, cultural beliefs, customs and practices of the TCA Tribe. Notwithstanding any other rights available under law, the decision of the Planning Division Manager shall be appealable to the Planning Commission and/or City Council.

MM-CR-1h As specified by California Health and Safety Code Section 7050.5, if human remains are found on the project site during construction or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Medical Examiner's Office. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Medical Examiner has made the necessary findings as to origin and disposition pursuant to Public Resources Code 5097.98. If such a discovery occurs, a temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected, and consultation and treatment could occur as prescribed by law. By law, the Medical Examiner will determine within two working days of being notified if the remains are subject to his or her authority. If the Medical Examiner recognizes the remains to be Native American, he or she shall contact the Native American Heritage Commission (NAHC), by telephone, within 24 hours. The NAHC will make a determination as to the Most Likely Descendent. If suspected Native American remains are discovered, the remains shall be kept in-situ, or in a secure location in close proximity to where they were found, and the examination of the remains shall only occur on-site in the presence of a TCA Native American monitor.

Tribal Consultation

Assembly Bill (AB) 52 requires consultation with California Native American Tribes and consideration of tribal cultural resources, requiring consultation prior to the release of an environmental document if requested by a California Native American Tribe.

Outreach to local tribes by the City, consistent with AB 52 and in compliance with SB 18, was initiated as part of the preparation of this environmental document. A response was received from the Viejas Band of Kumeyaay Indians (Viejas) dated April 1, 2019, stating that the site has cultural significance or ties to the Kumeyaay Nation. Viejas requested that all NEPA/CEQA/NAGPRA laws be followed and that the City reach out to the San Pasqual Band of Mission Indians. The City contacted the San Pasqual Band as part of the AB 52 process and the San Pasqual Tribe requested consultation. The City met with San Luis Rey representatives to discuss the project and the cultural resources mitigation measures presented above (MM-CR-1a through MM-CR-1h) are consistent with the mitigation recommended by the San Luis Rey Bank. On July 11, 2019 a letter was received from the San Luis Rey Band requesting to concludes consultation.

Although ASM did not identify any archaeological or Native American resources, there remains the potential to encounter unidentified resources during project grading activities in areas of previously-undisturbed soil. (**Impact CR-1**).

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? No Impact

The project area is located in the southern Peninsular Ranges Geomorphic Province. Geologic structures within this Province trend mostly northwest, in contrast to the prevailing east-west trend in the neighboring Transverse Ranges Geomorphic Province to the north. The Peninsular Range Province extend into Lower California, and is bounded by the Colorado Desert to the east, the Pacific Ocean to the west and the San Gabriel and San Bernardino mountains to the north. Surficial geological units mapped at the site consist of Pleistocene nonmarine terrace deposits (Terracon 2018a). No unique geologic features were observed on the site. The project site is topographically flat and was previously graded. No impact is identified for this issue area.

d) Disturb any human remains, including those interred outside of dedicated cemeteries? Less Than Significant with Mitigation Incorporated

The cultural resource study prepared for the project did not indicate the likelihood of human remains on the site (ASM 2018). Additionally, existing regulations through the California Health and Safety Code Section 7050.5 state that if human remains are discovered during project construction, no further disturbance shall occur until the San Diego County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b), remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the San Diego County Coroner determines the remains to be Native American, the NAHC shall be contacted within a reasonable timeframe. Subsequently, the NAHC shall identify the Most Likely Descendant. The Most Likely Descendant shall then make recommendations and engage in consultation concerning the treatment of the remains as provided in Public Resources Code Section 5097.98. Furthermore, while there is no evidence of human remains on the project site, as provided by mitigation measures MM-CR-1a through MM-CR-1h, an archaeological monitor and a Luiseño Native American monitor shall be present during the earth moving and grading activities to assure that any resources found during project grading would be protected. Mitigation measure MM-CR-1i further details the requirements should human remains be encountered during project construction. With mitigation, the project would not disturb any human remains, including those interred outside of formal cemeteries. Impacts would be less than significant with the incorporation of mitigation.

VI. GEOLOGY AND SOILS

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: 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. No Impact

The project site is located within a seismically active region, as is all of southern California; however, the project site not located on or adjacent to any known active faults. According to the Alquist-Priolo Earthquake Fault Zones information page, the City of San Marcos is not identified as a jurisdiction affected by Alquist-Priolo Earthquake Fault Zones (California Department of Conservation 2010).

According to the geotechnical engineering report by Terracon Consultants Inc (Terracon) (2018a) included as **Appendix E** of this document, the site is not located on any known active, potentially active, or inactive fault as defined by the California Geological Society. The nearest known active fault to the project site is the Newport-Inglewood-Rose Canyon Fault Zone, located approximately 12 miles southwest of the project site. Therefore, the project would not expose people or structures to potential

substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault. No impact is identified for this issue area.

b) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: Strong seismic ground shaking? Less Than Significant Impact

The proposed project is located in seismically-active southern California. The type and magnitude of seismic hazards affecting the site are dependent on the distance to causative faults, the intensity and the magnitude of the seismic event. Per the geotechnical engineering report (Terracon, 2018a), the Rose Canyon Fault is considered to have the most significant effect at the site from a design standpoint. The fault is located approximately 12 miles from the site. Based upon the USGS Unified Hazard Tool, the project site has a mean magnitude of 6.54. The project site is not located within an Alquist-Priolo Earthquake Fault Zone. All structures on the site would be designed in accordance with seismic parameters of the latest California Building Code. Therefore, the project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking. Impacts would be less than significant.

c) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: Seismic-related ground failure, including liquefaction? No Impact

The geotechnical engineering report (Terracon 2018a) noted the site is not within an Alquist-Priolo Earthquake Fault Zone, that no active or potentially faults are present at the subject site so the site is not considered susceptible to surface rupture. Additionally, the geotechnical report indicated that near-surface soils encountered at the site possess a low risk potential for liquefaction due to such factors as soil density, grain-size distribution, and the absence of shallow groundwater conditions. No impact is identified for this issue area.

d) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: Landslides? No Impact

The project site is generally flat and is located in a generally flat portion of the City. The project site is identified as having Zero Susceptibility for soil slip, surficial landslides or debris flow per Figure 6-1 of the Safety Element of the City's General Plan. No impact is identified for this issue area.

e) Result in substantial soil erosion or the loss of topsoil? Less than Significant Impact

The project site is relatively flat. Development of the project require minor grading to prepare the site for the new construction and to result in a finished floor elevation that is two feet above the base flood elevation. The project would be under the State Water Resources Control Board (SWRCB) General Construction Permit, which prohibits sediment or pollutant release from the project site and requires preparation of a Stormwater Pollution Prevention Plan (SWPPP) and implementation of best management practices (BMPs) that would incorporate erosion and sediment control measures during and after grading operations to stabilize these areas. Permanent vegetation would also be required to stabilize graded areas. The project would not result in substantial soil erosion or the loss of topsoil. Impacts would be less than significant.

f) 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? Less than Significant Impact

The project site is not located on or adjacent to any known active faults nor is the site underlain by soils that are conducive to landslides. Development would be designed in accordance with seismic parameters of the current California Building Code. The project would not 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. Impacts would be less than significant.

g) 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? Less Than Significant Impact with Mitigation Incorporated

According to the geotechnical report prepared for the project (Terracon 2018a), based upon the result of on-site borings, the subsurface materials consisted predominantly of lean clay soils with varying amounts of sand/silt to the maximum dept explored at 26.5 feet below ground surface. Sand and silt soils were interbedded within the clay stratum at various depths. Laboratory tests indicated that clayey soils encountered at approximately 2.5 feet have a medium to high swell (expansion) potential. This represents a significant impact (**Impact GEO-1**) and mitigation is required. As a condition of project approval, implementation of the following mitigation measure (MM-GEO-1) will be required, and will reduce the impact to below a level of significance:

MM-GEO-1 The project applicant shall implement the geotechnical recommendations identified on pages 6 - 15 of the Report of Geotechnical Engineering Report (Terracon 2018a). These recommendations address grading/earthwork, foundations, floor slab, lateral earth pressures and pavement requirements.

h) Have soils capable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? No Impact

The project does not propose any septic tanks or alternative wastewater disposal systems. Sewer service would be provided by VWD. Therefore, no impact is identified for this issue area.

VII. GREENHOUSE GAS EMISSIONS

A Greenhouse Gas technical study was prepared for the project by Ldn Consulting (2019b) and is included as **Appendix E.1** of this document. Additionally, consistent with AB 32, the City adopted its Climate Action Plan (CAP) in September 2013. A CAP Compliance Worksheet was prepared for the project and is included as **Appendix E.2** of this document, which details the GHG-related design features of the project.

The CAP identifies strategies to reduce GHG from City government operations and community activities to support the State's efforts to mitigate San Marcos' contribution to climate change. As stated in Appendix E of the City's adopted CAP, "Pursuant to CEQA Guidelines Sections 15064(h)(3) and 15130(d), if a project is consistent and complies with the requirements of an adopted plan, such as a CAP, that includes the attributes specified in CEQA Guidelines Section 15183.5(h), the lead agency may determine that the project's GHG impacts are less than significant with no further analysis required."

The City, as spelled out in the CAP, is committed to reducing its GHG emissions by 15 percent below 2005 levels by 2020, consistent with AB 32, and 28 percent below 2005 levels by 2030, working towards the long-term goal of Executive Order S-3-05. To meet these targets, San Marcos will need to reduce its GHG emissions 14 percent below the adjusted forecast by 2020 and 33 percent below the adjusted forecast by 2030 through implementation of local measures and actions (City of San Marcos, 2013).

It should be noted that the City's CAP was prepared in 2013 and does not address the enactment of Senate Bill 32 (SB 32). In addition, data used within the City's 2013 CAP did not include State

regulatory measures or reduction strategies contained within the latest update to California's 2017 Climate Change Scope Plan, prepared to enable the state to meet SB 32 requirements (CARB 2017). Therefore, the CAP does not meet the requirements under CEQA for projects that are proposed to be operational after the year 2020 and the CAP's Consistency Checklist or 2030 project-level GHG efficiency thresholds should not be used for a CEQA analysis. The City is in the process of updating its CAP worksheet and thresholds for consistency with SB 32. Since the project has a proposed project horizon year post 2020, this analysis uses the same methodology as used in the current CAP and as recommended by CARB's 2017 Scoping Plan for project until the CAP is adopted.

To address this, the City is updating their CAP to be applicable or consistent with the CARB's latest GHG reduction approach in California's 2017 Climate Change Scope Plan and will include additional updates necessary for SB 32 compliance. In the interim, a 2030 project specific threshold for locally-applicable land uses would be from recommendations in California's 2017 Climate Change Scope Plan Update.

California's 2017 Climate Change Scope Plan recognized the need to balance population growth with emissions reductions and provided a new local plan level methodology for target setting that provides consistency with state GHG reduction goals using per capita efficiency targets. These statewide per capita targets account for all emissions sectors in the State, statewide population forecasts, and the statewide reductions necessary to achieve the 2030 statewide target under SB 32. The targets are generated by dividing the statewide 2030 GHG emissions targets by the statewide service population for that year. Projects that achieve the efficiency target, with or without mitigation, would result in less than significant GHG emissions.

Based on concerns raised in the Newhall Ranch decision regarding the correlation between state and local circumstances and the methodology recommend in a white paper "Beyond Newhall and 2020" by the Association of Environmental Professionals (AEP 2016), the 2030 statewide target should be modified to exclude sources not applicable to the specific planning area. Thus, a locally appropriate evidence-based project-specific threshold can be developed based on statewide emissions derived from the local emissions sectors and statewide service population projections.

California's 2017 Climate Change Scope Plan identifies that the 2015 GHG emissions are approximately 440 million metric tons CO_2e ($MMTCO_2e$) and would need to be reduced to 260 MMTCO2e to achieve the goals of SB 32 by 2030, as shown in **Table 8**. Population within California is expected to be 43,939,250 people in 2030 (California Department of Finance 2016) and the average California employment is expected to be 23,459,500 in 2030 per California's 2017 Climate Change Scoping Plan (CARB 2017). Based upon this, a 2030 service population (population plus employment) of 67,398,759 would existing within the State.

Not all statewide emission sources considered in CARB's 2017 Climate Change Scoping Plan are present within the City. Accordingly, this analysis modifies the 2030 statewide target to exclude all sources not applicable to the San Marcos planning area for the purposes of developing a local-appropriate evidence-based project-specific threshold, i.e., a threshold based on statewide emissions derived from the local emissions sector and statewide service population projections.

This report, therefore, excludes all sectors sources not applicable to the City including the "Industry Sector" as defined in California's 2017 Climate Change Scoping Plan as including refineries, oil and gas facilities, cement and glass manufacturing, and industrial facilities that employ boilers or general combustion engines, and the "Agriculture Sector", which includes emissions from livestock, (i.e., digestive processes and manure management), combustion of liquid and gaseous fuels used for irrigation and crop production; emissions from fertilizer use and application of other soil additives; and emissions from agricultural residue burning.

Table 8. California's 2017 Climate Change Scoping Plan Emissions Statewide Targets

California's 2017 Climate Change Scoping Plan Sectors	California's 2017 Climate Change Scoping Plan Uncertainty Range ($MMTCO_2e$)	Assumed 2030 Emissions ($MMTCO_2e$)
Agriculture	24-25	24
Commercial & Residential	38-40	38
Electrical Power	30-53	53(1)
High GWP	8-11	11(1)
Industrial	83-90	83
Recycling & Waste	8-9	8
Transportation	103-111	103
Cap and Trade Reductions	34-79	-60
Total GHG Emissions(2)		**260 MMT CO_2e**
Service Population (SP)		**67,398,750**
GHG Emissions/SP		**3.86 MT CO_2e/SP**

Source: LDN Consulting, 2019b.

Notes:

(1) The high end was utilized to be consistent with California's 2017 Climate Change Scoping Plan.

(2) The low end of the range was utilized to be conservative with the exception of the electric power sector, the high-end range is represented by California's 2017 Climate Change Scoping Plan, due to additional electricity sector measures such as deployment of additional renewable power, greater behind-the-meter solar photovoltaic, and additional energy efficiency.

Removing the industrial and agricultural emissions, and cap and trade reductions from Table 8 would result in 213 MMTCO2e to achieve the goals of SB 32 by 2030 as shown in **Table 9**. Given this, the localized SB 32 efficiency threshold for the project should be 213 $MMTCO_2e$/ 67,398,750 SP or 3.2 MT CO_2e/SP.

Table 9. Project Specific Emissions Targets

California's 2017 Climate Change Scoping Plan Sectors	California's 2017 Climate Change Scoping Plan Uncertainty Range ($MMTCO_2e$)	Assumed 2030 Emissions ($MMTCO_2e$)
Commercial & Residential	38-40	38
Electrical Power	30-53	53
High GWP	8-11	11
Recycling & Waste	8-9	8
Transportation	103-111	103
Total GHG Emissions		**213 MMT CO_2e**
Service Population (SP)		**67,398,750**
GHG Emissions/SP		**3.2 MT CO_2e/SP**

Source: LDN Consulting, 2019b.

