Diamond Street Industrial

TPM20-0001

Draft Initial Study/ Mitigated Negative Declaration

ND21-002

Prepared For

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

Project Applicant

CCI – Diamond Street Industrial
160 Industrial Street
San Marcos, CA 92078

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ACRONYMS

AB	Assembly Bill
ALUCP	Airport Land Use Compatibility Plan
AMSL	Above Mean Sea Level
APN	Assessor Parcel Number
BMP	Best Management Practices
CAGN	Coastal California Gnatcatcher
CAP	Climate Action Plan
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CFGC	California Fish and Game Code
cfs	cubic feet per second
CHRIS	California Historical Resources Information System
CNDDB	California Natural Diversity Database
CNEL	Community Noise Equivalent Level
CNPS	California Native Plant Society
CRHR	California Register of Historic Resources
CO	Carbon Monoxide
CY	Cubic Yards
EIR	Environmental Impact Report
EPA	Environmental Protection Agency
FEMA	Federal Emergency Management Agency
FPA	Focused Planning Area
HMP	Hydromodification Management Plan
Lbs/day	pounds per day
LUST	Leaking Underground Storage Tank
MBTA	Migratory Bird Treaty Act
MEIR	Maximally Exposed Individual Resident
MHCP	Multiple Habitat Conservation Program
MND	Mitigated Negative Declaration
MT/Year	Metric tons per year
NAHC	Native American Heritage Commission
NCCP	Natural Community Conservation Plan
NCTD	North County Transit District
ND	Negative Declaration
NO_2	Nitrogen Dioxide
NRHP	National Register of Historic Places
NWI	National Wetlands Inventory
OEHHA	Office of Environmental Health Hazard Assessment
PPD	Pounds per Day
PRC	Public Resources Code
RAQS	Regional Air Quality Strategy
RCP	Reinforced Concrete Pipe
REC	Recognized Environmental Condition
ROG	Reactive Organic Gases

SANDAG	San Diego Association of Governments
SB	Senate Bill
SCAQMD	South Coast Air Quality Management District
SCIC	South Coastal Information Center
SDAB	San Diego Air Basin
SDAPCD	San Diego Air Pollution Control District
SDG&E	San Diego Gas & Electric
SIP	State Implementation Plan
SMFD	San Marcos Fire Department
SMUSD	San Marcos Unified School District
SO_2	Sulfur Dioxide
SR-78	State Route 78
SSC	Species of Special Concern
SWPPP	Stormwater Pollution Prevention Plan
SWRDB	State Water Resources Control Board
TAC	Toxic Air Contaminants
T-BACT	Toxics Best Available Control Technology
TPM	Tentative Parcel Map
USACE	United State Army Corp of Engineers
USFWS	United States Fish and Wildlife
USGS	United States Geologic Survey
VHFHSZ	Very High Fire Hazard Severity Zone
VOC	Volatile Organic Compounds
VWD	Vallecitos Water District
WEAP	Worker Environmental Awareness Program

I. INTRODUCTION

I. PURPOSE

This document is an Initial Study (IS) for evaluation of environmental impacts resulting from implementation of the Diamond Street Industrial 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 including the mandatory findings. 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. PERSONS AND ORGANIZATIONS CONSULTED identifies those persons consulted and involved in preparation of this IS.

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

VII. MITIGATED NEGATIVE DECLARATION

VIII. 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:

- **Tentative Parcel Map (TPM20-0001)** to consolidate the project site into two parcels.

Additional permits and approvals required for implementation of the project:

- Grading, improvement and landscape plan approval (City of San Marcos)
- Final Map approval (City of San Marcos)
- Section 1602 Streambed Alteration Agreement (California Department of Fish and Wildlife)
- Section 401 Water Quality Certification (Regional Water Quality Control Board)
- Vallecitos Water District approval
- SDG&E review and approval

Additional permits and approvals that may be required for implementation of the project:

- Incidental Take Permit (United States Fish and Wildlife Service)

II. PROJECT DESCRIPTION

I. PROJECT LOCATION AND SETTING

The 22.89-acre project site is located in the Questhaven/La Costa Meadows Neighborhood of the City of San Marcos in North San Diego County. Specifically, the project site is located northeast of the intersection of Melrose Drive and Diamond Street. The site is bounded by a citrus grove (located in the County of San Diego jurisdiction and as permanent open space) to the north, designated open space managed by the Center for Natural Lands Management to the northwest, east and southeast, industrial development to the southwest, and residential development to the west. The project site is approximately 0.5 miles southwest of Lake San Marcos and west of San Marcos Creek. The Assessor Parcel Numbers (APNs) are 223-341-03 to -14 and -16. **Figures 1 and 2** provide the project vicinity and the project location.

The majority of the project site has a history of disturbance and contains fill from prior adjacent land uses including a quarry and the Brookfield Homes residential development. A Final Map (Map No. 12781) for City of San Marcos Tract No. 292 was recorded for the site in the early 1990s encompassing the entire project site in the Light-Industrial (L-I) Zone with an industrial project. This Final map is for a 13-lot industrial subdivision which allows for the development of an industrial building on each of the 13 lots subject to the development standards of the Light Industrial (L-I) zone.

Existing structures on the project site include a utility tower associated with a 150-foot-wide San Diego Gas and Electric (SDG&E) easement in the southwestern portion of the site and a number of abandoned storm drain pipe pieces in the central portion of the site along the eastern boundary. The existing SDG&E powerline will remain. Multiple dirt trails throughout the site suggest off-road vehicle and pedestrian use.

The topography of the project area consists of steep to gently sloping rocky hills in the western, northeastern, and eastern portions of the site and an intervening canyon generally running north to south in the central portion of the site, with elevations ranging from approximately 430 feet above mean sea level (AMSL) in the southern corner to approximately 565 feet AMSL in the northeastern corner.

In 2012, as part of the General Plan Update, the City identified a wildlife corridor in the approximate northeastern portion of the project site. Based upon the biological resources assessment for the project, vegetation communities on the project, in order of prevalence, include: disturbed Diegan coastal sage scrub, Diegan coastal sage scrub, coastal sage-chaparral transition, disturbed habitat, ornamental, natural flood channel/streambed, pampas grass – Mexican fan palm, pampas grass, agriculture and mulefat scrub (Rincon 2021). The project site is located within the boundaries of the San Diego Association of Governments (SANDAG) Final Multiple Habitat Conservation Program (MHCP), but not within a Focused Planning Area or Biological Core and Linkage Area.

II. PROJECT DESCRIPTION

The project applicant is requesting approval of a Tentative Parcel Map to consolidate an existing 22.89-acre site from 13 lots into two lots. **Figure 3** presents the Tentative Parcel Map.

Lot A is proposed to be 16.12 acres and mass graded for an industrial pad with associated 2:1 graded slopes. No development is proposed on Lot A at this time. Any future development of an industrial building(s) on Lot A would be subject to Site Development Plan review and additional CEQA review[1]. Lot B would be 6.77 acres and would remain in its current condition and would be a designated open space area. Lot B would be placed within an open space easement.

Project components include:

- Reconfiguration of an existing Community Facility District-landscaped slope in the southwestern portion of the site adjacent to Melrose Drive;
- Construction of a private unpaved driveway originating from the intersection of Melrose Drive and Diamond Street along a portion of the southeasterly project site boundary;
- Construction of retaining walls ranging from 1 to 20 feet in height;
- Completion of the remaining traffic signal component (4th leg) at the existing signal at the intersection of Diamond Street and Melrose Drive;
- Installation of water and sewer line to connect with existing Vallecitos Water District infrastructure;
- Construction of a water quality basin in the southern corner of the project site adjacent to Melrose Drive;
- Construction of a desiltation basin in the eastern corner of the project site; and
- Installation of landscaping.

Grading Activities

The project grading activities will require approximately 122,750 cubic yards (cy) of cut and 236,920 cy of fill for a total of 114,170 cy of material import. Materials import will take up to six months and will occur at different phases during the grading activities. Assuming the use of 15 cy hauling trucks, there will be approximately 60 truck trips per day. The import and export of earth material is guided by Section 17.32.080 of the City's Municipal Code and prior to any import of soils, a haul route will be submitted for review and approval by the City Engineer.

Additionally, grading and other earth moving activities are restricted to the hours of 7:00 AM and 4:30 PM, Monday through Friday, per Section 17.32.180 of the City's Municipal Code.

Due to granitic bedrock conditions in some areas of the site, blasting may be required as part of the grading operations. The project would comply with all provisions identified in the City's Municipal Code Section 17.60.06 as it relates to blasting. Blasting shall only be permitted between the hours of 9:00 AM and 4:00 PM during any weekday. A blasting permit from the Fire Department would be required.

[1] Section 20.515 of the City's Municipal Code provides additional information on the Site Development Plan review process.

Additionally, 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. Additionally, as a condition of project approval, all heavy diesel construction equipment used during project construction would be classified as Tier IV.

Improvement within the SDG&E Easement

Project improvements are proposed within SDG&E's 100-foot easement (per Doc. No. 53881, book 1073 page 448 of Official Records of San Diego County recorded October 14, 1940) and the 50-foot easement (per Doc. No. 192240 of Official Records of San Diego County recorded October 22, 1965).

The project will grade a sheet graded pad within the easement areas. The proposed pad maintains the existing SDG&E transmission pole location and elevation. This pad could ultimately service an industrial use on the site which could include parking, drive aisles, truck bays and other components. Any future development would be subject to Site Development Plan review and additional CEQA review by the City. Additionally, all uses within the easement will require SDG&E's approval.

The project includes the construction of a new access driveway that is partially within the easement areas. This driveway includes supporting retaining walls, underground drainage improvements, private underground utilities, and landscaped slopes. These specific improvements are depicted on the grading concept for the TPM for APNs 223-341-03 through 14 &16 by Excel Engineering dated October of 2020 and that Landscape Concept Plan for Tentative Parcel Map for APN's 223-341-03 through 14 &16 by GMP dated December 15, 2020.