It should be noted that this threshold establishes a maximum quantity of emissions per "service population," but is generally tailored to residential, mixed use and office projects.

The standard does not fit other types of projects such as hotels, restaurants, car washes or any use which has a high number of guests but a relatively low number of employees. This is because only the employees count as service population. Since these types of commercial uses do not include a residential component, their GHG emissions per service population appear high. Given this, it is not customary to use these types of standards for this type of use.

It can be argued that these uses are chosen by guests as the most efficient choice for required services much like an internal capture as is typically used within traffic impact analysis but more from a regional or neighborhood perspective. Given this, it is reasonable to conclude that GHGs can decrease through commercial growth whenever that commercial growth is conducted using infill planning with neighborhood serving projects. Given this, projects which are not accurately represented by GHG emissions/Service population metrics should use alternative thresholds.

For projects seeking an amendment to a General Plan, which requires zoning changes, GHG emissions of the zoning change should be compared to the existing zoning buildout for purposes of comparison to the General Plan. This potential buildout of the Project site should be calculated based on the same buildout year as the proposed Project. The primary purpose for this comparison is to demonstrate the differences in emissions between the allowable General Plan buildout scenario and the proposed project.

If the proposed project demonstrates that project implementation will not increase net GHG emissions beyond what was assumed in the General Plan, then project implementation will be consistent with the City's General Plan, including the San Marcos General Plan Final Environmental Impact Report (SCH No. 2011071028) certified in 2012, which included an analysis of projected GHG emissions associated with buildout of the City's General Plan. In that case, the project would not conflict with any local or state plans, policies, or regulations. If GHG emissions projected from the proposed project are equal to or lower than the maximum allowable use based on the General Plan, the project would have less than significant GHG impacts.

This would largely be based on the fact that the City's General Plan includes GHG inventories include land use and growth projections. If the zone modification reduces those emissions, a direct reduction to the inventory would be expected. To accomplish this, the Project must show consistency with the City's General Plan goals, policies, and objectives related to the reduction of GHG emissions as compared to the General Plan buildout project.

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

As stated in Section 15064.4 of the State CEQA Guidelines, the determination of the significance of GHG emissions calls for a careful judgment by the lead agency consistent with the provisions in Section 15064. A lead agency should make a good-faith effort, based to the extent possible on scientific and factual data, to describe, calculate, or estimate the amount of GHG emissions resulting from a project. A lead agency shall have discretion to determine, in the context of a particular project, whether to:

- Use a model or methodology to quantify GHG emissions resulting from a project, and which model or methodology to use. The lead agency has discretion to select the model or methodology it considers most appropriate provided it supports its decision with substantial evidence. The lead agency should explain the limitations of the particular model or methodology selected for use; and/or

- Rely on a qualitative analysis or performance-based standards.

Additionally, per Section 15064.4 of the State CEQA Guidelines, a lead agency should consider the following factors, among others, when assessing the significance of impacts from greenhouse gas emission on the environment:

- The extent to which the project may increase or reduce greenhouse gas emissions as compared to the existing environmental setting;

- Whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project; and

- The extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions. Such requirements must be adopted by the relevant public agency through a public review process and must reduce or mitigate the project's incremental contribution of greenhouse gas emissions. If there is substantial evidence that the possible effects of a particular project are still cumulatively considerable notwithstanding compliance with the adopted regulations or requirements, an EIR must be prepared for the project.

Projected Emissions for Proposed Project

The proposed project would generate GHG emissions through short-term construction activities and long-term operational activities. Construction-related GHG emissions include emissions from heavy construction equipment for grading, paving, building construction, architectural coatings, truck traffic, and worker trips. Operational GHG emissions associated with the project emissions from area sources including landscaping, and architectural coatings as part of routine maintenance, energy use including electricity and natural gas, vehicular traffic, municipal waste, and water use.

Construction Emissions (Proposed Project)

Construction-related GHG emissions include emissions from construction equipment, truck traffic, and worker trips. Emissions for construction of the proposed project were calculated based on emission factors from the latest CalEEMod 2016.3.2 air quality model. Construction activities for the project would include minor site grading and preparation, paving, building construction, and architectural coating application. The project would start grading in December 2019 and full construction is expected to take approximately six months.

Grading will be required for the project to prepare the site for the new construction and to result in a finished floor elevation that is four feet above the base flood elevation. The project will import approximately 1,700 cy of material from the project site. Assuming the use of 10 cy haul trucks, this would represent 170 truck trips. Soil import is expected to take 6 days with approximately 29 trucks per day. Also, as a design feature of the project, the construction contractor would use Tier 3 rated diesel construction equipment to minimize diesel particulates from construction equipment.

Table 4.1 in the GHG report (Appendix E.1 of this document) details the expected construction equipment and duration that was assumed for the GHG analysis. **Table 10** presents the anticipated construction emissions for the proposed project.

Table 10. Proposed Project Construction-Related GHG Emissions (MT/Year)

Year	Bio-CO_2	NBio-CO_2	Total CO_2	CH_4	N_2O	Total CO_2e (metric tons/year)
2019	0.00	13.676	13.676	0.002	0.000	13.734
2020	0.00	17.702	17.702	0.005	0.000	17.832
Total Construction Emissions						31.566
Yearly Average Construction Emissions (Metric Tons/year over 30 years)						1.05

Source: Ldn Consulting 2019b.

As shown in Table 10, anticipated construction-related GHG emissions for the project are estimated at 31.566 MT/year of CO_2e over the life of the project. Per SCAQMD guidance, these emissions are amortized over 30 years and added to operational emissions. This amortized figure estimates project construction would contribute 1.05 MT/year of CO_2e.

Operational Emissions

Once construction is complete, the proposed project would generate GHG emissions from daily operations which would include sources such as area (or onsite emissions like landscaping), energy, mobile, solid waste and water uses., which are calculated within CalEEMod.

The following design features were assumed to be part of the proposed project design:

- Installation of smart meters.
- Use of programmable thermostats for HVAC system.
- Provision of bicycle rack.
- Provision of three electric vehicle parking spaces.
- Connectivity to offsite pedestrian facilities (e.g., internal path of travel and connections to sidewalks)
- Accessible to public transit.
- Use of low-maintenance, drought-tolerant plants in the landscaping plan.
- Compliance with the City's Water Efficient Landscape Ordinance.

No GHG emissions reductions were taken into account for these design features. Although, with the incorporation of these additional features, the anticipated GHG emissions would be lower than stated above.

Projected operational emissions are summarized in **Table 11**. As shown in Table 11, the proposed project including construction generate 286.70 MT/year of CO2e. Therefore, the proposed project would generate 2.81 MT /year of CO_2e per service population which would be below the 3.2 MT/year of CO_2e per service population localized threshold that is being used for this analysis. Therefore, impacts would be less than significant. The project would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment. Impacts would be less than significant.

Table 11: Proposed Project Operational Emissions Summary (MT/Year)

Source	Bio-CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e (MT/Yr)
Area	0.00	0.00	0.00	0.00	0.00	0.00
Energy	0.00	60.27	60.27	0.00	0.00	60.56
Mobile	0.00	786.01	786.01	0.06	0.00	787.48
Waste	8.18	0.00	8.18	0.48	0.00	20.28
Water	0.34	2.98	3.32	0.03	0.00	4.44
Total Proposed Project Operational Emissions (MT/Year)						**872.75**
Amortized Construction Emissions (from Table 7)						1.05
Total Project Emissions						**873.81**

Source: Ldn Consulting 2019b.

Projected Emissions for General Plan Buildout Scenario

For the MU-1 Zone (the site's current zoning designation) the maximum allowed density is 30 dwelling units per acre (du/ac) which equates to approximately 24 units for the project site. The floor area ratio (FAR) is 1.75 which would allow for a 64,000-sf building. Based on this, the project site could be expected to have 24 residential units and an additional 5,000 s,f, of commercial in a 47,000-sf building at General Plan buildout.

For the purposes of this analysis, the General Plan buildout scenario as calculated assumes a SANDAG trip generation of 6 trips per residential unit and 400 trips per 1,000 s.f of commercial. Additionally, input parameters within CalEEMod are assumed to be the same as the proposed project including the buildout year.

Based on the assumptions above, the General Plan buildout scenario would generate 1,222.58 MT CO2e annually which is shown in **Table 12**. Even though the General Plan buildout scenario analyzed would likely have higher construction emissions since the area and building footprint is larger. Since the primary purpose for this comparison is to demonstrate the differences in operational emissions between the allowable General Plan buildout scenario and the proposed project. Thus, for purposes of this analysis, the same construction emissions for the General Plan buildout scenario and proposed project were assumed.

Table 12: General Plan Buildout Scenario Operational Emissions Summary (MT/Year)

Source	Bio-CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e (MT/Yr)
Area	24.79	10.69	35.48	0.02	0.00	36.64
Energy	0.00	42.61	42.61	0.00	0.00	42.78
Mobile	0.00	1,121.53	1,121.53	0.07	0.00	1.123.35
Waste	3.31	0.00	3.31	0.20	0.00	8.19
Water	0.61	7.90	8.52	0.06	0.00	10.57
Total Proposed Project Operational Emissions (MT/Year)						**1,221.53**
Amortized Construction Emissions (from Table 7)						1.05
Total Project Emissions						**1,222.58**

Source: Ldn Consulting 2019b.

Based on these findings, the General Plan buildout scenario would generate 1,222.58 MT of CO2e annually and the proposed project would generate 873.81 MT of CO2e annually or 348.77 MT CO2e fewer GHG emissions annually than would be produced under a General Plan buildout scenario. Given this, since the project generates fewer emissions that an allowed General Plan use for the site, the project's GHG emissions are assumed to have been anticipated by the CAP and would therefore result in a less than significant cumulatively considerable increase in GHG emissions.

b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases? Less Than Significant Impact

The analysis above considered the GHG emissions of the proposed project in comparison to the emission that would have been assumed under the scenario where the site was built out with uses and density that are permitted under the current General Plan designation and zoning. A General Plan buildout scenario would generate at least 1,222.58 MT CO2e. The proposed project would generate 873.81 MT of CO2e annually or 348.77 MT CO2e fewer than the General Plan buildout scenario. Given this, the project would not conflict with the City's General Plan and would likewise be consistent with the City's CAP. The proposed project would not conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing emission of greenhouse gases.

VIII. HAZARDS AND HAZARDOUS MATERIALS

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

Hazardous materials include solids, liquids, or gaseous materials that, because of their quantity, concentration, or physical, chemical, or infectious characteristics could pose a threat to human health or the environment. Hazards include the risks associated with potential explosions, fires, or release of hazardous substances in the event of an accident or natural disaster, which may cause or contribute to an increase in mortality or serious illness or pose substantial harm to human health or the environment.

The proposed project would involve the transport of fuels, lubricants, and various other liquids needed for operation of construction equipment at the site on an as-needed basis by equipment service trucks. In addition, workers would commute to the project site via private vehicles and would operate construction vehicles and equipment on both public and private streets. Materials hazardous to humans, wildlife, and sensitive environments, including diesel fuel, gasoline, equipment fluids, concrete, cleaning solutions and solvents, lubricant oils, adhesives, human waste, and chemical toilets, would be present during project construction. The potential exists for direct impacts to human health from accidental spills of small amounts of hazardous materials from construction equipment; however, the proposed project would be required to comply with Federal, State, and City Municipal Code restrictions which regulate and control those materials handled onsite. Compliance with these restrictions and laws would ensure that potentially significant impacts would not occur during project construction.

In summary, the project would not create a significant hazard to the pubic or the environment through the routine transport, use, or disposal of hazardous materials. Impacts would be less than significant.

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? Less Than Significant Impact

A Phase 1 Environmental Site Assessment (ESA) was prepared for the project site by Terracon (2018b). The complete report is included as **Appendix F.1** of this document.

Historical Use on the Project Site/Vicinity

Based on a review of historical information, as detailed in the Phase 1 ESA for the project, the site consisted of undeveloped land from as early at 1893 through the mid-1940s, when it was graded with a portion of one of the McCormick Airfield landing strips. By 1964, the landing strips were abandoned and the site has remained vacant land through the present.

The properties surround the site consisted of undeveloped land from as early as 1893 through the mid-1940s, when the properties to the adjoining northwest and southwest of the site were developed with portions of the McCormick Airfield landing strips. By 1964 the property to the adjoining northeast was developed on the south portion with a commercial building. By the late1970s the property to the adjoining northeast of the site was developed with the existing mini storage facility. By the mid-1980s the property to the adjoining east was redeveloped with a commercial building and further redeveloped with the existing commercial building by 2005. By the early-1980s, the properties to the adjoining southeast and southwest of the site were developed with the existing commercial retail buildings and multi-tenant retail strip, respectively. By the mid-2000s, the property to the adjoining northwest of the site was developed with the existing commercial retail warehouse. The properties surrounding the site have remained relatively unchanged through the present.

Recognized Environmental Conditions

The Phase 1 ESA report determined that there is was one recognized environmental condition (REC) in relation to the project site. It was associated with historical and current off-site dry-cleaning operations. Sunshine Cleaners and San Marcos Tailor & Dry Cleaning, formerly located at 844 West San Marcos Boulevard, approximately 180 feet west and down-gradient relative to the site were identified in the regulatory database. A records review indicated the past use of halogenated solvents at the facility in 1995. Based upon the proximity to the use to the project site, the shallow depth of groundwater in the site vicinity, the duration of operation and the use of halogenated solvents, this was identified as a REC to the project site. No other facilities in the project vicinity were identified as a concern.

Based upon this finding, Terracon conducted a limited site investigation to evaluate the presence of total petroleum hydrocarbon (TPH) and volatile organic compounds (VOCs) above relevant laboratory reporting limits in soil, groundwater and soil vapor beneath the site as a result of the potential releases from the REC identified above. Field test activities were conducted on March 23, 2018 and included five soil borings. The complete limited site investigation report is included as **Appendix F.2** of this document (Terracon 2018c). The report concluded:

- The soil samples exhibited VOCs and TPH did not exceed environmental screening levels (ESLs);
- The groundwater samples did not exhibit VOCs and TPH concentrations ESLs with the exception of one sample of TPH GRO which had a concentration above the ESL; and

- The soil vapor samples were below residential and commercial screening levels with the exception of one sample of 1,3-butadiene which was detected at 87 mg/m3. This exceeded the residential screening level of 17 mg/m3 but is below the commercial screening level of 144 mg/m3.