The grading concept also includes a proposed SDG&E access easement along the new driveway to the existing SDG&E easements. This access provides an enhancement to SDG&E's ability to access their facilities. The access will be through a signalized intersection at Melrose Drive and then along a paved access which varies in width from 28 to 40 feet.

The majority of the SDG&E easement area will be graded as a 2% sheet graded pad. The grading will provide for better access to the existing and future SDG&E facilities within the portion of the easements that are within the project footprint.

Figure 1. Project Location

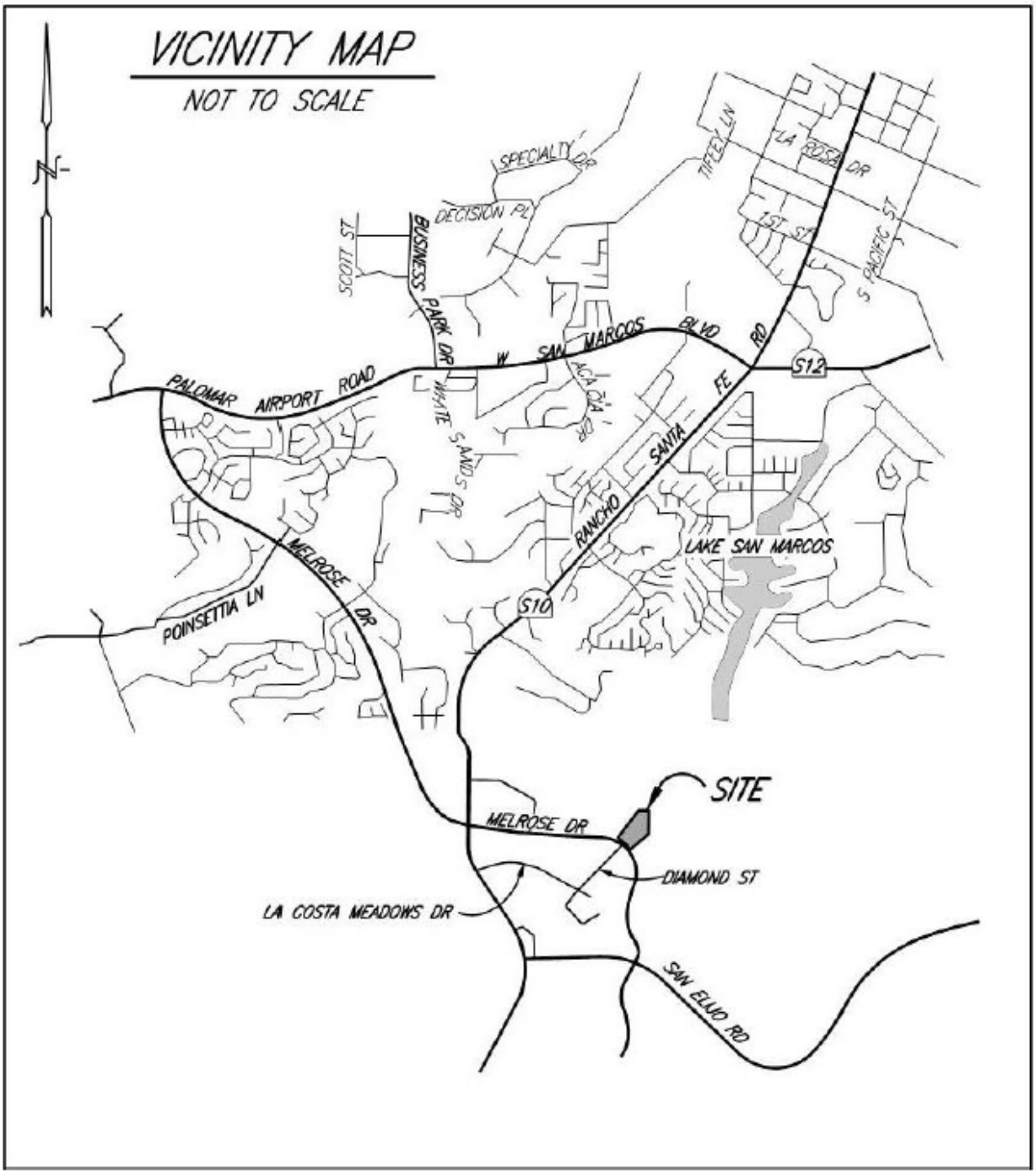
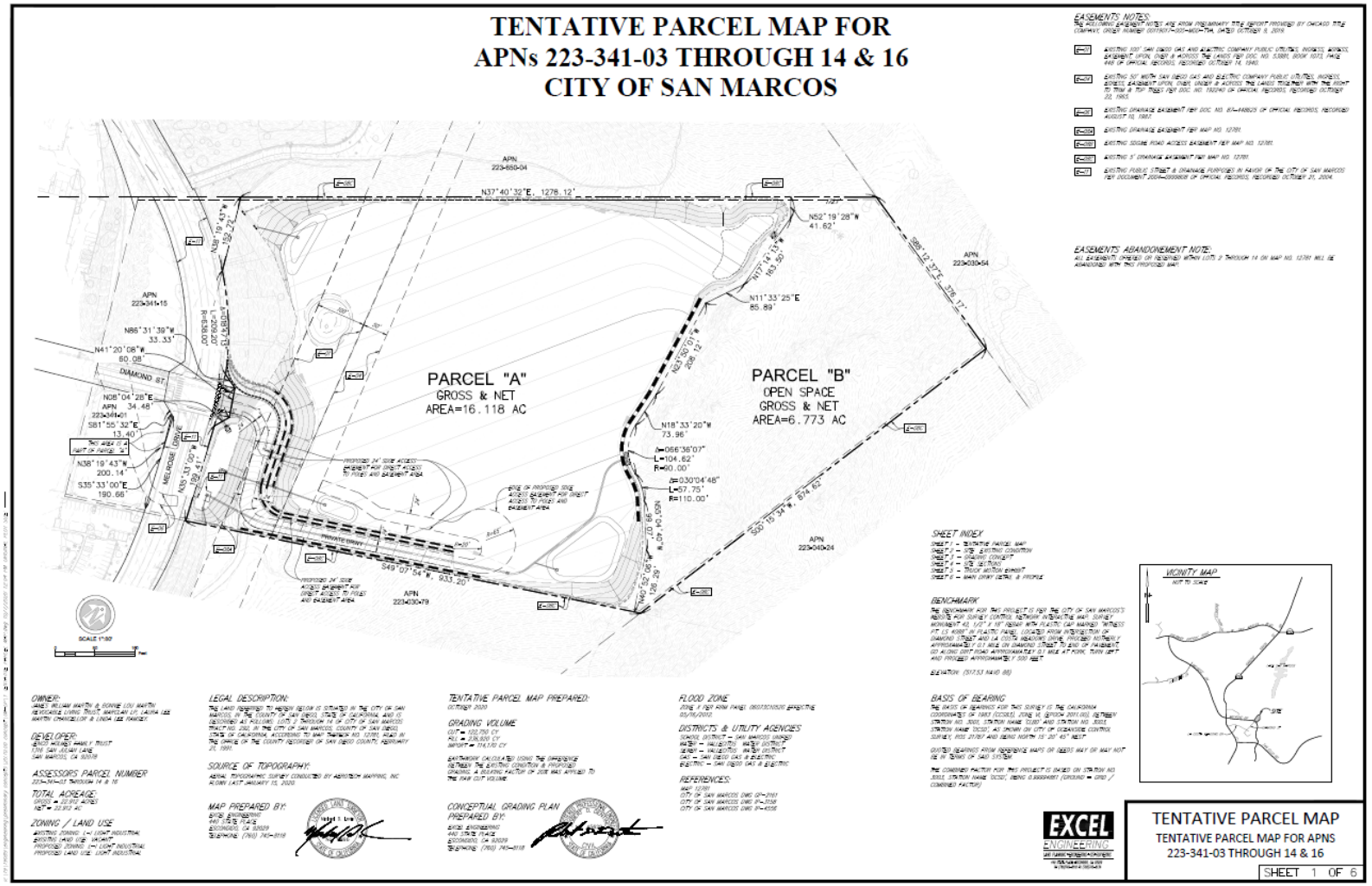


Figure 2. Project Vicinity

Figure 3. Tentative Parcel Map



III. ENVIRONMENTAL CHECKLIST

I. BACKGROUND

1. **Project Title:** Diamond Street Industrial
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 22.89-acre project site is located northeast of the intersection of Melrose Drive and Diamond Street in the City of San Marcos.
5. **Project Sponsor's Name and Address:**
   CCI – Diamond Street Industrial
   160 Industrial Street
   San Marcos, CA 92078
6. **General Plan Designation:** The project site has a General Plan Designation of Light Industrial (LI). No change in designation is proposed.
7. **Zoning Designation:** The project site has a zoning designation of Light Industrial (L-I). No change in zoning is proposed.
8. **Description of Project:** Please see Section II for project description.
9. **Surrounding Land Uses and Setting**: The project site is located within the Questhaven/La Costa Meadows neighborhood and is located northeast of the intersection of Melrose Drive and Diamond Street in the City of San Marcos (APNs 223-341-03 to -14 and -16). The site is bounded by a citrus grove (located in the County of San Diego and designated as permanent open space) to the north, designated open space managed by the Center for Natural Lands Management to the northwest, east and southeast, industrial development to the southwest, and residential development to the west.
10. **Other Public Agencies Whose Approval is Required:** United States Fish and Wildlife Services, California Department of Fish and Wildlife, Regional Water Quality Control Board, Vallecitos Water District, and the Public Utilities Commission

11. Have California Native American tribes traditionally or culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc?

The City has notified the tribes in accordance with Public Resources Code Section 21074. The City is currently in consultation with the Rincon Band of Luiseño Indians (Rincon Band) and the Pechanga Band of Luiseño Indians (Pechanga Band).

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**
- □ Energy
- **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
- □ Public Services
- □ Recreation
- □ Transportation
- **X Tribal Cultural Resources**
- □ Utilities and Service Systems
- □ Wildfire
- **X 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.

Norman Pedersen, Associate Planner — Date 4/22/21

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) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points). If the project is in an urbanized area, would the project conflict with the applicable zoning and other regulations governing scenic quality?			**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**

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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) 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?			**X**	
c) Expose sensitive receptors to substantial pollutant concentrations?			**X**	
d) Result in other emissions (such as those leading to odors) adversely 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 state or federally protected wetlands (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**	

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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 pursuant to §15064.5?				**X**
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?		**X**		
c) Disturb any human remains, including those interred outside of dedicated cemeteries?		**X**		
VI. ENERGY. Would the project:				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation?			**X**	
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?			**X**	
VII. GEOLOGY AND SOILS. Would the project:				
a) Directly or indirectly cause 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.				**X**
b) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: Strong seismic ground shaking?			**X**	
c) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: Seismic-related ground failure, including liquefaction?				**X**

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: Landslides?				**X**
e) Result in substantial soil erosion or the loss of topsoil?			**X**	
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?			**X**	
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?		**X**		
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?				**X**
i) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		**X**		
VIII. 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**	
IX. 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 reasonably 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 or excessive noise for people residing or working in the project area?				**X**
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				**X**
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?				**X**
X. HYDROLOGY AND WATER QUALITY. Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?			**X**	
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there the project may impede substantial groundwater management of the basin?				**X**
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: result in substantial erosion or siltation on- or off-site?			**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 or through the addition of impervious surfaces, in a manner which would: substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?			**X**	
e) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: create or contribute to runoff water which would exceed the capacity of existing or planned			**X**	

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
stormwater drainage systems or provide substantial additional sources of polluted runoff?				
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 through the addition of impervious surfaces, in a manner which would: impede or redirect flood flows?			**X**	
g) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?				**X**
h) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?			**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**	

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XI. LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community?				**X**
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating and environmental effect?				**X**
XII. 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**
XIII. NOISE. Would the project result in:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local genera plan or noise ordinance, or applicable standards of other agencies?			**X**	
b) Generation of excessive groundborne vibration or groundborne noise levels?			**X**	
c) For a project located within the vicinity of a private airstrip or 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**
XIV. POPULATION AND HOUSING. Would the project:				
a) Induce substantial unplanned 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 people or housing, necessitating the construction of replacement housing elsewhere?				**X**

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XV. 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**	
XVI. 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**
XVII. TRANSPORTATION/TRAFFIC. Would the project:				
a) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?				**X**
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3 subdivision (b)?				**X**
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				**X**
d) Result in inadequate emergency access?				**X**
XVIII. 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**		

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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 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.		X		
XIX. UTILITIES AND SERVICE SYSTEMS. Would the project:				
a) Require or result in relocation or the construction of new or expanded water, wastewater treatment facilities, or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?			X	
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?			X	
c) 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	
d) Generate solid waste in excess of State or local standards or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?			X	
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?			X	
XX. WILDFIRE. If located in or near state responsibility areas or lands classified as very high fire hazard severity zone, would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?				X
b) Due to slope, prevailing wind, and other factors, exacerbate wildlife risk, and thereby expose project occupants to, pollutant concentrations from a wildlife or the uncontrolled spread of wildlife?				X
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency				X

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
water sources, power lines or other utilities) that may exacerbate fire risk or that may result in the temporary or ongoing impacts to the environment?				
d) Expose people or structures to significant risk, including downslope or downstream flooding or landslide, as a result of runoff, post-fire slope instability, or drainage changes?				**X**
XXI. MANDATORY FINDINGS OF SIGNIFICANCE.				
a) Does the project have the potential to substantially 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, substantially 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 Questhaven/La Costa Meadows Neighborhood of the City of San Marcos. The Questhaven/La Costa Meadows neighborhood is located in the southernmost portion of San Marcos. The site is bounded by a citrus grove (designated in the County of San Diego as permanent open space) to the north, designated open space managed by the Center for Natural Lands Management to the northwest, east and southeast, industrial development to the southwest, and residential development to the west. The San Elijo neighborhood is located further to the southwest and the University Commons/Old Creek Ranch is located further south of the project site.

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 architecture 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 Space Element of the General Plan. The closest primary ridgeline is located approximately 0.5 mile to the east. There are no sensitive or protected views associated with the project site.

The project applicant is requesting approval of a Tentative Parcel Map to consolidate an existing 22.89-acre site from 13 lots into two lots. Lot A would be mass graded for an industrial pad. No development is proposed on Lot A at this time. Parcel B would remain in its current condition and would be a designated open space area. Future development on Lot A with an industrial building would require a separate Site Development Plan review and environmental review by the City. 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? Less than Significant Impact

The project site is located approximately 3.25 miles south 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 2020). 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 site Is not visible from SR-78, and so cannot block views. The project would not impact views to these peaks from SR-78 as no development is proposed at this time. 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.

Per the cultural resources report prepared for the project the project site does not support any historic buildings (ASM 2020). A minor rock cropping associated with a recorded cultural site is located in the eastern portion of the project site within future Lot B, which is proposed as conserved open space, therefore, the rock outcrop will not be impacted. 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. Impacts would be less than significant.

c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surrounding? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with the applicable zoning and other regulations governing scenic quality? Less than Significant Impact

The City of San Marcos (which includes the project site) is considered an urbanized area per the Public Resources Code (PRC). Per PRC Section 21071, an "urbanized area" is defined as "(a) an incorporated city that meets either of the following criteria: (1) Has a population of at least 100,000 persons, or (2 has a population of less than 100,000 persons if the population of that city and not more than two contiguous incorporated cities combined equals at least 100,000 persons." As of July 1, 2019, the US Census Bureau estimated the population of San Marcos to be 96,664 persons (USCB 2020). While this is less than 100,000 persons, the City of San Marcos is contiguous with the City of Escondido, which has an estimated population of 151,625 persons as of July 1, 2019 (USCB 2020). The combined estimated population of these two contiguous cities is 248,289 persons, which is well over the 100,000 persons threshold. Thus, the City of San Marcos would be considered an urbanized area per CEQA. Therefore, the first question of this aesthetics threshold does not apply to the proposed project, as it is directed at non-urbanized areas.

The second part of this threshold is for projects in urbanized areas, which is what applies to the project. A significant impact would occur if the project conflicts with the applicable zoning and other regulations that govern scenic quality. The project site has a General Plan and Zoning designation of Light Industrial and no change is proposed. The project will not conflict with any regulations governing scenic quality. As discussed in I.a and I.b, above, 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 Space Element of the General Plan. All proposed grading will comply with the City's Grading Ordinance with regard to cut heights and slopes. Additionally, 6.77 acres of the project site would not be graded and left in its current natural condition. As detailed under the first aesthetics threshold (I.a), the project would not conflict with any regulations that govern scenic quality and 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? No Impact

The project site is currently vacant and there is no existing lighting on the project site. The project would not create a new source of lighting or glare which could adversely affect day or nighttime views. The project proposes consolidating the project site from 13 lots into two lots and no development is proposed at this time. At the time a future development is proposed the development's lighting plan, building materials, and building finishes would be reviewed by the City through a Site Development Plan review. No impact is identified for this issue area.

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 Light Industrial (LI) and a zoning designation of Light Industrial (L-I). No change in land use or zoning is proposed as part of the project. 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 Light Industrial (LI) and a zoning designation of Light Industrial (L-I). No change in land use or zoning is proposed as part of the project. 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 undeveloped and supports a mix of coastal sage scrub/chaparral mix, Diegan coastal sage scrub, disturbed Diegan coastal sage scrub, agriculture, developed, disturbed, ornamental, natural flood channel/streambed, pampas grass – Mexican fan palm, pampas grass and mulefat scrub (Rincon 2021). Therefore, the project will not result in a loss of forest land or conversion of forest land to non-forest use.

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 Questhaven/La Costa Meadows Neighborhood of the City. There is existing industrial development west of the project site, across Melrose Drive. To the northeast is a residential development. The site is bounded on the north by a citrus grove. This citrus grove is designated in the County of San Diego as permanent open space, so it would not be subject to conversion. Additionally, the portion of the project site that is adjacent to that orchard will be identified as an open space lot. There is no aspect of the project that would result in a change in the existing environment that

due to their location or nature, could result in the 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

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

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 San Diego Association of Governments (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 site has a General Plan Designation of Light Industrial (LI). No change in designation is proposed. Additionally, no development is proposed under the project. The project would not conflict with or obstruct implementation of the RAQS and SIP.

Criteria Pollutant Analysis

Table 1 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 1. 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.

Air Quality Rules and Regulations

The SDAPCD establishes significance criteria for air quality emissions under Rule 20.2 for new or modified stationary sources. These screening criteria can be used to demonstrated that a project's total emissions would not result in a significant impact as defined by CEQA. The screening thresholds are shown in **Table 2**. 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 (O3, with ozone precursors NOx and VOCs, and PM10), 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 2. 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.

Non criteria pollutants, such as Hazardous Air Pollutants (HAPs) or Toxic Air Contaminants (TACs), are also regulated by the SDAPCD. Rule 1200 (Toxic Air Contaminants - New Source Review) adopted on June 12, 1996, requires evaluation of potential health risks for any new, relocated, or modified emission unit which

may increase emissions of one or more toxic air contaminants. The rule requires that projects that propose to increase cancer risk to between 1 and 10 in one million need to implement toxics best available control technology (T-BACT) or impose the most effective emission limitation, emission control device or control technique to reduce the cancer risk. At no time shall the project increase the cancer risk to over 10 in one million. At no time shall the project increase the cancer risk to over 10 in one million or a health hazard index (chronic and acute) greater than one. Projects creating cancer risks less than one in one million are not required to implement T-BACT technology.

The proposed project would also be required to be compliant with California Health and Safety Code Section 41700 (California 1975) and District Rule 51 (SDAPCD 1976) which states that no person can discharge air contaminants that cause injury, nuisance, or annoyance to any considerable number of persons or the public, or that endanger the comfort, health or safety of such persons and would include odors. Since odor issues are very subjective by the nature of odors themselves and their measurements are difficult to quantify. A qualitative approach is recommended. Each project will be reviewed on an individual basis, focusing on the existing and potential surrounding uses and location of sensitive receptors.