The report concluded that based upon the screening levels and the intended use of the project site for a commercial use, additional soil, vapor and groundwater investigations were not warranted. The report did note that as a precautionary measure to reduce potential vapor intrusion into the indoor air, appropriate engineering controls (i.e., vapor barrier system and indoor monitoring) may be implemented. Since the majority of the project site will be covered in slab and asphalt, which reduces the potential for vapor intrusion, a vapor barrier system and a requirement for monitoring has not been included in the project. Impacts would be less than significant.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? No Impact

The project site is not located within one-quarter mile of an existing or proposed school. The closest schools to the project site are Discovery Elementary, located approximately 0.7 mile to the southwest and San Marcos Elementary school location approximately 0.9 mile to the east. No hazardous emissions impact to the adjacent school are anticipated and no impact is identified.

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? No Impact

The project site is not identified on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. A Phase 1 Environmental Site Assessment (ESA) was prepared for the project site by Terracon in 2018. The complete report is included as **Appendix F.1** of this document. As described in VIII.a, above, there was one REC for the site associated with an adjacent dry cleaning business and additional limited site testing was conducted. The report concluded that based upon the screening levels and the intended use of the project site for a commercial use, additional soil, vapor and groundwater investigations were not warranted. The report did note that as a precautionary measure to reduce potential vapor intrusion into the indoor air, appropriate engineering controls (i.e., vapor barrier system and indoor monitoring) may be implemented. Since the majority of the project site will be covered in slab and asphalt, which reduces the potential for vapor intrusion, a vapor barrier system and a requirement for monitoring has not been included in the project.

EnviroStor Datebase Review

A review of the EnviroStor online database revealed no entries associated with the project site. Four entries were located in the project vicinity and were associated with past leaking underground storage tanks (SWRCB 2018a, 2018b, 2018c, and 2018d) and are described as follows:

- Lloyd Pest Control, 223 S. Bent Avenue, leaking underground storage tank, case closed/complete as of 7/11/2000

- Vallecitos Water District, 788 San Marcos Boulevard, leaking underground storage tank, case closed/complete as of 9/12/1988

- San Diego Auto Center, 755 San Marcos Boulevard, leaking underground storage tank, case closed/complete as of 12/27/2000

- Walter Trucking Inc, 173 Bent Avenue, leaking underground storage tank, case closed/complete as of 11/3/1995

Since these cases have all be cleaned up and are considered closed, they do not pose any potential impact to the project site. No impact is identified for this issue area.

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? No Impact.

The nearest airport is the McClellan-Palomar Airport in Carlsbad, which is located approximately five miles west of the project site. While the proposed project is not within two miles of a public airport or public use airport, according Figure 6-5 of the Safety Element of the City's General Plan, the project site is located within Review Area 2 of the airport influence area. This influence area is regulated by the Airport Land Use Commission, which regulates land uses in the area to be compatible with airport-related noise, safety, airspace protection, and overflight factors. Review Area 2 limits the heights of structures in areas of high terrain. The project site would not be characterized as high terrain. Therefore, the project would not result in a safety hazard for people residing or working in the project area. No impact would occur.

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? No Impact

The proposed project is not located within the vicinity of a private airstrip. Therefore, the project does not have the potential to result in a safety hazard for people residing or working in the project area. No impact is identified for this issue area.

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? Less than Significant Impact

The project does not propose any development that would impair implementation of or physically interfere with any adopted emergency response plan or evacuation plan. Construction of the project would not result in any road closures. In addition, the San Marcos Fire Department (SMFD) has reviewed the project and has not identified any issues related to emergency response planning or emergency evacuation planning. Impacts would be less than significant.

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 Impact

The project site is located in an urbanized area of the City and is not adjacent to any open space or wildland areas. The Fire Marshal has reviewed the project and standard City fire conditions have been applied to the project. The project site is identified as being in a non-Very High Fire Hazard Severity Zone per CalFire (2009). Therefore, the project would not expose people or structure to a significant risk of loss, injury or death involving wildland fires. No impact is identified for this issue area.

IX. HYDROLOGY AND WATER QUALITY

Existing Site Conditions

The project site is undeveloped. There is one confluence point for the project site. Site runoff mostly sheet flows from the northeast to the southwest onto San Marcos Boulevard and is ultimately captured by city inlets, and the remaining acreage sheet flows onto Bent Avenue and is conveyed southerly onto

San Marcos Boulevard by the public curb and gutter, ultimately discharging at the same location as the rest of the site. The proposed site grading will closely follow the existing topography of the site.

Proposed Conditions

Similar to the existing condition, the project site will discharge into one confluence point in the southwest corner of the project site onto San Marcos Boulevard.

There are 4 drainage management areas (DMAs) under the proposed project. DMA 1 is the northeastern portion of the site and parking area, the drive thru, half of the new restaurant building runoff and landscaping. DMA 2 includes parking area and landscaping. DMA 3 is the southeastern potion of the site and includes parking area, drive-trhu, half of the new restaurant building roof runoff, permitted landscape and a new drive aisle and landscape that lies within the future right of way dedication required by the city. DMA 4 consist of self-treating landscape in the southeast corner of the site.

Two biofiltration BMPs (bioretention with underdrain) within landscaped areas are proposed for treatment of DMA's 1 and 2. One proprietary flow-thru treatment system (modular wetland) that will be installed within a landscape area is proposed for treatment of DMA 3. DMA 4 is considered to be self-treating landscape and does not require treatment.

Water quality and large storm event (up to the 100-year 6-hour storm) flows will be conveyed through a proposed on-site storm drain system to an underground detention vault sized to attenuate the 100-year flows to pre-development conditions. Flows will them be released onto San Marcos Boulevard at a controlled rate by installing an orifice plate sized for the hydromodification requirements at the underground system outlet connection.

A drainage study was prepared for the project by Kimley-Horn Associates (KHA) (2019a) and is included in **Appendix G**. A preliminary Storm Water Quality Management Plan (SWQMP) was also prepared for the project by KHA (2019b). The complete report is included as **Appendix H**.

a) Violate any water quality standards or waste discharge requirements? Less than Significant Impact

The project site is located in the Richland hydrologic sub-area (904.52) of the San Marcos hydrologic area (904.5) of the Carlsbad watershed (904). Impaired water bodies in this watershed, as listed in the State Water Resources Control Board (SWRCB) 303(d) impaired waters list, include San Marcos Creek (dichlorodiphenyldichloroethylene (DDE)), phosphorus, sediment toxicity, and selenium), Lake San Marcos (ammonia as nitrogen and nutrients), Batiquitos Lagoon (total coliform) and the Pacific Ocean (total coliform).

Construction of the project would involve ground-disturbing activities associated with minor grading and could result in sediment discharge to in stormwater runoff. Additionally, construction activities would involve the use of oil, lubricants and other chemicals that could be discharged from leaks or accidental spills. These discharges would have the potential to impact water quality in receiving water bodies.

The applicant would be required to comply with the National Pollutant Discharge Elimination System (NPDES) permit. Regionally, this is achieved by preparing and implementing a Stormwater Quality Management Plan (SWQMP) based on the standards set forth in the 2016 Model BMP Design Manual – San Diego Region (BMP Design Manual). The SWQMP will require implementation of water quality best management practices (BMPs) to ensure that water quality standards are met and that

stormwater runoff from construction areas do not result in a degradation of water quality in receiving water bodies. The preliminary SWQMP prepared for this project indicates the project will meet the requirements of the BMP Design Manual. As such, the potential impacts would be less than significant.

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? Less than Significant Impact

As identified above, project adherence with the Model BMP Design Manual and the NPDES permit that is in place at the time of development would be required. The project proposes the use of a two biofiltration devices, a small modular wetland, and an underground detention system. The biofiltration devices and modular wetland would provide water quality treatment for on-site runoff. In addition, the project would obtain a Construction General Permit and prepare and implement a Stormwater Pollution Prevention Plan (SWPPP) that would further specify low impact development (LID) features and BMPs applicable to the project. Furthermore, the proposed project would not irrigate with groundwater or wells. Therefore, the project would not adversely impact groundwater quality or cause or contribute to an exceedance of applicable groundwater receiving water quality objectives or degradation of beneficial uses. Impacts would be less than significant.

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)? No Impact

The project would not use any groundwater. All water for the project will be provided by VWD. Therefore, the project would not 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. No impact is identified for this issue area.

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? Less than Significant Impact

The project site is already graded and minor grading will be required to raise a portion of the site above the FEMA base flood elevation. Proposed grading would not be of a nature that would substantially alter the existing drainage pattern of the site that would result in substantial erosion or siltation on- or off-site. There are no streams or rivers on the project site. The project would implement construction BMPs in compliance with the Construction General Permit. These BMPs focus on areas such as good site management/housekeeping, non-stormwater management, erosion control, sediment control, run-on and run-off control, inspection/ maintenance/repair, rain event action plan, and monitoring/reporting requirements. Implementation of stated BMPs would further reduce the potential for erosion and siltation to enter project area waterways. Impacts would be less than significant.

e) Create a significant adverse environmental impact to drainage patterns due to changes in runoff flow rates or volumes? Less than Significant Impact

The project site is already graded and minor grading will be required to raise a portion of the site above the flood elevation. The project has been designed to accommodate 100-year 6-hour storm events and the project proposes the use of two biofiltration devices, a small modular wetland, and an underground detention system. The biofiltration devices and modular wetland would meet water quality goals and the vault meets the hydromodification requirements and peak flow attenuation. The project

runoff will exit the project site at the same location as the existing condition. This project considered the existing drainage patterns on the site and designed it in a manner such that the project would not result in significant adverse environmental impact to drainage patterns due to changes in runoff flow rates or volumes. Impacts would be less than significant.

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? Less than Significant Impact

The project site is already graded and minor grading will be required to raise a portion of the site above the flood elevation. The project has been designed to accommodate 100-year 6-hour storm floods and the project proposes the use of a two biofiltration devices, a small modular wetland, and an underground detention system. The biofiltration devices and modular wetland would meet water quality goals and the vault meets the hydromodification requirements and peak flow attenuation. The project runoff will exit the project site at the same location as the existing condition. This project considered the existing drainage patterns on the site and designed it in a manner such that the project would not result in significant adverse environmental impact due to alteration of drainage patterns in a manner that would substantially increase the rate or amount of surface runoff as to cause flooding onsite or offsite. Impacts would be less than significant.

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? Less than Significant Impact

The project site is currently undeveloped with sparse vegetation. Based upon the plans for the project, pervious surfaces, such as landscaping, will cover 0.25 acre of the site (29.1 percent). Impervious surface (the proposed building, parking and drive aisles) will cover 0.61 acres (70.1 percent) of the site.

The project proposes a comprehensive stormwater management plan that includes stormwater improvements within the project boundary. This includes the use of a two biofiltration devices, a small modular wetland, and an underground detention system. The biofiltration devices and modular wetland would meet water quality goals and the underground detention system meets the hydromodification requirements and peak flow attenuation. Construction of these features is proposed within the development footprint for the project; an expansion of existing facilities would not be required to serve the project. Therefore, the project would not 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. Impacts would be less than significant.

h) Result in increased impervious surfaces and associated increased runoff? Less than Significant Impact

Based upon the plans for the project, pervious surfaces, such as landscaping, will cover 0.25 acre of the site (29.1 percent). Impervious surface (the proposed building, parking and drive aisles) will cover 0.61 acres (70.1 percent) of the site. The project proposes a comprehensive stormwater management plan that includes stormwater improvements within the project boundary. This includes the use of a two biofiltration devices, a small modular wetland, and an underground detention system. The biofiltration devices and modular wetland would meet water quality goals and the underground detention system meets the hydromodification requirements and peak flow attenuation. Runoff rates and volumes in the post-development condition are equal to or less than the pre-development condition. Landscaped areas will also allow for infiltration of stormwater. The project has been designed to accommodate 100-year stormwater flows. Therefore, impacts related to impervious

surfaces and associated increased runoff would be similar to existing conditions. Impacts would be less than significant.

i) Result in significant alteration of receiving water quality during or following construction? Less than Significant Impact

Potential construction-related impacts associated with receiving water quality would include siltation and erosion, the use of fuels for construction equipment, and the generation of trash and debris from the construction site. To minimize these potential sources of pollution, the project would incorporate construction-related water quality BMPs. Such measures could include, but are not limited to:

- Use of sediment trapping devices to control sediment runoff;
- Proper containment and disposal of trash/debris;
- Use of erosion control devices to minimize runoff during rain events; and
- Additional measures identified in the SWPPP that would be implemented prior to the commencement of on-site work.

These measures are designed to minimize the generation of pollutants, inducing sediment and trash/debris. Preparation and implementation of a SWPPP and construction-related water quality BMPs would ensure that there are no significant alterations to receiving water quality during project construction. During project operation, the project includes a comprehensive water quality management approach. In addition to the provision of a proprietary biofiltration devices and modular wetland, the project would also implement a variety of site design, source control, LID, and treatment control BMPs to treat anticipated pollutants of concern and minimize the potential for pollutants prior to reaching the storm drain and off-site waterways. Therefore, the project would not result in significant alteration of receiving water quality during or following construction. Impacts would be less than significant.

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). Less than Significant Impact

The project site is located in the Richland hydrologic sub-area (904.52) of the San Marcos hydrologic area (904.5) of the Carlsbad watershed (904). Impaired water bodies in this watershed include San Marcos Creek (dichlorodiphenyldichloroethylene (DDE), phosphorus, sediment toxicity, and selenium) and Lake San Marcos (ammonia as nitrogen and nutrients).

Anticipated pollutants to be generated by the project include sediment, heavy metals, trash/debris, oil/grease, and pesticides. As identified above, the project includes a comprehensive water quality management approach to ensure that there would not be an increase in pollutant discharge to receiving waters. The project proposes a comprehensive water quality approach. This includes the use of a two biofiltration devices, a small modular wetland, and an underground detention system. The biofiltration devices and modular wetland would meet water quality goals and the underground detention system meets the hydromodification requirements and peak flow attenuation.

With biofiltration and modular wetlands, stormwater is directed to these areas and then percolates through the system where it is treated by a number of physical, chemical, and biological processes. These processes are collectively called biofiltration. The slowed, cleaned water is then directed to an underground detention system. Bioretention has a high efficiency for removal of sediments, nutrients, trash, metals, oil/grease, organics, and oxygen demanding substances and a medium efficiency for

removal of bacteria. Therefore, the use of biofiltration would effectively treat stormwater runoff prior to discharge from the site and to receiving waters.

The biofiltration devices would be subject to regular inspection and maintenance. The property owner would be required, pursuant to the City's Municipal Code Section 4.14 and BMP Design Manual to enter into a stormwater management and discharge control maintenance agreement for the installation and maintenance of permanent BMPs prior to the issuance of permits. Since the project includes a comprehensive approach to the handling and treatment of on-site stormwater runoff and would achieve a medium or high efficiency for removal of anticipated pollutants, the project would not result in an increase in pollutant discharges to receiving waters. Impacts would be less than significant.