Grading/Site Preparation Emissions

The project grading activities will require approximately 122,750 cy of cut and 236,920 cy of fill for a total of 114,170 cy of material import. Materials import will take up to six months and will occur at different phases during the grading activities. Assuming the use of 15 cy hauling trucks, there will be approximately 60 truck trips per day. The import and export of earth material is guided by Section 17.32.080 of the City's Municipal Code and prior to any import of soils, a haul route will be submitted for review and approval by the City Engineer.

Due to granitic bedrock conditions in some areas of the site, blasting may be required as part of the grading operations. The project would comply with all provisions identified in the City's Municipal Code Section 17.60.06 as it relates to blasting. A blasting permit from the Fire Department would be required.

Further, 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. Additionally, as a condition of project approval, all heavy diesel construction equipment used during project construction would be classified as Tier IV

Construction equipment anticipated to be used for the project are identified in **Table 3** and **Table 4** presents the anticipated construction emissions for the project, incorporating the identified project design features. In addition, trucks associated with materials import would be utilized. Air quality modeling output is included as Appendix B of this document.

Table 3. Expected Construction Equipment

Equipment Identification	Proposed Start	Proposed Completion	Quantity
Site Preparation	3/1/2021	3/26/2021	
Rubber Tired Dozers			3
Tractors/Loaders/Backhoes			4
Grading	3/27/2021	9/1/2021	
Excavators			2
Graders			1
Rubber Tired Dozers			1
Scrapers			2
Tractors/Loaders/Backhoes			2

Table 4. Construction Emissions Summary (lbs/day)

Year	ROG	NOx	CO	SO_2	PM_{10} (Total)	$PM_{2.5}$ (Total)
2021	1.57	28.95	39.79	0.14	18.28	10.03
Blasting		102	402		20.59	
Total	**1.57**	**130.95**	**441.79**	**0.14**	**38.87**	**10.03**
Significance Threshold (lbs/day)	*75*	*250*	*550*	*250*	*100*	*55*
Exceeds Screening Threshold?	**No**	**No**	**No**	**No**	**No**	**No**

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

b) 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 the grading operations. 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 emissions 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 emissions 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.

c) Expose sensitive receptors to substantial pollutant concentrations? <u>Less Than Significant Impact</u>

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 receptors to the project site are residential uses (**Figure 4**). There are also two preschools in the vicinity. Discovery Isle Preschool La Costa is located at 1655 S. Rancho Santa Fe Road and Prestige Preschool Academy at 7150 Rancho Santa Fe Road. These preschools are both located 0.5 mile away from the project site and further away than the sensitive receptors identified in Figure 4.

Figure 4. Health Risk Modeling Locations

Health risks must be quantified based on the Office of Environmental Health Hazard Assessment (OEHHA) requirements and are required to show that a cancer risk from diesel exhaust of construction equipment would generate a risk of less than 10 per one million exposed. Methodologies identified by OEHHA have been utilized within the modeling prepared for the proposed project (Attachment C of Appendix B of this document). The Environmental Protection Agency's (EPA) preferred atmospheric dispersion regulatory model, AERMOD, was used to determine diesel emissions concentrations at nearby receptors.

Based upon the air quality modeling, worst-case onsite PM_{10} from onsite construction exhaust would cumulatively produce 0.00636 tons over the construction duration (184-working days) or an average of .00036 grams/second.

OEHHA recommends that an exposure duration (residency time) of 30 years be used to estimate individual cancer risk for the Maximally Exposed Individual Resident (MEIR) or receptor. OEHHA also recommends that the 30-year exposure duration be used as the basis for public notification and risk reduction audits and plans. AERMOD was used to determine diesel emissions concentrations at nearby receptors. AERMOD was adopted by the EPA and as their preferred atmospheric dispersion regulatory model.

A graphical representation of the modeling locations is shown on a site aerial in Figure 4. The red points (1-5) represent the sensitive receptor locations where air quality emissions are calculated by AERMOD. The green polygon represents the grading area. The AERMOD outputs are provided as Attachment B of Appendix B of this document.

Utilizing the AERMOD dispersion model, we find that the peak maximum annual concentration is 0.07528 $\mu g/m^3$ during the worst-case construction period at Receptor 2. Utilizing OEHHAs risk equation, the inhalation cancer risk for the worst-case receptor is 7.19 per one million exposed. This is below the threshold 10 per one million exposed. The cancer risk calculations are provided as Attachment C to Appendix B of this document. The project would not expose sensitive receptors to substantial pollutant concentrations and impacts are less than significant.

d) Result in other emissions such as those leading to odors affecting a substantial number of people? <u>Less Than Significant Impact</u>

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 proposing any development at this time.

Odors could occur from construction equipment operations, however given the short-term nature of these construction activities and the absence of sensitive receptors in the project vicinity, construction odors would not be considered an impact. Impacts are less than significant.

IV. BIOLOGICAL RESOURCES

A Biological Resources Technical Report was prepared for the proposed project by Rincon Consultants (Rincon) (2021) and is included as **Appendix C1** of this report. The biology report included an on-site resources assessment, analyzed potential impacts on biological resources, analyzed the project's consistency with CEQA, the Multiple Habitat Conservation Program (MHCP) and the City of San Marcos

Draft Subarea Plan (Draft Subarea Plan), and included a database query, literature review, and field survey.

Rincon biologists Jared Reed and Emily Kochert conducted a biological reconnaissance field survey on June 18, 2020 to document existing biological conditions on the project site and a 200-foot buffer, including plant and wildlife species, vegetation communities, jurisdictional water and wetlands and the potential for presence of special-status species and/or habitat. The following described the existing biological conditions on the project site.

A jurisdictional water and wetlands delineation report was also prepared for the project by Rincon (2020) and is included in **Appendix C2** of this document. The report delineates jurisdictional water on the project site including potential water of the United States (U.S.), subject to U.S. Army Corps of Engineers (USACE) jurisdiction under Section 404 of the Clean Water Act; San Diego Regional Water Quality Control Board (RWQCB) jurisdiction under Section 4401 of the Clean Water Act and/or Porter-Cologne Water Quality Act; and California Department of Fish and Wildlife (CDFW) jurisdiction under California Fish and Game Code (CFGC) Section 1600 et seq.

Vegetation Communities

Vegetation communities on the project site were mapped using aerial imagery during the field survey. In order of prevalence, the vegetation communities and land cover types documented on the project site include: coastal sage scrub/chaparral mix, Diegan coastal sage scrub, disturbed Diegan coastal sage scrub, agriculture, developed, disturbed, ornamental, natural flood channel/streambed, pampas grass – Mexican fan palm, pampas grass (*Cortaderia selloana*) and mulefat scrub (*Washingtonia robusta*) (**Table 5**).

A description of each of these vegetation communities is presented below. **Figure 5** shows the distribution of each vegetation type.

Coastal Sage–Chaparral Transition

This vegetation community comprises a mix of coastal sage scrub and chaparral species. There are 5.04 acres of coastal sage-chaparral transition on the project site. The shrub layer is dense and dominated by chamise (*Adenostoma fasciculatum*), laurel sumac (*Malosma laurina*), woolly-leaved ceanothus (*Ceanothus tomentosus*), black sage (*Salvia mellifera*) and California buckwheat (*Eriogonum fasciculatum*). Wart-stemmed ceanothus (*Ceanothus verrucosus*), an MHCP covered and California Rare Plant Rank (CRPR) 2B.2 species, and California sagebrush (*Artemisia californica*) are present as subdominant species. The herbaceous layer is dominated by fascicled tarplant (*Deinandra fasciculata*) and ripgut brome (*Bromus madritensis*).

Coastal sage scrub/chaparral mix is considered a sensitive community by the MHCP, falling under Habitat Group C. This vegetation community was further classified using *A Manual of California Vegetation, Second Edition* (Sawyer et al. 2009), which resulted in the designation of the following four alliances:

Coastal Sage–Chaparral Transition Sub-Communities

Chamise Chaparral - Chamise chaparral (*Adenostoma fasciculatum* Alliance) is concentrated in the central portion of the project site. Chamise is the dominant species.

Table 5. Summary of Vegetation Communities

Vegetation Community/ Land Cover Type	MHCP Habitat Group	Sensitive	Project Site (Acres)
Coastal Sage Scrub/Chaparral Mix	Group C	Yes	5.04
Diegan Coastal Sage Scrub	Group C	Yes	5.82
Disturbed Diegan Coastal Sage Scrub	Group C	Yes	7.23
Disturbed	Group F	No	2.94
Agriculture	Group F	No	0.09
Developed	-/-	No	0.00
Ornamental	-/-	No	1.09
Natural Flood Channel/Streambed	Group A	Yes	0.44
Pampas Grass – Mexican Fan Palm	-/-	No	0.12
Pampas Grass	-/-	No	0.10
Mulefat Scrub(1)	Group A	Yes	0.01
Total			22.89

Source: Rincon, 2021
Notes: (1) The MHCP recognized "Riparian Scrub", a broad category which includes Mulefat Scrub
Status Definition: -/- Semi-natural stands are not ranked and not considered sensitive (CDFW 2020). Developed and Ornamental are not defined vegetation communities and are not considered sensitive.

Chamise - Black Sage Chaparral - Chamise – black sage chaparral (*Adenostoma fasciculatum – Salvia mellifera* Alliance) is also concentrated in the central portion of the project site. Dominant species include chamise, California buckwheat, black sage, and California sagebrush.