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? Less than Significant Impact

As identified above, impaired water bodies in the Carlsbad watershed include San Marcos Creek and Lake San Marcos. The project proposes a comprehensive water quality approach. This includes the use of a two biofiltration devices, a small modular wetland, and an underground detention system. The biofiltration devices and modular wetland would meet water quality goals and the underground detention system meets the hydromodification requirements and peak flow attenuation.

The City's BMP Design Manual requires that the pollutants of concern for each impaired water body in each watershed be treated by engineered treatment controls to a medium pollutant removal efficiency or better prior to leaving each development site, thus reducing pollutant levels. Bioretention has a high efficiency for removal of sediments, nutrients, trash, metals, oil/grease, organics, and oxygen demanding substances and a medium efficiency for removal of bacteria. Therefore, the use of biofiltration would effectively treat stormwater runoff prior to discharge from the site and to receiving waters. The biofiltration devices would be subject to regular inspection and maintenance. The property owner would be required to enter into a stormwater management and discharge control maintenance agreement for the installation and maintenance of permanent BMPs prior to the issuance of permits. Since the project includes a comprehensive approach to the handling and treatment of on-site stormwater runoff and would achieve a medium or high efficiency for removal of anticipated pollutants, the project would not result in an increase in any pollutant for which area impaired water bodies are already impaired. Impacts would be less than significant.

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? Less than Significant Impact

The project site is located outside of the Biological Resource Conservation area for the MHCP. The project site is located in a developed portion of the city and there are no sensitive areas on the project site, however the site could be tributary to environmentally sensitive areas. To minimize impacts to these sensitive areas, the project includes a comprehensive water quality management approach to ensure there would not be an increase in pollutant discharge to receiving waters. The comprehensive use of biofiltration would effectively treat stormwater runoff prior to discharge from the site. Therefore, the project would not exacerbate already sensitive conditions within environmentally sensitive areas. Impacts would be less than significant.

m) Have a potentially significant environmental impact on surface water quality, to either marine, fresh or wetland waters? Less than Significant Impact

The project site is located outside of the Biological Resource Conservation area for the MHCP and there are no sensitive areas on the project site.

The project would implement BMPs during project construction to minimize potential impacts to surface water quality. The project also includes a comprehensive water quality approach. This includes the use of a two biofiltration devices, a small modular wetland, and an underground detention system. The biofiltration devices and modular wetland would meet water quality goals and the underground detention system meets the hydromodification requirements and peak flo. Incorporation of these measures would ensure that the project would not have a potentially significant impact on surface water quality to either marine, fresh, or wetland waters. Impacts would be less than significant.

n) Otherwise substantially degrade water quality? Less than Significant Impact

The project includes a comprehensive water quality management approach through the use of biofiltration devices and a modular wetland. As identified in this Section IX, impacts from the proposed project would be less than significant. Implementation of the project would not otherwise substantially degrade water quality. Impacts would be less than significant.

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? No Impact

Per the FEMA, the project site is located within Zone AE and the southern portion of the project site is within a regulatory floodway. Grading will be required for the project to prepare the site for the new construction and to result in a finished floor elevation that is two feet above the base flood elevation for the proposed commercial structure. No residential uses or housing is proposed as part of the project. Therefore, no impact is identified for this issue area.

p) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? Less than Significant

Per FEMA, the project site is located within Zone AE and the southern portion of the project site is within a regulatory floodway. Grading will be required for the project to prepare the site for the new construction and to result in a finished floor elevation that is two feet above the base flood elevation for the proposed commercial structure. This minor alteration would not result in a significant impediment or redirection of flood flows. Impacts would be less than significant.

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? No Impact

According to the City's General Plan Safety Element, the project site is not located with a dam inundation zone (Figure 6-3, FEMA Flood Hazards and Reservoir/Dam Inundation Zones). Therefore, the project would not 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. No impact is identified for this issue area.

r) Inundation by seiche, tsunami, or mudflow? No Impact

The project site is not located adjacent a coastline, lake, or mountainous area that would be subject to seiche, tsunami, or mudflow. No impact would occur.

X. LAND USE AND PLANNING

The project proposes to construct a 3,500 square foot restaurant with a drive-thru. The requested approvals include:

- General Plan Amendment to change the existing Mixed Use 1 (MU1) designation to Commercial (C).
- Rezone to change the existing (MU-1) Mixed-Use-1 zone to (C) Commercial zone.
- Conditional Use Permit to allow for a drive-thru at the restaurant and to address site plan design review, architecture, floor plans, landscaping and other development criteria.
- Additional permits required for project construction including Grading Permit, Improvement Plans, Landscape Plans and Building Permits.
- Approval from Vallecitos Water District.
- Approval from the San Diego County Department of Environmental Health (Public Health Permit for Food Facility).

a) Physically divide an established community? <u>No Impact</u>

The project site is undeveloped and located in a portion of the city which is developed. The project will infill an empty parcel and provide a commercial use (restaurant with drive-thru), which is consistent with and complimentary to other commercial uses in the area. The project provides pedestrian connectivity through the site and to adjacent sidewalks. The project would not physically divide and established community and no impact is identified for this issue area.

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? <u>Less than Significant Impact</u>

The project site has a General Plan designation of Mixed Use 1 (MU1) and a zoning designation of Mixed Use-1 (MU-1). A General Plan Amendment and Rezone are proposed to change the designations to Commercial. The project site is currently graded and located in a developed portion of the city adjacent to other commercial uses. This environmental document has reviewed the potential environmental effects of developing the project site and has determined that all impacts will be less than significant or mitigated to below a level of significance.

c) Conflict with any applicable habitat conservation plan or natural community conservation plan? <u>No Impact</u>

The project site is not located within a Focused Planning Area (FPA) of the City's Draft Subarea Plan for the Multiple Habitat Conservation Program (MHCP) nor is the project subject to a NCCP. The project site is developed and has ornamental vegetation. Therefore, the project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. No impact is identified.

XI. MINERAL RESOURCES

a) Result in the loss of availability of a known mineral resource that would be a value to the region and the residents of the state? No Impact

There are no known mineral resources on the project site of value to the region or to residents of the state. The project site is currently vacant and located in a developed part of the City. There are no known mineral resources on the project site of value to the region or to residents of the state. Therefore, the project would not result in the loss of availability of a known mineral resource. No impact would occur.

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? No Impact

There are no known locally important mineral resources identified on the project site. The project site is currently vacant and located in a developed part of the City. The project would not 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. No impact would occur.

XII. NOISE

A noise assessment was prepared for the project by Ldn Consulting (LDN) (2019c). The complete report is included as **Appendix I** of this document.

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? Less Than Significant Impact

The projected roadway noise levels from vehicular traffic were calculated using the methods in the Highway Noise Model published by the Federal Highway Administration (FHWA) Highway Traffic Noise Prediction Model, FHWA-RD-77-108, December, 1978). The FHWA Model uses the traffic volume, vehicle mix, speed, and roadway geometry to compute the equivalent noise level. The Buildout conditions include the future traffic volume forecasts provided in the project's traffic (LLG 2019). **Table 13** presents the future traffic parameter assumptions.

Table 13. Future Traffic Parameters

Roadway	Average Daily Traffic (ADT)	Peak Hour Volumes[1]	Modeled Speeds (MPH)	Vehicle Mix %[1]		
				Auto	Medium Trucks	Heavy Trucks
San Marcos Boulevard	33,758	3,376	45	96	2	2

Source: LDN 2019c.
Notes: (1) Source: LLG, 2019.
(2) Typical city mix.

Outdoor Seating

The restaurant outdoor seating area was modeled to determine if shielding/mitigation is required to reduce the noise levels below the City's 65 dBA CNEL threshold. As part of the project design, a four-foot high planter will surround the outdoor seating area. The planter will also act as a sound wall to help attenuate noise from adjacent traffic. A Fresnel barrier calculation was used to determine the reduction from the proposed sound wall. The modeling results are quantitatively shown in **Table 14** which includes the reduction for the four-foot planter/sound barrier. Based upon these findings, the

outdoor seating areas at the restaurant will comply with the City of San Marcos Noise standards of 65 dBA CNEL and impacts would be less than significant.

Table 14. Future Noise Levels

Project Name:	iMB and Bent Ave		Date:	25-Jan-19
Project Number:	18-17		Location:	San Marcos

Traffic Volumes, Mix and Speeds

	Autos	Med. Trucks	Heavy Trucks
Mix Ratio by Percent	96.0	2.0	2.0
Propagation Rule	Soft		

Roadway	**ADT**	**Speed MPH**	**CNEL @ 50 Feet**	**60 CNEL (Feet)**
San Marcos Boulevard	48,320	45	76.1	590
Bent Avenue	8,830	35	66.3	132

Noise Reductions

	Distance	**Reduction**	**Reduction from Barriers**	**Resultant Level**
San Marcos Boulevard	127	-4.05	-7.50	64.5
Bent Avenue	189	-5.77	-7.40	53.2
Cumulative Noise Level			**64.8**	**dBA CNEL**

Source: LDN 2019c.

Interior Sound Levels

The City also requires interior noise levels in retail buildings be reduced to 50 dBA CNEL. Basic calculations show that a "windows open" condition will only reduce the interior noise levels roughly 15 dBA CNEL and not provide adequate interior noise mitigation. A "windows closed" condition will typically reduce the interior noise levels 25 dBA CNEL if the windows are dual pane. To meet the 50 dBA CNEL interior noise standard at the retail space, an interior noise level reduction of 20-25 dBA CNEL is needed for the proposed project. Therefore, with the incorporation of dual pane windows and mechanical ventilation, which are proposed as part of the project design, the project will achieve the necessary interior noise reductions to meet the City's 50 dBA CNEL standard. Impacts would be less than significant.

Stationary Source Noise Analysis (Menu Board and HVAC Equipment)

In order to examine the potential stationary noise source impacts associated with the operation of the project, reference noise levels were used for the menu board and speaker post (Source; HME Electronics, Inc., HME SPP2 Speak Post). The reference noise levels of the speak board is 54 dBA at 32 feet. The drive-thru speaker is located 17 feet from the commercial property line to the west and would result in potential noise levels of 60 dBA if continuously operational. The noise level would be reduced to 55 dBA at 32 feet. Additionally, noise from vehicles idling in the drive-thru may increase

the overall noise level to 58 dBA at 32 feet and reduced to less than 55 dBA at a distance of 64 feet. No sensitive outdoor uses are located within 64 feet of the site and therefore, no impact is identified. Additionally, the commercial structures located near/adjacent to the drive-thru would provide 20-25 decibels of reduction to the indoor uses. This is well below the City's commercial interior noise threshold of 50 dBA hourly. Typically, mechanical equipment (HVAC)_noise is 50-55 dBA at 50 feet from the source. The HVAC units would be included on the roof of the proposed building and would be shielded by a screening and or/the roof parapet, which would reduce the noise. The HVAC units would be located approximately 25-45 feet from the property line, resulting in noise levels of 56-61 dBA. The noise level would be reduced to less than 55 dBA at a distance of 50 feet or less with the parapets. No sensitive outdoor uses are located within 50 feet of the site; therefore, no impact is identified.

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? Less Than Significant Impact

There are no vibration sensitive uses in the immediate project vicinity. The project area is developed with a mix of commercial uses. Construction activities are not anticipated to be an excessive source of groundborne vibrations. The project site is already mass graded and only minimal earthwork activity will be required to raise a portion of the pad out of the floodway. Additionally, the proposed commercial (restaurant) use would not typically be characterized as causing excessive groundborne or groundborne noise levels. Impacts would be less than significant.

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? Less than Significant Impact

Project Related Off-Site Transportation Noise

To determine if direct or cumulative off-site noise level increases associated with the development of the proposed project would create noise impacts, the traffic volumes for the existing conditions were compared with the traffic volume increase of existing plus the proposed project. Because mobile/traffic noise levels are calculated on a logarithmic scale, a doubling of the traffic noise or acoustical energy results in a noise level increase of 3 dBA. Therefore, the doubling of the traffic volume, without changing the vehicle speeds or mix ratio, results in a noise increase of 3 dBA.

Community noise level changes greater than 3 dBA are often identified as audible and considered potential significant, while changes less than 1 dBA will not be discernible to local residents. In the range of 1 to 3 dBA, residents who are very sensitive to noise may perceive a slight change. There is no scientific evidence available to support the use of 3 dBA as the significance threshold. Community noise exposures are typically over a long time period rather than the immediate comparison made in a laboratory situation. Therefore, the level at which changes in community noise levels become discernible is likely greater than 1 dBA and 3 dBA appears to be appropriate for most people. For the purposes for this analysis a direct and cumulative roadway noise impacts would be considered significant if the project increases noise levels for a noise sensitive land use by 3 dBA CNEL and if the project increases noise levels above an unacceptable noise level per the City's General Plan in the area adjacent to the roadway segment.

The off-site project related roadway segment noise levels projected in this report were calculated using the methods in the Highway Noise Model published by the Federal Highway Administration (FHWA) Highway Traffic Noise Prediction Model, FHWA-RD-77-108, December, 1978). The FHWA Model uses the traffic volume, vehicle mix, speed, and roadway geometry to compute the equivalent noise level. A spreadsheet calculation was used which computes equivalent noise levels for each of the time periods used in the calculation of CNEL. Weighting these equivalent noise levels and summing them gives the CNEL for the traffic projections. The noise contours are then established by iterating the equivalent noise level over many distances until the distance to the desired noise contour(s) are found.

Direct Traffic Related Noise

To determine if direct off-site noise level increases associated with the development of the project will create noise impacts. The noise levels for the existing conditions were compared with the noise level increase from the project. Utilizing the project's traffic assessment (LLG 2019), noise contours were developed for the following traffic scenarios:

- Existing: Current day noise conditions without construction of the project.
- Existing Plus Project: Current day noise conditions plus the completion of the project.
- Existing vs. Existing Plus Project: Comparison of the direct project related noise level increases in the vicinity of the project site.

The noise levels at 50 feet for the roadways in the vicinity of the project site are given in **Table 15** for the Existing Scenario and in **Table 16** for the Existing Plus Project Scenario. Note that the values given do not take into account the effect of any noise barriers or topography that may affect ambient noise levels. **Table 17** presents the comparison of the Existing Year with and without Project related noise levels. The overall roadway segment noise levels will increase from 0.1 dBA CNEL to 0.7 dBA CNEL with the development of the Project. The project does not create a direct noise increase of more than 3 dBA CNEL on any roadway segment. Therefore, the project's direct contributions to off-site roadway noise increases will not cause any significant impacts to any existing or future noise sensitive land uses.