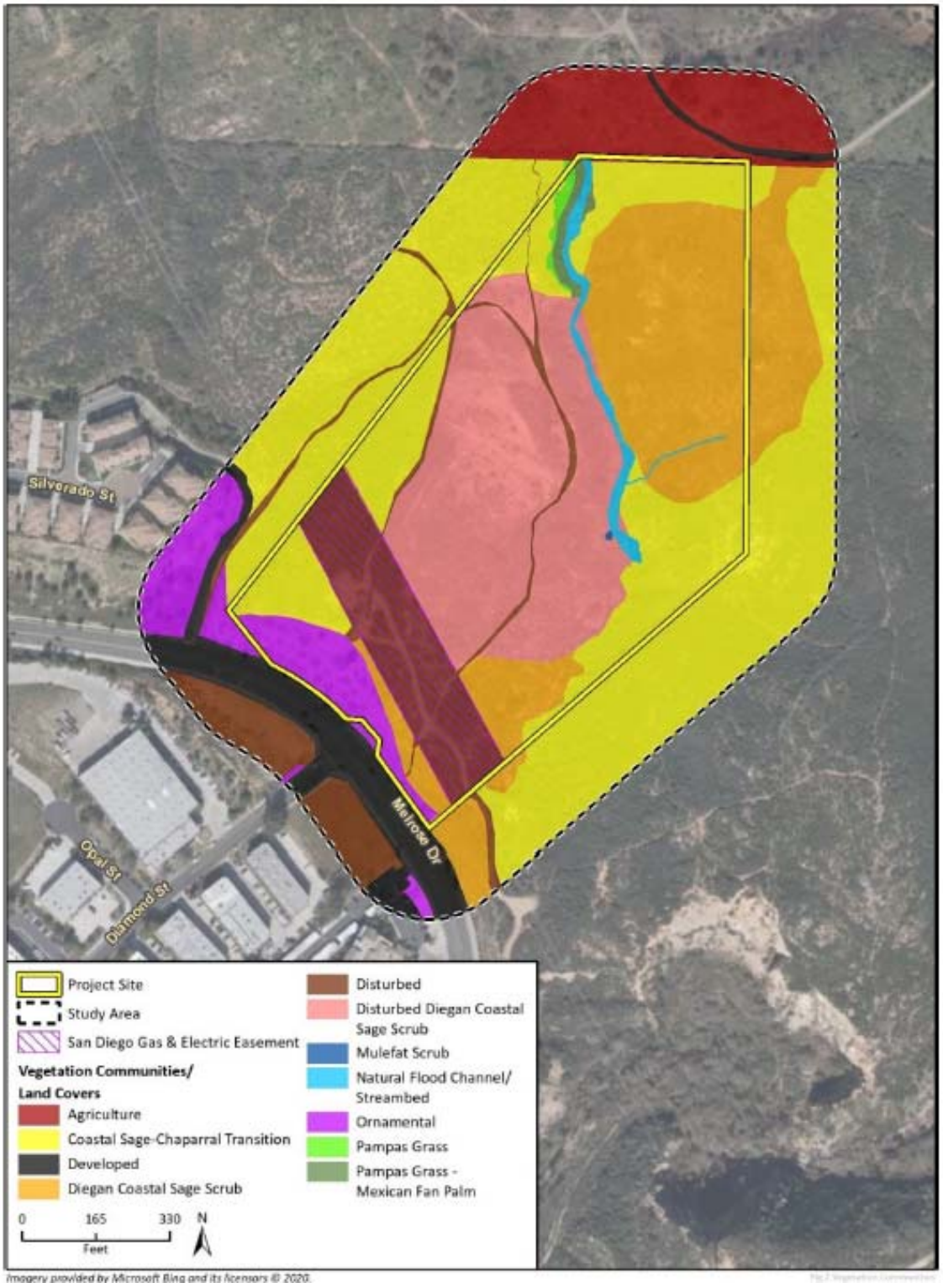
Hairy Leaf–Woolly Leaf Ceanothus Chaparral - Hairy leaf-woolly leaf ceanothus chaparral (*Ceanothus oliganthus, tomentosus* Alliance) is located in the north, east and west portions of the project site. Woolly-leaved ceanothus and chamise are the dominant species.

Wart-stemmed Ceanothus Chaparral - Wart-stemmed ceanothus chaparral (*Ceanothus verrucosus* Alliance) is also located in the north, east and west portions of the project site. Wart-stemmed ceanothus is the dominant species. The areas in which the wart-stemmed ceanothus is on the project site are located outside of a MHCP Focused Planning Area. The MHCP Focused Planning Area is described under Threshold E.

Diegan Coastal Sage Scrub

There are 5.82 acres of Diegan coastal sage scrub on the project site. The shrub layer is dense and dominated by California buckwheat, California sagebrush and laurel sumac, with black sage, coyote brush (*Baccharis pilularis*), deerweed (*Acmispon glaber*), chaparral mallow (*Malacothamnus fasciculatus*) and broom baccharis (*Baccharis sarothroides*) present as subdominant species. The herbaceous layer is dense and relatively diverse, consisting of fascicled tarplant, chaparral dodder (*Cuscuta californica*), chalk dudleya (*Dudleya pulverulenta*), cliff aster (*Malacothrix saxatalis*), chia (*Salvia columbariae*), dwarf plantain (*Plantago erecta*), common cryptantha (*Cryptantha intermedia*), and sapphire woollystar (*Eriastrum sapphirinum*).

Figure 5. Vegetation Communities



Source: Rincon 2021.

Several non-native species including tocalote (*Centaurea melitensis*), black mustard (*Brassica nigra*), slender wild oat (*Avena barbata*) and ripgut brome are also common throughout this community. Diegan Coastal Sage Scrub is considered a sensitive community by the MHCP, falling under the Habitat Group C. The Diegan Coastal Sage Scrub was further classified using *A Manual of California Vegetation, Second Edition* (Sawyer et al. 2009), which resulted in the designation of the following two alliances:

California Sagebrush-California Buckwheat Scrub - California sagebrush-California buckwheat scrub (*Artemisia californica-Eriogonum fasciculatum* Shrubland Alliance) is found throughout the project site. California sagebrush and California buckwheat are codominant.

California Buckwheat Scrub - California buckwheat scrub (*Eriogonum fasciculatum* Shrubland Alliance) is found in more disturbed areas of Diegan coastal sage scrub, where monotypic stands of California buckwheat are present.

Disturbed Diegan Coastal Sage Scrub

This vegetation community is structurally similar to Diegan Coastal Sage Scrub but has been subjected to prior disturbance due to topographic alterations and placement of debris and storm drain pipe pieces. There are 7.23 acers of this vegetation community on the project site. As a result, much of the disturbed Diegan coastal sage scrub is in recovery and contains a high proportion of bare ground and weedy species. Dominant shrub species include California buckwheat, California sagebrush, coyote brush and broom baccharis, and dominant herbaceous species include fascicled tarplant, fountain grass (*Pennisetum setaceum*), ripgut brome and slender wild oat.

Agriculture

This vegetation community is situated adjacent to the project site and is in the northern portion of the project site. This land cover type is comprised of a citrus grove and contains very little native vegetation. There are 0.09 acre of this vegetation community on the project site.

Developed

This land cover type is directly associated with areas covered by preexisting developments (i.e., buildings and paved roads). It is not officially identified in the MHCP or Sawyer et al. (2009) as a defined vegetation community or land cover type. While there was developed areas in the larger biological survey area, there is not any developed area on the project site.

Disturbed Habitat

This land cover type generally lacks vegetation and is comprised of dirt roads, trails, and other topographically disturbed areas such as the existing SDG&E easement in the southwest portion of the project site. Dirt roads and trails are located throughout the project site. There is 2.94 acre of disturbed habitat on the project site.

Ornamental

This land cover type contains planted ornamental vegetation adjacent to developed areas. It is not officially identified in the MHCP or Sawyer et al. (2009) as a defined vegetation community or land cover type. There is 1.09 acre of ornamental areas on the project site.

Natural Flood Channel/Streambed

This land cover type is directly associated with the primary drainage and its tributary in the north, central and eastern portions of the project site. There are 0.44 acre of this land cover type on the project site. The northern, upstream portion of the primary drainage is comprised of dense pampas grass with a Mexican fan palm overstory, while the central and downstream portions comprise broad-leaved cattail (*Typha latifolia*), bristly ox-tongue (*Helminthotheca echioides*), Italian thistle (*Carduus pycnocephalus*), slender wild oat, black mustard, tumbleweed (*Amaranthus albus*), rabbitsfoot grass (*Polypogon monspeliensis*), tall flatsedge (*Cyperus eragrostis*), and curly dock (*Rumex crispus*). The tributary is generally comprised of dense California sagebrush, California buckwheat and tocalote. Natural flood channel/streambed is considered a sensitive community by the MHCP, falling under the Habitat Group A. The lateral extent of Natural flood channel/streambed was also found to be equivalent to that of CDFW and RWQCB jurisdictional limits. The USACE would not regulate the natural flood channel/streambed due to the lack of a surface connection to nearby navigable waters of the U.S. in a typical year.

Pampas Grass – Mexican Fan Palm

This vegetation community is situated within the northern portion of the project site. There are 0.12 acre of this vegetation community on the project site. Pampas grass and Mexican fan palm are codominant. It is not officially identified in the MHCP or Sawyer et al. (2009) as a defined vegetation community or land cover type. This community is generally located in an upland area immediately east of the Natural Flood channel/Streambed land cover type.

Pampas Grass (Cortaderia jubata, selloana Semi-Natural Alliance)

Approximately 0.10 acre of pampas grass is located in the northern portion of the project site. Pampas grass in this portion of the project site is dense and is the dominant species. Though it is not officially identified in the MHCP, pampas grass is recognized as a semi-natural alliance in Sawyer et al. (2009).

Mulefat Scrub

A small patch (0.01 acre) of mulefat (*Baccharis salicifolia*) is located in the downstream portion of the drainage within the central portion of the project site. The MHCP recognizes the broader "Riparian Scrub" community and categorizes it as a Group A habitat. Mulefat scrub falls within the riparian scrub category, therefore the MHCP would consider mulefat scrub as sensitive. The community is adjacent to the Natural Flood channel/Streambed land cover type in the central portion of the site and is considered within the CDFW jurisdictional area associated with the main drainage.

General Vegetation

The study area contains multiple vegetation communities comprised of native and non-native plants. In the central portion of the study area, the disturbed Diegan coastal sage scrub community was dominated by California buckwheat, California sagebrush, coyote brush, broom baccharis, fascicled tarplant, and fountain grass. The outer edges of the study area were dominated by coastal sage and chaparral community species such as chamise, laurel sumac, woolly-leaved ceanothus, black sage, and California buckwheat. Refer to Appendix A of the biological resources report (Appendix C1 of this document) for the full list of plant species observed.