Table 15. Existing Noise Levels

Roadway	Roadway Segment	ADT[1]	Vehicle Speeds (MPH)[1]	Noise Level @ 50-Feet (dBA CNEL)
San Marcos Boulevard	Via Vera Cruz to Bent Avenue	36,900	45	74.9
	Bent Avenue to Grand Avenue	40,600	45	75.3
	Grand Avenue to SR-78 EB Ramps	54,500	45	76.6
Bent Avenue	Grand Avenue to San Marcos Blvd.	5,100	35	64.0

Source: LDN 2019c.
Note: (1) ADTs from traffic study prepared for the project (LLG 2019).

Table 16. Existing + Project Noise Levels

Roadway	Roadway Segment	ADT[1]	Vehicle Speeds (MPH)[1]	Noise Level @ 50-Feet (dBA CNEL)
San Marcos Boulevard	Via Vera Cruz to Bent Avenue	37,583	45	75.0
	Bent Avenue to Grand Avenue	41,328	45	75.4
	Grand Avenue to SR-78 EB Ramps	55,137	45	76.7
Bent Avenue	Grand Avenue to San Marcos Boulevard	6,011	35	64.7

Source: LDN 2019c.
Note: (1) ADTs from traffic study prepared for the project (LLG 2019).

Table 17. Existing vs. Existing + Project Noise Levels

Roadway	Roadway Segment	Existing Noise Level (dBA CNEL)	Existing Plus Project Noise Level (dBA CNEL)	Project Related Noise Increase (dBA CNEL)
San Marcos Boulevard	Via Vera Cruz to Bent Avenue	74.9	75.0	0.1
	Bent Avenue to Grand Avenue	75.3	75.4	0.1
	Grand Avenue to SR-78 EB Ramps	76.6	76.7	0.1
Bent Avenue	Grand Avenue to San Marcos Boulevard	64.0	64.7	0.7

Source: LDN 2019c.

Cumulative Traffic Related Noise

To determine if cumulative off-site noise level increases associated with the development of the project and other planned or permitted projects in the vicinity will create noise impacts. The noise levels for the near-term Project Buildout and other planned and permitted projects were compared with the existing conditions. Utilizing the project's traffic assessment, noise contours were developed for the following traffic scenarios:

- Existing: Current day noise conditions without construction of the project.
- Existing Plus Cumulative Projects Plus Project: Current day noise conditions plus the completion of the project and the completion of other permitted, planned projects or approved ambient growth factors.
- Existing vs. Existing Plus Cumulative Plus Project: Comparison of the existing noise levels and the related noise level increases from the combination of the project and all other planned or permitted projects in the vicinity of the site.

The existing noise levels at 50 feet for the roadways in the vicinity of the project site are given in Table 15 above for the Existing Scenario. The near-term cumulative noise conditions are provided in **Table 18.** No noise barriers or topography that may affect noise levels were incorporated in the calculations.

Table 18. Existing + Project + 2035 Cumulative Noise Levels

Roadway	Roadway Segment	ADT[1]	Vehicle Speeds (MPH)[1]	Noise Level @ 50-Feet (dBA CNEL)
San Marcos Boulevard	Via Vera Cruz to Bent Avenue	49,003	45	76.1
	Bent Avenue to Grand Avenue	49,018	45	76.1
	Grand Avenue to SR-78 EB Ramps	64,547	45	77.3
Bent Avenue	Grand Avenue to San Marcos Boulevard	9,741	35	66.8

Source: LDN 2019c.
Note: (1) ADTs from traffic study prepared for the project (LLG 2019)

Table 19 presents the comparison of the Existing Year and the Near-Term Cumulative noise levels. The overall roadway segment noise levels will increase 0.7 dBA CNEL to 2.8 dBA CNEL with the development of the project and proposed cumulative projects. The cumulative noise increase is less than 3 dBA CNEL and the project is not the main reason for the overall increase. Therefore, the Project's contributions to off-site roadway noise increases will not cause any significant impacts to any existing or future noise sensitive land uses.

Table 19. Existing vs. Existing + Project + 2035 Cumulative Noise Levels

Roadway	Roadway Segment	Existing Noise Level (dBA CNEL)	Existing Plus Project Noise Level (dBA CNEL)	Project Related Noise Increase (dBA CNEL)
San Marcos Boulevard	Via Vera Cruz to Bent Avenue	74.9	76.1	1.2
	Bent Avenue to Grand Avenue	75.3	76.1	0.8
	Grand Avenue to SR-78 EB Ramps	76.6	77.3	0.7
Bent Avenue	Grand Avenue to San Marcos Boulevard	64.0	66.8	2.8

Source: LDN 2019c.

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? Less than Significant Impact

Construction Noise Analysis

Anticipated construction equipment for the project include a D4 bulldozer, a skip loader, a water truck, and a roller/compactor.

Grading Activity Noise Analysis

Grading activities will consist of the preparation of internal drive areas, parking and the finished pad. The grading equipment will be spread out over the project site from distances near the occupied property lines to distances of 100 feet or more away. For example, while the dozer is working in the northwest portion of the site, the skip loader may be working in the center of the site and the roller compactor and water truck may be moving around the site. This will create separation between the individual equipment resulting in an average distance of 100 feet from the same property line. This means that most of the time the average distance from all the equipment to the same property line is 100 feet. As can be seen in **Table 20**, at an average distance of 100 feet from the construction activities to the nearest property line would result in a noise attenuation of -6.0 dBA without shielding.

Given this, the noise levels will comply with the 75 dBA Leq standard at the property lines. Therefore, no impacts are anticipated, and no mitigation is required during construction of the proposed project. Additionally, as part of the project design features (Table 1), all equipment should be properly fitted with mufflers.

Table 20. Construction Noise Levels

Equipment Type	Quantity Used	Source @ 50 Feet (dBA)	Cumulative Noise Level @ 50 Feet (dBA)
Dozer D4	1	74	74.0
Loader/Grader	1	73	73.0
Water Trucks	1	70	70.0
Roller/Compactor	1	74	74.0
Cumulative Level			79.0
Noise Reduction due to Distance(1)			-6.0
Property Line Noise Level			**73.0**

Source: LDN 2019c.
Note: (1) The majority of the grading operations, on average, will occur more than 100 feet from the property lines.

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? Less than Significant Impact

As identified above, the nearest airport is the McClellan-Palomar Airport in Carlsbad, which is located approximately five miles west of the project area. According to the Airport Land Use Compatibility Plan (ALUCP) for the McClellan-Palomar Airport, the proposed project site is located outside of the existing and future 60 dB CNEL noise contours of the airport (San Diego County Regional Airport Authority 2010).

According to the ALUCP, the project site is located within Review Area 2 of the airport influence area. This influence area is regulated by the Airport Land Use Commission, which regulates land uses in the area to be compatible with airport-related noise, safety, airspace protection, and overflight factors. Review Area 2 limits the heights of structures in areas of high terrain and requires the recordation of overflight notification documents, which informs prospective buyers of property near an airport that the property may be subject to noise, vibration, overflights, or odors associated with airport operations. In summary, because the project site is located outside of the existing and future 60 dB CNEL noise contours of the airport, the project would not expose people residing or working in the project area to excessive noise levels. Impacts would be less than significant.

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 Impact

As identified above, the project site is not located within the vicinity of a private airstrip. Therefore, the project would not expose people residing or working in the project area to excessive noise levels resulting from proximity to a private airstrip. No impact would occur.

XIII. POPULATION AND HOUSING

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)? Less than Significant Impact

The project would develop a 3,500 s.f. commercial building. Based upon review of the project by VWD, wastewater infrastructure improvements would be required to serve the project. The project applicant will construct 630 feet of new 8-inch sewer pipeline within Bent Avenue. This improvement is to serve

the project and is the smallest diameter pipeline that can be used and would not be to support additional unplanned growth in the area. The pipeline construction would occur within an existing paved/developed portion of Bent Avenue. Impacts would be less than significant.

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? Less than Significant Impact.

The project site is vacant and does not contain any existing residential units. However, the project site had a current zoning designation of Mixed Use 1. This use allows for a mix of commercial, office and residential development, with the residential having a density of 20/30 du/acre. By changing the designation and zoning on the site from MU-1 to Commercial and construction of the project, residential uses would no longer be an option for the project site. Depending on the size of units and height of a mixed-use project, up to 24 multi-family units could have been constructed on the project site. The potential loss of these residential units is not considered a significant impact as there is still existing capacity to develop residential units within the San Marcos Creek Specific Plan, which is located near the project site. Impacts would be less than significant.

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? No Impact

The project site is vacant and does not contain any existing residential units. The project will not result in the displacement of a substantial number of people necessitating the construction of replacement housing elsewhere. No impact is identified for this issue area.

XIV. PUBLIC SERVICES

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or 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 objectives for any of the public services:

a) Fire protection? Less than Significant with Mitigation Incorporated

Implementation of the proposed project would increase demand on fire protection services due to the construction of a new commercial building.

The San Marcos Fire Department (SMFD) was contacted for their input on the project, including for information regarding stations serving the project, current staffing, response times, and other items related to fire protection services. The response from the Fire Marshal is included in **Appendix J**. According to SMFD, the project site would be served by ether Fire Station 1, located at 180 West Mission or by Fire Station 2, located as 1250 Rancho Santa Fe Road. Fire station 1 is staffed with one engine company (3 personnel), one truck company (3 personnel), one rescue ambulance (2 personnel) and a Battalion Chief. Fire Station 2 is staffed with one fire engine (3 personnel), two ambulances (2 personnel each). Average response times to the project site would be approximately 4 to 6 minutes.

SMFD indicated that current staff levels and equipment at this station are adequate to serve the project. However, development of the project will contribute to the incremental increase in demand for fire protection services City-wide. This represents a significant impact (**Impact PS-1**) and mitigation is required.

MM-PS-1 Prior to the issuance of a grading permit, 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 Facility District: CFD 2001-01 (Fire and Paramedic).

Participation in the CFD will offset the cost of increases in necessary fire services resulting from implementation of the proposed project and impacts would be reduced to below a level of significance.

SMFD has also indicated that a sprinkler system will be required for the project, and a sprinkler system has been included as part of the project design.

b) Police protection? Less than Significant with Mitigation Incorporated

Implementation of the proposed project would increase demand on police protection services due to the construction of a new commercial building. The San Diego County Sheriff's Department was contacted for their input on the project. Corporal Malcolm Horst with the San Marcos Sheriff's Station indicated that there is adequate staffing to meet the demands of the project and that the project would not impact law enforcement services (Horst 2019). The project site would be served by the San Marcos Station located at 182 Santar Place, which is located approximately 2 miles from the project site. Currents staffing levels are adequate to meet current and proposed demand. However, development of the project will contribute to the incremental increase in demand for police protection services City-wide. This represents a significant impact (**Impact PS-2**) and mitigation is required.

MM-PS-2 Prior to the issuance of a grading permit, 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 Facility District: CFD 98-01, Improvement Area No. 1 (Police).

Participation in the CFD will offset the cost of increases in necessary services resulting from implementation of the proposed project and impacts would be reduced to below a level of significance.

c) Schools? No Impact

The project site is located within the service boundary of the San Marcos Unified School District (SMUSD). Since the project is a proposing a commercial use (restaurant with drive-thru) and not a residential use, it will not generate students. The project applicant will be required to pay applicable school fees pursuant to California Education Code Section 17620 et seq. and Governments Code Sections 65995(h) and 65996(b) in effect at the time of building permit issuance. Current Level II school fees at SMUSD are $0.61/square foot for commercial uses.

d) Parks? No Impact

The City has 16 major community parks and 18 mini parks and an extensive trail network. The closest existing parks to the project site are Lakeview Park located at 650 Fox Hall Drive and Connors Park located at 320 West San Marcos Boulevard. Lakeview Park has access to trails around Discovery Lake, a kiosk, permanent restrooms, picnic tables, a picnic shelter, splash pad and play equipment. picnic Connors Park has adapted play equipment, a multi-purpose field with lighted turf, pickleball court, picnic tables, lighted tennis courts, a basketball court, permanent restroom, a picnic shelter and play equipment.

The project does not include a residential component and will not add residents to the City of San Marcos. Therefore, there is no anticipated increase in demand for park facilities. No impact is identified for this issue area.

e) Other public facilities? Less than Significant Impact

The analysis within Sections XIV(a) through XIV(d) concluded that the project would have a less than significant impact or reduce impacts to below a level of significance for police protection, fire protection, schools, and parks. The project would not result in an impact to any other public facilities. Impacts would be less than significant.

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? No Impact

The City has 16 major community parks and 18 mini parks and an extensive trail network. The closest existing parks to the project site are Lakeview Park located at 650 Fox Hall Drive and Connors Park located at 320 West San Marcos Boulevard. Lakeview Park has access to trails around Discovery Lake, a kiosk, permanent restrooms, picnic tables, a picnic shelter, splash pad and play equipment. picnic Connors Park has adapted play equipment, a multi-purpose field with lighted turf, pickleball court, picnic tables, lighted tennis courts, a basketball court, permanent restroom, a picnic shelter and play equipment.

The project does not include a residential component and will not add residents to the City of San Marcos. Therefore, there is no anticipated increase in the use of existing neighborhood and regional parks or other recreational facilities. No impact is identified for this issue area.

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 Impact

The project proposes construction of a commercial building for use as a restaurant with a drive-through. Since the project does not include a residential component and will not add residents to the City of San Marcos, no construction or expansion of recreational facilities is warranted. No impact is identified for this issue area.

XVI. TRANSPORTATION/TRAFFIC

A traffic impact analysis was prepared for the project by Linscott, Law and Greenspan (LLG) (2019). The complete report and supporting appendices are included as **Appendix K** of this document.

The report analyzed potential traffic impacts from the project on six intersections and four segments based upon the anticipated distribution of project traffic.

Intersections

- Grand Avenue/Bent Avenue
- San Marcos Boulevard/Via Vera Cruz
- San Marcos Boulevard/Bent Avenue
- San Marcos Boulevard/Grand Avenue
- San Marcos Boulevard/SR-78 Eastbound (EB) Ramps
- San Marcos Boulevard/SR-78 Westbound (WB) Ramps

Segments

- San Marcos Boulevard (Via Vera Cruz to Bent)
- San Marcos Boulevard (Bent Avenue to Grand Avenue)
- San Marcos Boulevard (Grand Avenue to SR-78 EB Ramps)
- Bent Avenue (Grand Avenue to San Marcos Boulevard)

a) Conflict with the 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? Less Than Significant Impact

Trip Generation

The project would generate increased traffic through the construction of a 3,500 square foot restaurant with drive-through. As shown in **Table 21**, the project would generate 2,048 ADT, including 80 inbound and 79 outbound trips in the AM peak hour and 80 inbound trips and 79 outbound trips in the PM peak hour. This includes a 40 percent reduction for pass-by trips in the PM peak hour and a 20 percent reduction for pass-by trips in the AM peak hour. Pass-by trips are trips attracted to the project that are already on the street systems passing near the site when going from one location to another, such as work-to-restaurant-to-home. These trips are not new traffic to the surrounding street system. The pass by reduction percentages used for the project are based upon the rates in SANDAG's (Not So) Brief Guide to Vehicular Traffic Generation Rates for the San Diego Region.

Table 21. Project Trip Generation

Land Use	Size (SF)	Daily Trip Ends (ADTs)		AM Peak Hour				PM Peak Hour			
		Rate(1)	Volume	% of ADT	In:Out Split	Volume In	Volume Out	% of ADT	In:Out Split	Volume In	Volume Out
Fast Food Restaurant (with drive-through)	3,500	650/ KSF	2,275	7%	50:50	80	79	7%	50:50	80	79
Pass-by Trips(2)			(227)								
Total New Trips			**2,048**			**80**	**79**			**80**	**79**

Source: LLG 2019

Notes:

(1) Rates is based on SANDAG's (Not So) Brief Guide of Vehicular Traffic Generation Rates for the San Diego Region, April 2002.

(2) Per *SANDAG's (Not So) Brief Guide of Vehicular Traffic Generation Rates for San Diego Region*, April 2002, the PM peak hour pass-by reduction for a fast-food restaurant is 40 percent. The daily and AM pass-by reductions were estimated to be half of the PM reduction (20 percent). However, to be conservative, all of the peak hour pass-by trips and half of the daily pass-by trips were included as "new trips" for the traffic analysis.

Intersection and Segment Operations

Table 22 summarizes the existing intersection operations. As shown in Table 22, all of the study area intersections currently operate at an acceptable LOS (LOS D or better). **Table 23** summarizes the

existing segment operations. As shown in Table 23, two segments of San Marcos Boulevard currently operated at LOS E (from Via Vera Cruz to Bent and from Grand Avenue to SR-78 EB Ramps).

Table 22. Near-Term Intersection Operations

Intersection	Control Type	Peak Hour	Existing		Existing + Project		Change	Near-Term		Near-Term + Project		Change
			Delay	LOS	Delay	LOS		Delay	LOS	Delay	LOS	
Grand Avenue/ Bent Avenue	Signal	AM	7.8	A	8.5	A	0.7	8.8	A	9.2	A	0.4
		PM	17.8	B	19.0	B	1.2	35.1	C	35.5	D	2.4
San Marcos Boulevard/ Via Vera Cruz	Signal	AM	25.6	C	26.9	C	1.3	36.9	D	37.5	D	0.6
		PM	39.6	D	40.1	D	0.5	90.2	F	91.9	F	1.7
San Marcos Boulevard/ Bent Avenue	Signal	AM	25.1	C	36.2	D	11.1	**83.2**	**F**	**89.0**	**F**	**5.8**
		PM	42.8	D	52.6	D	9.8	**159.5**	**F**	**168.6**	**F**	**9.1**
San Marcos Boulevard/ Grand Avenue	Signal	AM	16.3	B	16.4	B	0.1	44.7	D	44.9	D	0.2
		PM	37.7	D	37.8	D	0.1	252.0	F	253.2	F	1.2
San Marcos Boulevard/ SR-78 EB Ramps	Signal	AM	10.0	B	10.2	B	0.2	10.6	B	10.9	B	0.3
		PM	10.9	B	11.1	B	0.2	11.7	B	11.9	B	0.2
San Marcos Blvd/ SR-78 WB Ramps/ Knoll Road	Signal	AM	27.6	C	27.6	C	0.0	28.5	C	26.8	C	0.1
		PM	25.4	C	25.4	C	0.0	27.0	C	27.0	C	0.0

Source: LLG 2019

Existing + Project Analysis

Intersection Analysis

Table 22 also presents the intersection operations under the Existing + Project scenario. As shown in Table 22, with the addition of project traffic the study intersections are calculated to operate at LOS D or better and no impact is identified.

Segment Analysis

Table 23 presents the segment operations under the Existing + Project scenario. As shown in Table 23, with the addition of project traffic, the following study segment operations are calculated to operate at LOS E:

- San Marcos Boulevard, from Via Vera Cruz to Bent Avenue (LOS E)
- San Marcos Boulevard, from Grand Avenue to SR-78 Ramps (LOS E)

Table 23. Near Term Street Segment Operations

Street Segment	Existing Capacity (LOS E)[1]	Existing			Existing + Project			V/C Change	Near-Term			Near-Term + Project			V/C Change
		ADT[2]	LOS[3]	V/C[4]	ADT	LOS	V/C		ADT	LOS	V/C	ADT	LOS	V/C	
San Marcos Boulevard															
Via Vera Cruz to Bent Avenue	40,000	36,900	E	0.923	37,668	E	0.942	0.019	44,930	F	1.123	45,689	F	1.142	0.019
Bent Avenue to Grand Avenue	60,000	40,600	C	0.677	41,419	C	0.690	0.014	45,990	C	0.767	46,809	C	0.780	0.014
Grand Avenue to SR-78 EB Ramps	60,000	54,500	E	0.908	55,217	E	0.920	0.012	58,170	E	0.970	58,887	E	0.981	0.012
Bent Avenue															
Grand Avenue to San Marcos Boulevard	15,000	5,100	B	0.340	5,982	B	0..99	0.059	6,850	B	0.457	7,732	C	0.515	0.059

Source: LLG 2019
Notes:
(1) Capacities based on the City of San Marcos' Urban Street Design Criteria
(2) ADT = Average Daily Traffic
(3) LOS = Level of Service
(4) V/C = Volume to Capacity Ratio

Near-Term Condition

Intersection Analysis

Table 22 also presents the intersection operations under the Near-Term scenario. As shown in Table 22, the following intersections are calculated to operate at LOS F in the Near-Term scenario.

- San Marcos Boulevard/Via Vera Cruz (LOS F, PM Peak Hour)
- San Marcos Boulevard/Bent Avenue (LOS F, AM and PM Peak Hour)
- San Marcos Boulevard/ Grand Avenue (LOS F, PM Peak Hour)

Segment Operations

Table 23 also presents the segment operations under the Near-Term scenario. As shown in Table 23, the following study segments are calculated to operate at LOS E or F.

- San Marcos Boulevard, from Via Vera Cruz to Bent Avenue (LOS F)
- San Marcos Boulevard, from Grand Avenue to SR-78 Ramps (LOS E)

Near-Term + Project Analysis

Intersection Analysis

Table 22 also presents the intersection operations under the Near-Term + Project scenario. As shown in Table 22, the following intersections are calculated to operate at LOS F in the Near-Term + Project scenario.

- San Marcos Boulevard/Via Vera Cruz (LOS F, PM Peak Hour)
- San Marcos Boulevard/Bent Avenue (LOS F, AM and PM Peak Hour)
- San Marcos Boulevard/ Grand Avenue (LOS F, PM Peak Hour)

For intersections operating at LOS E or F, a significant impact would occur if the project would result in an increase in delay of 2 seconds of more. Of the three intersections identified to operate at LOS F in the Near-Term + Project condition, only the intersection of San Marcos Boulevard/Bent Avenue would result in a significant increase in delay (5.8 second increase in the AM peak and 9.1 second increase in the PM peak). This represents a significant impact (**Impact TR-1a**) and mitigation is required.

MM-TR-1 Prior to project occupancy, the project shall contribute a fair share towards the widening of the northbound approach on Bent Avenue at San Marcos Boulevard to provide a left turn lane, a thru lane, and a right turn lane. The project's fair share contribution is 2.3 percent.

Implementation of mitigation measures MM-TR-1 would improve the delay at the San Marcos Boulevard, as shown in **Table 24**, and reduce the impact to below a level of significance.

Table 24. Near-Term + Project Post-Mitigated Intersection Operations

Intersection	Peak Hour Impacted	Near- Term		Near-Term + Project		Near-Term + Project + Mitigation	
		Delay(1)	LOS(2)	Delay	LOS	Delay	LOS
San Marcos Boulevard/Bent Avenue	AM	83.2	F	89.2	F	82.2	F
	PM	159.5	F	167.3	F	119.2	F

Notes:
(1) Average delay expressed in seconds per vehicle.
(2) Level of service

Segment Operations

Table 23 also presents the segment operations under the Near-Term + Project scenario. As shown in Table 23, the following study segments are calculated to operate at LOS E or F.

- San Marcos Boulevard, from Via Vera Cruz to Bent Avenue (LOS F)
- San Marcos Boulevard, from Grand Avenue to SR-78 Ramps (LOS E)

For segments operating at LOS E or F, a significant impact would occur if the project would result in an increase in volume/capacity (V/C) of 0.02 more. Of the two segments identified to operate at LOS E or F in the Near-Term + Project condition, neither will result in a V/C or 0.02. Therefore, no impact to roadway segments is identified in the Near-Term + Project scenario.

Long-Term Scenario

For the long-term analysis, no network additions or improvements were assumed. In order to forecast future traffic volumes for long-term (Year 2035) conditions, the SANDAG Series 12 Model was used.

Intersection Analysis

Table 25 summarizes the intersection operations under the Long-Term scenario. As shown in Table 25 the following intersections are calculated to operate at LOS F in the Long-Term scenario.

- San Marcos Boulevard/Via Vera Cruz (LOS F, PM Peak Hour)
- San Marcos Boulevard/Bent Avenue (LOS F, AM and PM Peak Hour)
- San Marcos Boulevard/ Grand Avenue (LOS F, PM Peak Hour)

Segment Operations

Table 26 summarizes the segment operations under the Long-Term scenario. As shown in Table 26, the following study segments are calculated to operate at LOS E or F.

- San Marcos Boulevard, from Via Vera Cruz to Bent Avenue (LOS F)
- San Marcos Boulevard, from Grand Avenue to SR-78 Ramps (LOS E)

Table 25. Long-Term Intersection Operations

Intersection	Peak Hour	Long-Term		Long-Term With Project		Delay Increase	Significant Impact?
		Delay	LOS	Delay	LOS		
Grand Avenue/ Bent Avenue	AM	10.9	B	11.3	B	0.4	No
	PM	34.8	C	36.1	D	1.3	No
San Marcos Boulevard/ Via Vera Cruz	AM	50.5	D	50.5	D	0.0	No
	PM	95.2	F	96.5	F	1.3	No
San Marcos Boulevard/ Bent Avenue	AM	106.1	F	**113.4**	**F**	**7.3**	**Yes**
	PM	216.3	F	**222.2**	**F**	**5.9**	**Yes**
San Marcos Boulevard/ Grand Avenue	AM	51.7	D	51.8	D	0.1	No
	PM	272.3	F	273.6	F	1.3	No
San Marcos Boulevard/ SR-78 EB Ramps	AM	12.5	B	12.7	B	0.2	No
	PM	13.8	B	14.0	B	0.2	No
San Marcos Boulevard/ SR-78 WB Ramps/Knoll	AM	30.1	C	30.1	C	0.0	No
	PM	30.1	C	30.1	C	0.0	No

Source: LLG 2019

Table 26. Long-Term Segment Operations

Street Segment	Capacity (LOS E) (1)	Long-Term			Long-Term With Project			V/C Change	Impact?
		ADT(2)	LOS (3)	V/C (4)	ADT	LOS	V/C		
San Marcos Boulevard									
Via Vera Cruz to Bent Avenue	42,000	48,320	F	1.150	49,088	F	1.169	0.018	No
Bent Avenue to Grand Avenue	60,000	48,290	C	0.805	49,109	C	0.818	0.014	No
Grand Avenue to SR-78 EB Ramps	60,000	63,910	F	1.065	64,627	F	1.077	0.012	No
Bent Avenue									
Grand Avenue to San Marcos Boulevard	15,000	8,830	C	0.589	9,712	C	0.647	0.059	No

Source: LLG 2019
Notes:
(1) Capacity based on roadway classification operating at LOS E.
(2) ADT = Average Daily Traffic
(3) LOS = Level of Service
(4) V/C = Volume to Capacity Ratio

Long-Term + Project Analysis

Intersection Analysis

Table 25 summarizes the intersection operations under the Long-Term + Project scenario. As shown in Table 25, the following intersections are calculated to operate at LOS F in the Long-Term + Project scenario.

- San Marcos Boulevard/Via Vera Cruz (LOS F, PM Peak Hour)
- San Marcos Boulevard/Bent Avenue (LOS F, AM and PM Peak Hour)
- San Marcos Boulevard/ Grand Avenue (LOS F, PM Peak Hour)

For intersections operating at LOS E or F, a significant impact would occur if the project would result in an increase in delay of 2 seconds of more. Of the three intersections identified to operate at LOS F in the Long-Term + Project condition, only the intersection of San Marcos Boulevard/Bent Avenue would result in a significant increase in delay (7.3 second increase in the AM peak and 5.9 second increase in the PM peak). This represents a significant impact (**Impact TR-1b**) and mitigation is required.
Implementation of mitigation measures MM-TR-1, identified earlier in this section, will also reduce this impact to below a level of significance. As shown in **Table 27**, the delay will reduce to before-project levels at this intersection with implementation of the mitigation.

Table 27. Long-Term + Project Post-Mitigated Intersection Operations

Intersection	Peak Hour Impacted	Near- Term		Near-Term + Project		Near-Term + Project + Mitigation	
		Delay(1)	LOS(2)	Delay	LOS	Delay	LOS
San Marcos Boulevard/Bent Avenue	AM	106.1	F	113.2	F	98.9	F
	PM	216.3	F	219.7	F	172.8	F

Source: LLG 2019
Notes:
(1) Average delay expressed in seconds per vehicle.
(2) LOS = Level of service

Segment Operations

Table 27 also presents the segment operations under the Long-Term + Project scenario. As shown in Table 27, the following study segments are calculated to operate at LOS E or F.

- San Marcos Boulevard, from Via Vera Cruz to Bent Avenue (LOS F)
- San Marcos Boulevard, from Grand Avenue to SR-78 Ramps (LOS E)

For segments operating at LOS E or F, a significant impact would occur if the project would result in an increase in volume/capacity (V/C) of 0.02 more. Of the two segments identified to operate at LOS E or F in the Long-Term + Project condition, neither will result in a V/C or 0.02. Therefore, no impact to roadway segments is identified in the Long-Term + Project scenario.

Queuing Analysis

A queuing analysis was prepared for the project. **Table 28** summarizes the calculated peak hour queues at the San Marcos Boulevard/Bent Avenue intersection for the various analysis scenarios.