General Wildlife

The project site provides suitable native habitat that can support native wildlife species common in the MHCP Plan Area. Mammal species expected to pass through the project site include mule deer (*Odocoileus hemionus*), coyote (*Canis latrans*), bobcat (*Lynx rufus*), and potentially mountain lion (*Puma concolor*). Avian activity was moderate during the site visit. Rincon biologists observed common avian species such as northern mockingbird (*Mimus polyglottos*), house finch (*Haemorhous mexicanus*), mourning dove (*Zenaida macroura*), and spotted towhee (*Pipilo maculatus*). The site is highly suitable for birds due to the presence of available habitat. There is also a high potential for migrating birds to utilize the site. No non-native wildlife species were observed in the study area. Refer to Appendix A of the biological resource report (Appendix C1 of this document) for the full list of wildlife species observed.

Special-Status Biological Resources

The project site contains special-status biological resources, including sensitive vegetation communities, sensitive plant species, suitable habitat for sensitive wildlife species and nesting birds, and potentially jurisdictional drainages. This section discusses special-status biological resources observed within the project site and evaluates the potential for the project site to support other sensitive resources. Appendix C of the biological report reports (Appendix C1 of this document) provides the complete list of all special-status resources with records in the California Natural Diversity Database (CNDDB) within five miles of the project site and California Native Plant Society (CNPS) within the nine USGS topographic quadrangle query for the project site.

Sensitive Vegetation Communities

The Coastal Sage-Chaparral Transition, Diegan Coastal Sage Scrub, Disturbed Diegan Coastal Sage Scrub, Natural Flood channel/Streambed and Mulefat Scrub mapped on the project site fall within the MHCP's "Coastal Sage Scrub" and "Riparian and Wetland" habitat groups and types (AMEC et al. 2003a, 2003b), considered Group C and Group A habitats, respectively, per the MHCP (SANDAG 2003).

Within the project site, the Coastal Sage-Chaparral Transition community is in the north, east, and west portions of the site and connects to adjacent open space to the east and west. The Diegan Coastal Sage Scrub and Disturbed Diegan Coastal Sage Scrub communities are in the central, northeast, and south portions of the site and connect to adjacent open space to the northwest, east, and southeast. The Natural Flood channel/Streambed and Mulefat Scrub communities are isolated and in the northern, central, and eastern portions of the site (refer to Figure 5).

Special-Status Plants

The database queries of the CNDDB and CNPS identified 41 special-status plants within the *Rancho Santa Fe, CA* USGS topographic quadrangle and eight surrounding quadrangles. The only special-status plant species observed in the project site during the survey was wart-stemmed ceanothus (*Ceanothus verrucosus*).

Many of the species with recorded occurrences in the project vicinity are associated with habitats not found on the project site, including species associated with vernal pools, which are not present on site. The project site has a history of disturbance and contains fill from prior adjacent land uses and a San Diego Gas and Electric easement, which has altered the vegetation communities and soils, limiting the potential for the species that have associated habitats on site.

The coastal sage scrub and chaparral vegetation communities present within the project site provide high quality habitat for wart-stemmed ceanothus (a CRPR 2B.2 and MHCP covered species). Large numbers of wart-stemmed ceanothus were observed within the coastal sage-chaparral transition vegetation community mapped on the project site (refer to Figure 5). According to the Biological Resources Report and Impact Assessment for the Diamond Street Extension Project (Dudek 2002), approximately 440 individuals of this species are estimated to occur on site, primarily in the northern, eastern, and western portions of the project site. Rincon estimates that approximately 600 wart-stemmed ceanothus individuals are currently present on the project site, as this species is widespread along the margins of the study area.

Five other plant species have low potential to occur on site: San Diego ambrosia (*Ambrosia pumila*), summer holly (*Comarostaphylis diversifolia* ssp. *diversifolia*), beach goldenaster (*Heterotheca sessiliflora* ssp. *sessiliflora*), sea dahlia (*Leptosyne maritima*), and Munz's sage (*Salvia munzii*).

Special-Status Wildlife

The review of biological databases resulted in the identification of 30 special-status wildlife species within five miles of the project site. Of these 30, three species were determined to have a high potential to occur due to the presence of suitable habitat on the project site. Each of those species are discussed in more detail below.

Orange-throated Whiptail - Orange-throated whiptail (*Aspidoscelis hyperythra*), a Watch List (WL) and MHCP covered species, requires intact coastal sage scrub, with California buckwheat as the dominant species, and sage (*Salvia* sp.), yucca (*Yucca* sp.), cactus (*Opuntia* sp.), and sagebrush (*Artemisia* sp.) present. This species has a high potential to occur on the project site due to the high suitability of Diegan Coastal Sage Scrub and Disturbed Coastal Sage Scrub on site, in which California buckwheat and California sagebrush are prevalent.

Coastal Whiptail - Coastal whiptail (*Aspidoscelis tigris stejnegeri*), an SSC, is found in deserts and semi-arid areas with sparse vegetation and open areas, and woodland and riparian areas. This species can occur in firm, sandy, or rocky soils. Coastal whiptail has a high potential to occur in the more open scrub areas on site.

Coastal California Gnatcatcher - Coastal California gnatcatcher (CAGN), a Federally Threatened, SSC and MHCP covered species, is an obligate, permanent resident of coastal sage scrub below 2500 ft in Southern California. This species occurs in low coastal sage scrub in arid washes and on mesas and slopes. According to the USFWS Critical Habitat Portal (USFWS 2020a), the project site is located within critical habitat for CAGN. In addition, the most recent CNDDB observation within a 5-mile radius of the study area is from 2017. The project site supports suitable habitat for CAGN, and additional habitat is adjacent to the project site to the northwest, east and southeast. According to Dudek (2002), the total acreage of critical habitat for CAGN is separated into 13 Critical Habitat Units; the project site is in Critical Habitat Unit 3 (North San Diego MHCP), which is approximately 29,320 acres in size and is particularly critical to CAGN conservation in this portion of the County.

Focused surveys for CAGN were conducted by Dudek for the Diamond Street extension project in 2002. No CAGNs were detected on site during the surveys. However, one pair of CAGNs was incidentally observed off site, adjacent to and north of the northerly terminus of Diamond Street. Neither individual

was banded. Dudek determined that the observed pair represented one of the two adjacent CAGN pairs previously identified for take authorization per the Biological Opinion for the Brookfield Homes/University Commons project; USFWS Log No. 1-6-00-F-2285; USACE File No. 200100025-SKB. Dudek additionally stated that CAGN has a moderate potential to occur on site, and that CAGN may use the site periodically for dispersal and foraging purposes.

The 2017 CAGN observation occurred approximately four miles away from the study area in the vicinity of South Lake. According to the CNDDB, this detection occurred in Disturbed Diegan Coastal Sage Scrub, a habitat type found on the project site. According to the USFWS Federal Register 50 CFR Part 17 Endangered and Threatened Wildlife and Plants; Revised Designation of Critical Habitat for the Coastal California Gnatcatcher (*Polioptila californica californica*); Final Rule (USFWS 2007), the listed critical habitat primary constituent elements (PCEs) include:

1. Space for individual and population growth and for normal behavior;
2. Food, water, air, light, minerals, or other nutritional or physiological requirements;
3. Cover or shelter;
4. Sites for breeding, reproduction, or rearing (or development) of offspring; and
5. Habitats that are protected from disturbance or are representative of the historic, geographical, and ecological distributions of a species.

The project site contains all five of these necessary habitat features. All shrub species within coastal sage scrub are used by CAGN (USFWS 2017). CAGN are typically found in stands of coastal sage scrub with moderate shrub canopy cover, generally greater than 50 percent, which is the case on the project site. CAGN also use non-sage scrub habitat such as chaparral, grassland, and riparian habitats where they occur near sage scrub. Coastal Sage – Chaparral Transition and riparian habitats are present on the project site. Additionally, the project site contains both shallow slopes (less than 20 percent) and steeper slopes (greater than 20 percent). CAGN nests are typically more successful on shallow slopes than on steeper slopes (USFWS 2017). Sage scrub and chaparral habitats provide essential foraging habitat supporting insects for CAGN nestlings and adults, cover to escape predation during foraging and nesting, shelter from adverse environmental conditions, and space for population growth.

Considering the short distance between Dudek's (2002) CAGN observation and the project site, the recent CNDDB observation within 5 miles of the study area, and the high suitability of Diegan Coastal Sage Scrub and Disturbed Diegan Coastal Sage Scrub on site, Rincon has determined that the CAGN has a high potential to occur in the Diegan Coastal Sage Scrub and Disturbed Diegan Coastal Sage Scrub on the project site.

Nesting Birds

The Mexican fan palm trees and numerous shrubs on the project site provide suitable nesting habitat for nesting birds and raptors. Species such as red-tailed hawk (*Buteo jamaicensis*) and white-tailed kite (*Elanus leucurus*) may nest in the palm trees during the nesting season (generally February 1 through August 31). In addition, the sage scrub and chaparral shrubs on the project site may provide nesting habitat for a variety of bird species. Nesting birds are protected pursuant to the California Fish and Game Code (CFGC) and the Migratory Bird Treaty Act (MBTA).

Jurisdictional Water and Wetlands

A jurisdictional waters and wetlands delineation report was completed by Rincon in December 2020 (Rincon 2020) and is included in Appendix C2. The project site is within the Batiquitos Lagoon Watershed (Hydrologic Unit Code 180701090451), which is in the San Marcos Hydrologic Area within larger Carlsbad Hydrologic Unit. The results below are summarized from a recent Jurisdictional Delineation Report (Rincon 2020).