Table 28. 95th Percentile Queue Results

Intersection	Critical Movement	Peak Hour	Pocket Length (ft)	Queue Length (ft)					
				Existing	Exiting + Project	Near-Term	Near-Term + Project	Long-Term	Long-Term + Project
San Marcos Boulevard/ Bent Avenue	EB L	AM	260	40	110	60	110	110	170
		PM		100	140	100	170	220	290
	SB L	AM	200	110	180	150	230	220	320
		PM		200	280	390	460	540	630

Source: LLG 2019

As shown in Table 23, the 95th percentile queue for the eastbound left-turn lane exceeds the left-turn storage of 260 feet in the Long-Term + Project scenario. The 95th percentile for the southbound left-turn is calculated to queue beyond the location of the project driveway on Bent Avenue. The length of the queue would inhibit vehicles traveling along Bent Avenue from being able to make a northbound left-turn to enter the project site during peak commute hours. It would also inhibit vehicles from making a left turn out of the driveway onto Bent Avenue during peak commute hours. This represents a significant impact (**Impact TR-2**) and mitigation is required.

MM-TR-2 The Bent Avenue driveway shall be restricted to right-in/right-out only ingress and egress by means of driveway obstruction (e.g., pork shop) or signage and striping as determined by the City Engineer. Prior to issuance of grading permit, final driveway design shall be reviewed and approved by the City Engineer.

Contribution to City-wide Traffic

The project will contribute to City-wide traffic resulting in potential cumulative impacts (**Impact TR-3**). Implementation of the following mitigation measure will be required as a condition of project approval:

MM-TR-3 Prior to the issuance of a grading permit, 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 Facility District: CFD 2011-01 (Congestion Management).

Participation in CFD 2011-01 will assist in City-wide efforts to reduce traffic congestion and impacts to SR-78 and would reduce the project's potential impacts to below a level of significance.

Construction Related Traffic

Construction of the project will require import of 1,700 cy yards of material. Assuming a 10 cy capacity truck, this represents 170 total truck trips. Soils import is expected to take 6 days, thus results in about 29 trucks per day, or approximately 3 to 4 trucks/hour or one truck every 15 to 20 minutes. This is not of a frequency which would result in a significant impact.

b) Conflict with an applicable congestion management plan, 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? No Impact

The purpose of the Congestion Management Plan (CMP) is to monitor the performance of the San Diego region's roadway transportation system, develop programs to address near- and long-term congestion, and better integrate transportation and land use planning. The San Diego Association of Governments (SANDAG), as the designated Congestion Management Agency for the San Diego region, is responsible for developing, adopting, and updating the CMP. SANDAG, local jurisdictions, and transportation operators (i.e., California Department of Transportation, Metropolitan Transit System, North County Transit District, etc.) are responsible for implementing the CMP.

San Marcos Boulevard is a CMP arterial. Analysis under traffic threshold "A" concluded that the project would result in an increase in delay at the intersection of San Marcos Boulevard/Bent Avenue in the near-term and long-term condition and implementation of mitigation measure MM-TR-1 would reduce the cumulative impact to below a level of significance. Therefore, the project would not result in any conflict with the CMP. No impact is identified for this issue area.

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? No Impact

The nearest airport is the McClellan-Palomar Airport in Carlsbad, which is located approximately five miles west of the project area. The type of development proposed (commercial) would not result in a change in air traffic patterns. No impact is identified for this issue area.

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? No Impact.

The project does not include any design features which would increase hazards. Project driveway widths and the drive lanes within the project are a 24-feet wide and meet the city's requirements for emergency vehicle access.

The drive-thru design provides space for eleven vehicles to queue. A one-day queue observation at another Panera location in 2018 had a maximum observed queue length of nine vehicles (LLG 2019b). Therefore, the drive-thru lane, which will accommodate eleven vehicles, is expected to be long enough to accommodate the drive-thru customers without any overflow into the parking lot or adjacent streets. No impact is identified for this issue area.

e) Result in inadequate emergency access? Less Than Significant Impact

Access to the project site will be via two 24-foot wide driveways, one on San Marcos Boulevard and one of Bent Avenue. The Fire Marshal has reviewed the project and indicated that the access points meet the Department's 24-foot width requirement. Therefore, the project would not result in inadequate emergency access. Impacts would be less than significant.

f) Conflict with adopted policies, plans or programs regarding public transit, bicycle or pedestrian facilities, or otherwise decrease the performance of safety of such facilities? Less Than Significant Impact

Transit

Transit service is provided to the project area via the North County Transit District (NCTD) Route 347 bus. Route 347 provides bus service between Cal State San Marcos and Palomar College, with stops

within the study along San Marcos Boulevard, Via Vera Cruz and Bent Avenue. The route operates hourly between the hours of 5:00 AM and 8:00 PM, Monday through Friday, and between 7:30AM and 7:30PM on Saturday. The project does not include any components that would conflict with adopted policies, plans, or programs regarding public transit otherwise decrease the performance or safety of such facilities. Impacts would be less than significant.

Bicycle Network

Currently, Class II bike lanes are provided on the following study street segments:

- Via Vera Cruz, north of San Marcos Boulevard (both sides);
- Bent Avenue, from Grand Avenue to San Marcos Boulevard (both sides);
- Grand Avenue, south of San Marcos Boulevard (west side); and
- San Marcos Boulevard, west of Via Vera Cruz to Grand Avenue, and east of Knoll Road (both sides).

The project does not include any components that would conflict with adopted policies, plans, or programs regarding bicycles or otherwise decrease the performance or safety of such facilities. The project will provide a bicycle rack for bicycle parking on the project site. Impacts would be less than significant.

Pedestrian Infrastructure

Pedestrian sidewalks are generally provided throughout the study area. Pedestrian crossings are provided in all directions at the intersections of San Marcos Boulevard / Via Vera Cruz and San Marcos Boulevard / Bent Avenue. Pedestrian crossings are prohibited at the following locations:

- Grand Avenue / Bent Avenue (across the east and west legs);
- San Marcos Boulevard / Grand Avenue (across the east leg);
- San Marcos Boulevard / SR-78 EB Ramps (across the east, west, and south legs); and
- San Marcos Boulevard / SR-78 WB Ramps (across the west and south legs).

The project does not include any components that would conflict with adopted policies, plans, or programs regarding pedestrian facilities or otherwise decrease the performance or safety of such facilities. The project incorporates ADA-compliant pedestrian access to the building from Bent Avenue. Impacts would be less than significant.

XVII. TRIBAL CULTURAL RESOURCES

a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)? Less than Significant with Mitigation Incorporated

AB 52 Coordination

In compliance with the requirements of AB 52, the City sent letters to the San Luis Rey Band of Mission Indians (San Luis Rey), Rincon Band of Luiseño Indians (Rincon) and Mesa Grande Band of Diegueño Mission Indians (Mesa Grande).

A response was received from the Viejas Band of Kumeyaay Indians dated April 1, 2019, stating that the site has cultural significance or ties to the Kumeyaay Nation. Viejas requested that all NEPA/CEQA/NAGPRA laws be followed and that the City reach out to the San Pasqual Band of Mission Indians. The City contacted the San Pasqual Band as part of the AB 52 process and the San Pasqual Tribe requested consultation. The City met with San Luis Rey representatives to discuss the project and the cultural resources mitigation measures presented above (MM-CR-1a through MM-CR-1h) are consistent with the mitigation recommended by the San Luis Rey Bank. On July 11, 2019 a letter was received from the San Luis Rey Band requesting to concludes consultation.

Potential for Resources

The intensive visual inspection of the accessible portions of the project site conducted by ASM provided scant evidence for the presence of cultural resources in those areas. In total, four very small fragments of invertebrate remains for identified on the project site. These invertebrate remains are consistent with prehistoric food gathering of local shellfish. All of the observed shell fragments were highly damaged and found in secondary context. The original depositional location of the remains could not be determined. Since the majority of the project site is covered with vegetation; it is possible that additional cultural materials are present and were not visible during the time of the survey.

While most of the project site has been previously disturbed by historic airport-related activities and the subsequent construction of nearby commercial buildings, there remains the potential to encounter unidentified resources during project grading activities should construction go deeper than previously disturbed depths. To further ensure Native American archaeological resources are protected, implementation of MM-CR-1a through MM-CR-1h provides additional protections for significant resources and describes the process for proper treatment and handling to ensure impacts would be minimized. Implementation of this mitigation would reduce potential project-level impacts to tribal cultural resources to below a level of significance.

b) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. Less than Significant with Mitigation Incorporated

The City has not identified any cultural resources to be present on the project site pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In addition, based upon the cultural resources study prepared for the project (ASM 2019) and consultation with local tribes, the project site does not contain any known tribal cultural resources that are significant pursuant to these criteria. However, as described in Section V, Cultural Resources, and as identified above, there remains the potential to encounter unidentified resources during project grading activities should construction go deeper than previously disturbed depths.

The project has the potential to disturb unidentified archaeological resources during project grading (Impact CR-1). Mitigation measures MM-CR-1a through MM-CR-1h, identified in the cultural resources analysis (Section V. of this document) provide for the presence of archaeological and Luiseño Native American monitors during ground disturbing activities that would be able to identify any previously unidentified cultural resources, to prevent inadvertent disturbance of any intact cultural deposits that may be present.

To further ensure Native American archaeological resources are protected, implementation of MM-CR-1a through MM-CR-1h provides additional protections for significant resources and describes the process for proper treatment and handling to ensure impacts would be minimized. Implementation of this mitigation would reduce potential project-level impacts to tribal cultural resources to below a level of significance.

XVIII. UTILITIES AND SERVICE SYSTEMS

A Water and Sewer Study was prepared for the project by Vallecitos Water District (2018). The complete report is included as **Appendix L** of this document. The project would require new utility services to serve the 3,500 s.f. restaurant with drive-thru.

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? Less Than Significant Impact

The Vallecitos Water District (VWD) is responsible for disposal of treated wastewater. The Regional Water Quality Control Board (RWQCB) regulates the treatment of wastewater at treatment plants and the discharge of the treated wastewater into receiving waters. VWD is responsible for adhering to RWQCB regulations as they apply to wastewater generated by the any project. The VWD facilities have been designed to treat typical wastewater flows from different land uses within their service area. The project would generate wastewater flows typical of the uses currently operating in VWD's service area and an exceedance of wastewater treatment requirements of the applicable RWQCB were not anticipated. Therefore, impacts related to wastewater treatment and the project's adherence to applicable requirements would be similar. Impacts would be less than significant.

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? Less Than Significant Impact

Water Facilities Analysis

The project is located within VWD boundaries for water service and is within the VWD 855 pressure zone. The propjet proposes to connect to existing VWD water infrastructure in Bent Avenue. The 2008 VWD Master Plan assumed a commercial use on the project site, therefore the proposed project will not result in an increase in water demand or water storage needs beyond the amount already assumed for the project site. The San Marcos Fire Department has set a fire flow requirement of 1,500 gallons per minute (gpm) for the project. A hydraulic analysis of the facilities in the direct vicinity of the project site did not show any system deficiencies under average day demand or maximum day plus fire flow demand conditions. In summary, water facility impacts would be less than significant. Additionally, the project would pay Water Capital Facility Fees per VWD Ordinance No. 175. These fees would be used by VWD to help fund water infrastructure improvements that are assumed in VWD's 2008 Master Plan.

Wastewater Facilities Analysis

The project site lies completely within VWD sewer shed 23C. The 2008 VWD Master Plan assumed a commercial use on the project site, therefore the proposed project will not result in an increase in sewer generation beyond the amount already assumed for the project site. VWD concluded that there is adequate wastewater treatment/disposal and land outfall capacity at this time.

Wastewater Collection System Analysis – VWD's analysis modeled sewer collection infrastructure in the direct vicinity of the project as well as all downstream infrastructure to Lift Station No. 1 on or near San Marcos Boulevard that could potentially be impacted by project sewer flows. To accommodate sewer generated from the project, the project would construct approximately 630 feet of new 8-inch sewer main

from the project site to connect to the existing sewer main at the northern end of Bent Avenue. With the construction of this improvement, no system deficiencies under peak wet weather flows during ultimate build-out conditions are identified.

Wastewater Lift Station Analysis – Lift stations are sized for peak wet weather flow. Since the project site is not located in a sewer shed that is served by a lift station, there are no lift station upgrade requirements for the project.

In summary, the project would require the construction of 630 feet of new 8-inch sewer line within Bent Avenue. This would be placed within an existing roadway and would not result in any environmental impacts. Additionally, the project would pay Wastewater Capital Facility Fees per VWD Ordinance No. 176. These fees would be used by VWD to help fund wastewater infrastructure improvements that are assumed in VWD's 2008 Master Plan. Impacts would be less than significant.

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? Less Than Significant Impact

The project proposes a comprehensive stormwater management plan that includes stormwater improvements within the project boundary. This includes the provision of a biofiltration devices, a modular wetland and an underground detention basin to provide water quality treatment for on-site runoff from impervious surfaces. This basin has been sized to accommodate stormwater flows. Construction of these facilities is proposed within the development footprint of the project. An expansion of existing facilities would not be required to serve the project. Impacts would be less than significant.

d) Have sufficient water supplies available to serve the project from existing entitlements and resources or are new or expanded entitlements needed? Less Than Significant Impact

The VWD 2008 Master Plan assumed a commercial use on the project site and that is consistent with the use proposed by the project. VWD currently has water capacity to serve the project. Therefore, sufficient water supplies would be available to serve the project from existing entitlements and resources. Impacts would be less than significant.

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? Less Than Significant Impact

Due to the proposed commercial development on the project site, the project would increase the demand for wastewater treatment as well as land outfall capacity. The project would pay Wastewater Capital Facility Fees per VWD Ordinance No. 176. These fees would be used by VWD to help fund the expansion and/or construction of wastewater treatment facilities to handle increased wastewater quantities and also the expansion of land outfall facilities. VWD considers payment of these fees as mitigation for the increase in treatment need. Therefore, the project would not result in a determination by the wastewater treatment provider which serves the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments. Impacts would be less than significant.

f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? Less than Significant Impact

The project would generate solid waste from the future restaurant use. Solid waste service in the City is provided by a private franchise hauler, EDCO Waste and Recycling (EDCO), which handles all residential, commercial, and industrial collections within the City. Waste collected by EDCO is hauled to the Escondido

Resources Recovery Transfer Station where it is then transported to the Sycamore Sanitary Landfill in Santee. According to CalRecycle, the Sycamore Sanitary Landfill has a daily permitted capacity of 5,000 tons/day of solid waste with an anticipated closure date of 2054 (CalRecycle 2019 and County of San Diego 2018).

The City of San Marcos is currently exceeding their waste reduction targets. According to CalRecycle, the City of San Marcos has an employee disposal rate target of 19 pounds per day (PPD). If the City meets this target, the City is considered in compliance with the 50 percent diversion requirement of Assembly Bill 939. The most recent data from CalRecycle identifies the annual per capital disposal rate is 12.4 PPD (CalRecycle 2018). Thus, the City is more than meeting their current targets for diversion. The proposed project's solid waste generation during operation can be accommodated at the landfill based upon the available daily permitted capacity. Impacts would be less than significant.

g) Comply with federal, state, and local statutes and regulations related to solid waste? Less than Significant Impact

All solid waste facilities, including landfills, require solid waste facility permits to operate. In San Diego County, Public Resources Code (Sections 44001-44018) and California Code of Regulations Title 27, Division 2, Subdivision 1, Chapter 4 (Section 21440 et seq.) authorizes the County Department of Environmental Health, Local Enforcement Agency to issue solid waste facility permits. Sycamore Sanitary Landfill is a permitted facility and EDCO is a licensed hauler. The project would comply with existing regulations related to solid waste disposal. The project would not violate federal, state, or local statutes or regulations related to solid waste. Impacts would be less than significant.

V. MANDATORY FINDINGS OF SIGNIFICANCE

The following are Mandatory Findings of Significance in accordance with Section 15065 of the CEQA Guidelines.

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? Less Than Significant Impact With Mitigation Incorporated

The project site is already developed, however mature trees will be removed as part of the project during the construction phase. Mitigation measures MM-BIO-1a and MM-BIO-1b will ensure that species covered under the MBTA will not be impacted during vegetation removal. No further impacts to biological resources are anticipated. The project will not 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, or reduce the number or restrict the range of a rare or endangered plant or animal.

A cultural resources study was prepared for the project and did not identify any resources on the site. The project site is already developed. The City also conducted outreach to tribes consistent with the requirements of SB 18 and AB 52 and a summary of that consultation is discussed in the cultural resources and tribal cultural resources sections of this document. Mitigation measures MM-CR-1a through MM-CR-1h would be applicable to the project for any additional grading in previously-undisturbed areas.

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.) Less Than Significant Impact with Mitigation Incorporated

Cumulative impacts related to traffic, air quality, greenhouse gas and noise were analyzed in this CEQA document. Based upon the analysis, the project will not have any cumulative impact related to air quality or noise. The project will contribute to City-wide traffic congestions and will participate in CFD 2011-01 (Congestion Management) will assist with the reduction of traffic congestion in the City and to SR-78. The project will also provide a fair share contribution to the widening of the northbound approach on Bent Avenue at San Marcos Boulevard to provide a left turn lane, a thru lane, and a right turn lane. The project will also add to the increase in demand for police and fire services. Implementation of mitigation measures MM-PS-1 and MM-PS-2, which require the project participate in CFDs for police and fire would reduce this impact to below a level of significance.

c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly? Less Than Significant Impact with Mitigation Incorporated

In the evaluation of environmental impacts in this Initial Study, the potential for adverse direct or indirect impacts to human beings were considered in the response to certain questions in Sections I. Aesthetics, III. Air Quality, VI. Geology and Soils, VIII. Hazards and Hazardous Materials, IX. Hydrology and Water Quality, XII. Noise, XIII. Population and Housing, XIV. Public Services, and XVI. Transportation and Traffic. As a result of this evaluation, there is no substantial evidence that there are adverse effects on human beings associated with this project. All impacts in these environmental issue areas are less than significant or mitigated to below a level of significance through implementation of mitigation measures that will be required as a condition of project approval (MM-GEO-1, MM-PS-1, MM-PS-2, MM-TR-1, MM-TR-2 and MM-TR-3). Therefore, this project has been determined not to meet this Mandatory Finding of Significance and impacts are less than significant with the incorporation of mitigation.

VI. PREPARERS

This section identifies those persons who prepared or contributed to preparation of this document. This section is prepared in accordance with Section 15129 of the CEQA Guidelines.

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VIII. MITIGATED NEGATIVE DECLARATION

City of San Marcos

The following Mitigated Negative Declaration is being circulated for public review in accordance with the California Environmental Quality Act Sections 21091 and 21092 of the Public Resources Code.

Public Review Period: August 6, 2019 to September 5, 2019

Project Name: San Marcos Boulevard/Bent Avenue Commercial

Project Applicant: Jump Ball, LLC, 3535 Princeton Drive NE, Albuquerque, NM 87107

Project Location: The 0.86-acre project site is located in the Business/Industrial District of the City of San Marcos in North San Diego County. Specifically, the project site is located at the northwest corner of San Marcos Boulevard and Bent Avenue. The project site is bounded by San Marcos Boulevard on the south, Bent Avenue on the east, Fry's Electronics on the north and a neighborhood commercial shopping center to the west. The project site is graded and vacant with some mature trees along the northern, western and southern boundaries.

Project Description: The project applicant is requesting approval of a General Plan Amendment, Rezone, and Conditional Use Permit to construct a 3,500 square foot restaurant with a drive-through. The restaurant will have both interior and exterior seating. The drive-through lane, which will be located along the northern and western boundary of the project site, has been designed to accommodate space for queueing for 11 vehicles. Project access will be from two driveways, one off of San Marcos Boulevard and one off of Bent Avenue. The project will provide 38 parking spaces and will implement a landscape plan.

XI. FINDINGS

This is to advise that the City of San Marcos, acting as the lead agency, has conducted an Initial Study to determine if the project may have a significant effect on the environment and is proposing this Mitigated Negative Declaration based upon the following findings:

☐ The Initial Study shows that there is no substantial evidence that the project may have a significant effect on the environment and a NEGATIVE DECLARATION will be prepared.

☒ The Initial Study identifies potentially significant effects but:

(1) Proposals made or agreed to by the applicant before this proposed Mitigated Negative Declaration was released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur.

(2) There is no substantial evidence before the agency that the project may have a significant effect on the environment.

Mitigation measures are required to ensure all potentially significant impacts are reduced to levels of insignificance.

MM-BIO-1a In order to avoid and minimize impacts to nesting birds (pursuant to the Migratory Bird Treaty Act), no removal of ornamental trees will occur during the avian breeding season (February 15 through August 31) within the project area, unless preconstruction surveys indicate that active nests are not present on the site or in surrounding areas. If surveys show that nesting birds are present, mitigation measure MM-BIO-1b would be implemented.

MM-BIO-1b If nesting birds are found during the preconstruction survey performed under MM-BIO-1a, a no-work buffer would be placed around the nest. The no-work buffer size would be determined by a qualified biologist and would vary based on site conditions and type of work to be conducted and what species are nesting. The no-work buffer would be maintained until the end of the breeding season or until surveys by a qualified biologist confirm that fledglings are no longer dependent on nest. If no nesting birds are detected during pre-construction surveys, no restrictions would be necessary and construction may proceed as planned.

MM-CR-1a Prior to the issuance of a Grading Permit, or ground-disturbing activities, the Applicant/Owner shall enter into a Tribal Cultural Resource Treatment and Monitoring Agreement (also known as a pre-excavation agreement) with the San Luis Rey Band of Mission Indians, and/or another Traditionally and Culturally Affiliated Native American Tribe ("TCA Tribe"). The purpose of this agreement shall be to formalize protocols and procedures between the Applicant/Owner and the TCA Tribe for the protection and treatment of Native American human remains, funerary objects, cultural and/or religious landscapes, ceremonial items, traditional gathering areas and other tribal cultural resources, located within and/or discovered during ground disturbing and/or construction activities for the proposed project, including any additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, preparation for wet and dry infrastructure, and all other ground disturbing activities.

MM-CR-1b The landowner shall relinquish ownership of all non-burial related tribal cultural resources collected during the grading monitoring program and from any previous archaeological studies or excavations on the project site to the TCA Tribe for proper treatment and disposition per the Cultural Resources Treatment and Monitoring Agreement. Any burial related tribal cultural resources (as determined by the Most Likely Descendant) shall be repatriated to the Most Likely Descendant as determined by the Native American Heritage Commission pursuant to California Public Resources Code Section 5097.98. If none of the TCA Tribes accept the return of the cultural resources, then the cultural resources will be subject to the curation requirements contained herein. Additionally, in the event that curation of tribal cultural resources is required by a superseding regulatory agency, curation shall be conducted by an approved facility and the curation shall be guided by California State Historic Resource Commissions Guidelines for the Curation of Archaeological Collections. The City of San Marcos shall provide the developer final curation language and guidance on the project grading plans prior to issuance of the grading permit, if applicable, during project construction. The applicant shall provide to the City written documentation from the TCA Tribe, the Most Likely Descendant, and/or the curation facility, whichever is most applicable, that the repatriation and/or curation have been completed.

MM-CR-1c Prior to the issuance of a Grading Permit or ground-disturbing activities, the Applicant/Owner or Grading Contractor shall provide a written and signed letter to the Development Services Department stating that a Qualified Archaeologist and TCA Native American monitor have been retained at the Applicant/Owner or Grading Contractor's expense to implement the monitoring program, as described in the Tribal Cultural Resource Treatment and Monitoring Agreement.

MM-CR-1d Prior to submittal of grading and/or improvement as-built plans, or prior to the issuance of any project Certificate of Occupancy, a monitoring report, which describes the results, analysis and conclusions of the archaeological monitoring program shall be submitted by the Qualified Archaeologist, along with the TCA Native American monitor's notes and comments, to the Planning Division Manager for approval. A copy of any submitted monitoring report shall be provided to the San Luis Rey Band of Mission Indians and any other TCA Tribe that requests the report.

MM-CR-1e The Qualified Archaeologist shall maintain ongoing collaborative consultation with the TCA Native American monitor during all ground disturbing activities. The requirement for the monitoring program shall be noted on all applicable construction documents, including demolition plans, grading plans, etc. The Applicant/Owner or Grading Contractor shall notify the Planning Division, preferably through e-mail, of the start and end of all ground disturbing activities.

MM-CR-1f The Qualified Archaeologist and TCA Native American Monitor shall attend all applicable pre-construction meetings with the General Contractor and/or associated Subcontractors to present the archaeological monitoring program. The Qualified Archaeologist and TCA Native American monitor shall be present on-site full-time during grubbing, grading and/or other ground disturbing activities, including the placement of imported fill materials or fill used from other areas of the project site, to identify any evidence of potential archaeological or cultural resources. All fill materials shall be absent of any and all cultural resources. The Applicant/Owner or Grading Contractor may submit written documentation to the

City to substantiate if any fill material is absent of cultural resources. Should the City concur that the fill material is absent of cultural resources, in consultation with a Qualified Archaeologist and/or the TCA Native American monitor, then no monitoring of that fill material is required.

MM-CR-1g The Qualified Archaeologist or the TCA Native American monitor may halt ground disturbing activities if unknown archaeological artifact deposits or cultural features are discovered. Ground disturbing activities shall be directed away from these deposits to allow a determination of potential importance. Isolates and clearly non-significant deposits (as determined by the Qualified Archaeologist, in consultation with the TCA Native American monitor) will be minimally documented in the field, collected and be given to the TCA Tribe so that they may be reburied at the site on a later date. If a determination is made that the unearthed artifact deposits or tribal cultural resources are considered potentially significant, the San Luis Rey Band of Mission Indians and/or the TCA Tribe referenced in CR-1 shall be notified and consulted with in regards to the respectful and dignified treatment of those resources. All sacred sites, significant tribal cultural resources and/or unique archaeological resources encountered within the project area shall be avoided and preserved as the preferred mitigation, if feasible. If, however, a data recovery plan is authorized by the City as the Lead Agency under CEQA, the contracted San Luis Rey Band of Mission Indians and/or the TCA Tribe referenced in CR-1 shall be notified and consulted regarding the drafting and finalization of any such recovery plan. For significant artifact deposits, tribal cultural resources or cultural features that are part of a data recovery plan, an adequate artifact sample to address research avenues previously identified for sites in the area will be collected using professional archaeological collection methods. If the Qualified Archaeologist collects such resources, the TCA Native American monitor must be present during any testing or cataloging of those resources. Moreover, if the Qualified Archaeologist does not collect the cultural resources that are unearthed during the ground disturbing activities, the TCA Native American monitor, may at their discretion, collect said resources and provide them to the contracted TCA Tribe referenced in CR-1 for respectful and dignified treatment in accordance with the Tribe's cultural and spiritual traditions. If the Developer, the Qualified Archaeologist and the TCA Tribe cannot agree on the significance or mitigation for such resources, these issues will be presented to the Planning Division Manager for decision. The Planning Division Manager shall make a determination based upon the provisions of the California Environmental Quality Act and California Public Resources Code Section 21083.2(b) with respect to archaeological resources, tribal cultural resources and shall take into account the religious beliefs, cultural beliefs, customs and practices of the TCA Tribe. Notwithstanding any other rights available under law, the decision of the Planning Division Manager shall be appealable to the Planning Commission and/or City Council.

MM-CR-1h As specified by California Health and Safety Code Section 7050.5, if human remains are found on the project site during construction or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Medical Examiner's Office. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Medical Examiner has made the necessary findings as to origin and disposition pursuant to Public Resources Code 5097.98. If such a discovery occurs, a temporary construction exclusion zone shall be established surrounding the area of the

discovery so that the area would be protected, and consultation and treatment could occur as prescribed by law. By law, the Medical Examiner will determine within two working days of being notified if the remains are subject to his or her authority. If the Medical Examiner recognizes the remains to be Native American, he or she shall contact the Native American Heritage Commission (NAHC), by telephone, within 24 hours. The NAHC will make a determination as to the Most Likely Descendent. If suspected Native American remains are discovered, the remains shall be kept in-situ, or in a secure location in close proximity to where they were found, and the examination of the remains shall only occur on-site in the presence of a TCA Native American monitor.

MM-GEO-1 The project applicant shall implement the geotechnical recommendations identified on pages 6 - 15 of the Report of Geotechnical Engineering Report (Terracon 2018a). These recommendations address grading/earthwork, foundations, floor slab, lateral earth pressures and pavement requirements.

MM-PS-1 Prior to the issuance of a grading permit, 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 Facility District: CFD 2001-01 (Fire and Paramedic).

MM-PS-2 Prior to the issuance of a grading permit, 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 Facility District: CFD 98-01, Improvement Area No. 1 (Police).

MM-TR-1 Prior to project occupancy, the project shall contribute a fair share towards the widening of the northbound approach on Bent Avenue at San Marcos Boulevard to provide a left turn lane, a thru lane, and a right turn lane. The project's fair share contribution is 2.3 percent.

MM-TR-2 The Bent Avenue driveway shall be restricted to right-in/right-out only ingress and egress by means of driveway obstruction (e.g., pork shop) or signage and striping as determined by the City Engineer. Prior to issuance of grading permit, final driveway design shall be reviewed and approved by the City Engineer.

MM-TR-3 Prior to the issuance of a grading permit, 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 Facility District: CFD 2011-01 (Congestion Management).

A MITIGATED NEGATIVE DECLARATION will be prepared.

If adopted, the Mitigated Negative Declaration means that an Environmental Impact Report will not be required. Reasons to support this finding are included in the attached Initial Study. The project file and all related documents are available for review at the Planning Division Counter at the City of San Marcos, 1 Civic Center Drive, San Marcos, CA 92069.

NOTICE

The public is invited to comment on the proposed Mitigated Negative Declaration during the review period.

Norman Pedersen, Associate Planner
Date of Determination: July 29, 2019