Two drainages, a primary drainage and a tributary, were observed on site. The primary drainage is heavily invaded by non-native vegetation, primarily pampas grass and Italian thistle (*Carduus pycnocephalus*). This drainage exhibits indicators of regular flow, bed, and banks. This drainage originates at the north property boundary of the project site, presumably from the adjacent citrus grove to the north, and traverses south into the central portion of the project site where it dissipates to sheet flow. According to the United States Fish and Wildlife Service (USFWS) National Wetlands Inventory (NWI), this main drainage is mapped as a freshwater forested/shrub wetland (USFWS 2020b). However, Rincon's field observations led to the conclusion that this drainage does not contain wetlands due to the fact that the drainage only met one of the three parameters needed to determine presence of a wetland despite the presence of broad-leaved cattail, a wetland obligate species, at one of the sample points. An additional, smaller drainage joins the main drainage from the east. The unnamed drainages were observed to have a clearly defined channel, with bed and banks.

The project site is in the San Marcos Creek Watershed which ultimately flows to Batiquitos Lagoon; however, the main drainage does not have a surface connection to San Marcos Creek during a typical year. Because the drainages do not have a clear surface connection to nearby navigable water of the U.S., it is anticipated they would not be regulated as jurisdictional "waters of the U.S." by the USACE under the 2020 Navigable Water Protection Rule. An Approved Jurisdictional Determination (ADJ) form will be processed with USACE. The CDFW and the RWQCB are likely to assert jurisdiction over the drainages on the project site. Rincon preliminarily determined that 1,268 linear feet and 0.45 acre of CDFW jurisdiction and 0.21 acre of RWQCB jurisdiction are present on the project site.

Wildlife Movement

Wildlife movement corridors, or habitat linkages, are generally defined as connections between habitat patches that allow for physical and genetic exchange between otherwise isolated animal populations. Such linkages may serve a local purpose, such as providing a linkage between foraging and denning areas, or they may be regional in nature. Some habitat linkages may serve as migration corridors, wherein animals periodically move away from an area and then subsequently return. Others may be important as dispersal corridors for young animals. A group of habitat linkages in an area can form a wildlife corridor network.

The study area is surrounded by conserved lands managed by the Center for Natural Lands Management, a citrus grove designated in the county as permanent open space to the north, and mixed residential and industrial development to the west and southwest, respectfully. Despite the fact that a Final Tract Map designating development of the entire project site was recorded in the early 1990s, the City looked to identify a habitat corridor in the approximate northeast portion of the project site in conjunction with the surrounding conserved land in its Natural Community Conservation Plan (City of San Marcos 2001). No physical barriers to connectivity exist within the study area and migrating wildlife would be expected to pass through it from the surrounding conserved land. The site, therefore, supports wildlife movement.

Common bird species are likely to use the vegetation on the project site for nesting, and mammal, amphibian, and reptile species are likely to raise their young in burrows on the project site. The project site is similar to the surrounding areas, and there are no unique features on the project site that would make it particularly important as a wildlife nursery from a regional perspective.

Impact Analysis

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

Wart-Stemmed Ceanothus

One special-status plant species, wart-stemmed ceanothus, is present throughout the coastal sage-chaparral transition vegetation community in the project area. Rincon estimates approximately 600 individuals are present on the project site. Approximately 3.35 acres out of the total 5.04 acres (or 66 percent) of coastal sage-chaparral transition on the project site would be impacted by project implementation. Approximately 1.69 acres of coastal sage-chaparral transition that contains wart-stemmed ceanothus individuals would be avoided in Lot B.

The MHCP adequately conserves this species regionally by conserving 71 percent of potential habitat, 75 percent of point locations (130 of 173 locations are in an FPA), and 78 percent of major populations. Most conserved populations are in relatively large and connected habitat blocks that contribute to species viability. The majority of points (75 percent) falls within an FPA and will be conserved at 100% in hardline areas and the FPA percentage (or mitigation ratio) in softline areas in the FPA. The project site is outside of an FPA, therefore, conservation of wart-stemmed ceanothus on the project site is not required (AMEC, 2003b). Therefore, the removal of wart-stemmed ceanothus on the project site would not be significant.

Coastal California Gnatcatcher

A pair Coastal California gnatcatcher were identified adjacent to the project site by Dudek in 2002. Considering the short distance between Dudek's (2002) CAGN observation and the project site, as well as the high suitability of Diegan Coastal Sage Scrub and Disturbed Diegan Coastal Sage Scrub on site, Rincon has determined that the CAGN has a high potential to occur in the Diegan Coastal Sage Scrub and Disturbed Diegan Coastal Sage Scrub on the project site.

"Take" of the species, as defined in the ESA as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or to attempt to engage in any such conduct" (16 United States Code 1542(b)), is not expected from the implementation of the proposed project since vegetation clearance is expected to occur outside of the nesting season and the applicable mitigation measures below will be implemented. Recent USFWS (2018a) guidance on when to seek an incidental take permit (ITP) was issued that provided a summary of the legal guidance on the definitions of "harm" and "harass." It also provides the following questions that should be asked before a determination is made that an action involving habitat modification is likely to result in take:

- Is the modification of habitat significant?
- If so, does that modification also significantly impair an essential behavior pattern of a listed species?
- And, is the significant modification of the habitat, with a significant impairment of an essential behavior pattern, likely to result in the actual killing or injury of wildlife?

The project would directly impact 3.35 acres of Coastal sage-chaparral transition, 1.16 acres of Diegan coastal sage scrub, and 6.92 acres of disturbed Diegan coastal sage scrub, habitat types that are used by CAGN for most of its life history. The project could directly impact CAGN through destruction of occupied nests during vegetation removal on the project site if vegetation clearance occurs during the CAGN nesting season.

CAGN that is present both on-site and in adjacent areas would also be potentially affected by indirect impacts associated with the project, such as dust, noise, human presence, nighttime lighting, increase in predators, and spread of non-native species into occupied habitat. These indirect impacts could result in nest failures or individual mortality of CAGN.

This represents a significant impact (**Impact BIO-1**), and mitigation is required. Implementation of mitigation measures MM-BIO-1a through MM-BIO-1d will be required as a condition of project approval:

MM-BIO-1a An updated presence/absence protocol survey of the project site and a 500-foot buffer around the project site shall be conducted by a qualified biologist with a valid USFWS 10(a)(1)(A) permit to determine the presence of Coastal California Gnatcatcher (CAGN) that could be affected by construction activities, including vegetation clearance. In accordance with the USFWS survey protocol, a minimum of six breeding season surveys will be conducted at least one week apart from March 15, 2021 through June 30, 2021. The results of the survey shall be submitted to the USFWS upon completion of the survey.

If CAGN is detected during the protocol survey, vegetation clearing shall only be conducted between September 1 and February 14, outside of the breeding season for CAGN. If vegetation clearing would start outside of those dates, then surveys would be conducted prior to vegetation clearing. If nests are found, they would be avoided by establishing a 500-foot buffer around the nest as a mitigation measure to allow vegetation clearance to continue. No more than three (3) days prior to the clearing of vegetation, a qualified biologist shall conduct one survey for CAGN to ensure that the vegetation on site is not occupied by the species. If the vegetation clearance survey identifies the presence of CAGN, the project biologist shall delay the removal of vegetation until CAGN has left the project site of their own volition.

MM-BIO-1b The applicant is required to have a Worker Environmental Awareness Program (WEAP) for the construction crew that will be developed and implemented by a qualified biologist. Each employee (including temporary, contractors, and subcontractors) will receive the WEAP on the first day of working on the proposed project. They will be advised of the potential impact to the listed species and the potential penalties for taking such species. At a minimum, the WEAP will include the following topics: occurrence of the listed and sensitive species in the area, their general ecology, sensitivity of the species to human activities, legal protection

afforded these species, penalties for violations of Federal and State laws, reporting requirements, and project features designed to reduce direct and indirect impacts to these species and promote continued successful occupation of the project area environs.

MM-BIO-1c Construction work areas shall be delineated and marked clearly, by flagging or temporary orange construction fencing, in the field prior to habitat removal, and the marked boundaries will be maintained and clearly visible to personnel on foot and by heavy equipment operators. Fencing shall be placed on the impact side to reduce the potential for additional vegetation loss within open space. Fencing shall be put in place by a qualified biologist or the project applicant. All temporary fencing shall be removed only after the conclusion of all grading, clearing, and construction. Employees shall strictly limit their activities and vehicles to the proposed project areas, staging areas, and routes of travel. The biological monitor shall verify that the limits of construction have been properly staked and are readily identifiable. Intrusion by unauthorized vehicles outside of construction limits shall be prohibited, with control exercised by an on-site foreman. Access routes to the construction area outside of work hours shall be blocked with physical barriers, such as concrete blocks or large equipment.

MM-BIO-1d A City-approved, qualified biologist shall be present during all vegetation clearing and other activities with the potential to affect CAGN and will monitor the project to ensure that there are no unanticipated impacts to the CAGN and its habitat. The biologist shall have the authority to halt all associated project activities that may be in violation of the protective measures.

If CAGN are found to be within the survey area (project site plus a 500-foot buffer) during protocol or pre-construction surveys, the following avoidance and minimization measures shall be implemented:

- To reduce potential noise impacts to nesting CAGN, a qualified biologist shall monitor noise levels with a noise monitoring device at an appropriate distance from the nest to determine if construction activity noise is above 60 dBA, the standard level requested by the United States Fish and Wildlife Services, or if noise levels above 60 dBA have the potential to affect any CAGN nests.
- If/when an active CAGN nest is identified, an acoustician shall monitor noise at the edge of construction as directed by the qualified biologist. If noise levels continue to exceed 60 dBA, the acoustician shall consult with the qualified biologist and provide requirements for the construction contractor to make operational and barrier changes to reduce noise levels to 60 dBA during the breeding season (February 15 through August 31). Noise monitoring will occur during operational changes and installation of barriers, as needed, to ensure their effectiveness. If the noise meets or exceeds the 60 dB(A) Leq threshold, or if the biologist determines that the activities in general are disturbing the nesting activities, the biologist shall have the authority to halt construction and shall consult with the CDFW and USFWS to devise methods to reduce the noise and/or

disturbance in the vicinity. This may include methods such as, but not limited to, turning off vehicle engines and other equipment whenever possible to reduce noise, installing a protective noise barrier between the nesting coastal CAGN and the activities, and working in other areas until the young have fledged.

All active nests shall be reported within 24 hours to the USFWS upon detection.

The proposed project would impact 3.35 acres of Coastal Sage-Chaparral Transition, 1.16 acres of Diegan Coastal Sage Scrub, and 6.91 acres of Disturbed Diegan Coastal Sage Scrub, habitat types that are used by CAGN for most of its life history. Impacts to these habitats is discussed under biological resources threshold IV.b, below.

The proposed development area is composed mainly of disturbed coastal sage scrub vegetation and a small amount of CAGN preferred habitat (*Artemisia californica-Eriogonum fasciculatum* shrubland alliance). In addition, as detailed under MM-BIO-3, detailed later in this section, the project would be required to preserve Coastal Sage-Chaparral Transition and Diegan Coastal Sage Scrub at a ratio of 1:1 through on-site preservation, off-site acquisition, in lieu fees, a purchase of credits from an approved mitigation bank, or a combination thereof, compliant with the MHCP which would contribute to the regional availability of CAGN habitat.

The implementation of mitigation measures MM-BIO-1a through MM-BIO-1d would reduce potential direct and indirect impacts to CAGN to less than significant by requiring an updated protocol CAGN survey, the implementation of CAGN avoidance measures prior to and during construction, implementation of a WEAP to educate construction workers, the delineation of work areas to avoid additional impacts, and a Biological Monitor for activities in and around sensitive habitat areas. Impacts to CAGN would be reduced to below a level of significance.

Other Special-Status Species

California glossy snake, orange-throated whiptail, coastal whiptail, red-diamond rattlesnake, coast horned lizard, coast patch-nosed snake, Southern California rufous-crowned sparrow, Bell's sage sparrow, Dulzura pocket mouse, northwestern San Diego pocket mouse, San Diego black-tailed jackrabbit, and San Diego desert woodrat all have either a moderate or high potential to occur on the project site, primarily within the Coastal Sage-Chaparral Transition, Diegan Coastal Sage Scrub, and Disturbed Diegan Coastal Sage Scrub.

Southern California rufous-crowned sparrow, Bell's sage sparrow, and San Diego black-tailed jackrabbit are highly mobile and would likely escape direct impacts from vegetation removal and grading activities associated with the project by moving into the undisturbed open space to the north, northwest, east, and southeast. Some mortality to the species could occur, but project implementation would not impact a large enough number of individuals to cause a substantial adverse effect to the species, especially given the very small number of individuals likely to be impacted.

MM-BIO-1b requires a WEAP be implemented for the project, which would include a discussion of these special-status wildlife species which have potential to occur on the project site and would instruct the contractor to avoid these species. MM-BIO-1d requires a Biological Monitor to conduct daily pre-construction surveys and be present during initial clearing, grading, and construction in sensitive habitat areas, and construction would be temporarily halted to allow wildlife to move out of the work area. With

the implementation of these mitigation measures, impacts to other special-status wildlife species would be reduced to less than significant.

Nesting Birds and Raptors

The project could adversely affect raptors and other nesting birds if construction occurs while they are present on or adjacent to the project site through direct mortality. This represents a potentially significant impact (**Impact BIO-2**), and mitigation is required.

MM-BIO-2 If site clearing activities are conducted between February 1 and August 31, a qualified biologist shall conduct a nesting bird survey no more than three days prior to the start of such activities to identify nesting birds within the project site and a 250-foot buffer around the project site. If any nests are found, their locations shall be flagged and an appropriate avoidance buffer, ranging in size from 25 to 50 feet for passerines, and up to 500 feet for raptors depending upon the species and the proposed work activity, shall be determined and demarcated by a qualified biologist with bright orange construction fencing or other suitable flagging. Active nests shall be monitored at a minimum of once per week until it has been determined that the nest is no longer being used by either the young or adults. No disturbance shall occur within this buffer until the qualified biologist confirms that breeding/nesting is completed, and all the young have fledged. If project activities must occur within the buffer, activities shall be conducted at the discretion of the qualified biologist and with monitoring and management to ensure the nesting birds and the nests are not disturbed. that nesting success is not jeopardized. If no nesting birds are observed during the nesting bird survey or during other monitoring activities, then no further actions shall be necessary. A follow-up survey will be needed if site clearing does not occur within three days after the initial survey.

MM-BIO-2 requires a nesting bird survey be conducted to determine the presence of nesting birds and the establishment of the appropriate buffer for any nests that are found to keep construction activities from causing nest failure. Additionally, mitigation measures MM-BIO-1b and MM-BIO-1c would further reduce potential impacts to nesting birds. MM-BIO-1b requires a WEAP be implemented for the project, and a part of that WEAP would be the discussion of nesting birds and "no work" buffers required by MM-BIO-1c that would be established for any active nests that are in or near the project site. With the implementation of these mitigation measures, the project would avoid violations of the Migratory Bird Treaty Act and the California Fish and Game Code and impacts would be less than significant.

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? Less Than Significant with Mitigation Incorporated

Grading of the project site would result in direct impact to riparian habitat and other sensitive natural communities, as shown in **Table 6** and **Figure 6**.

Table 6. Vegetation Communities Impacts

Vegetation Community/ Land Cover Type	MHCP Habitat Group	Acres Impacted	Significant Impact?	Mitigation Ratio(1)
Natural Flood Channel/Streambed	A	0.12	Yes	2:1
Mulefat Scrub	A	0.01	Yes	2:1
Coastal Sage-Chaparral Transition	C	3.35	Yes	1:1
Diegan Coastal Sage Scrub	C	1.16	Yes	1:1
Disturbed Diegan Coastal Sage Scrub	C	6.91	Yes	1:1
Disturbed Habitats	F	2.90	No	None
Ornamental	n/a	0.29	No	None
Pampas Grass	n/a	0.01	No	None
Total	n/a	**14.75**		

Source: Rincon, 2021
Note: (1) Mitigation ratio by location of impacted habitat outside of a Focused Planning Area

As shown in Table 6, project implementation would impact 0.12 acre of Natural Flood Channel/ Streambed and 0.01 acre of Mulefat Scrub. This represents a **significant impact (Impact BIO-3a),** and mitigation is required.

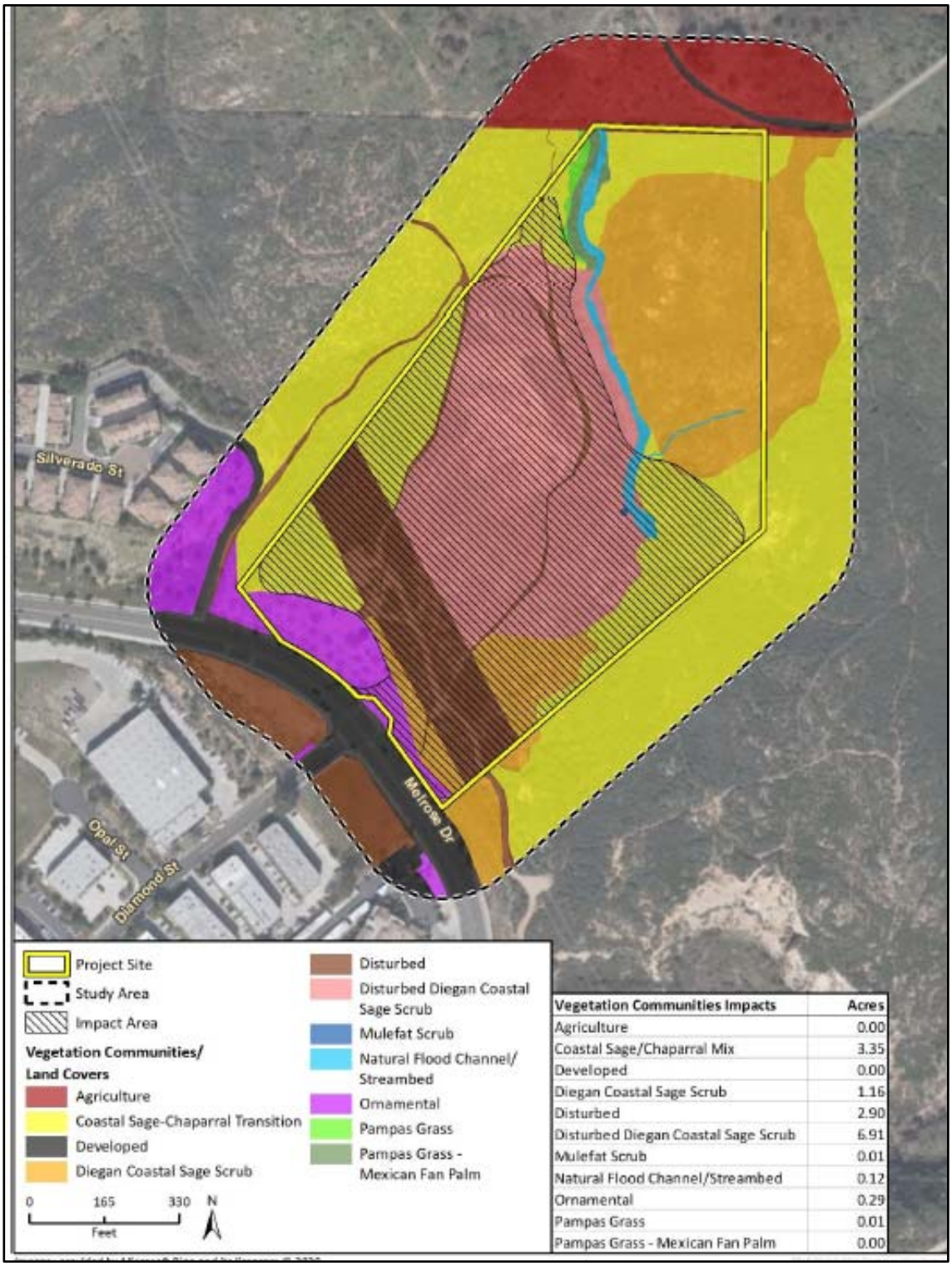
The project would also result in the direct removal of 3.35 acres of Coastal Sage-Chaparral Transition, 1.16 acres of Diegan Coastal Sage Scrub, and 6.91 acres of Disturbed Diegan Coastal Sage Scrub that falls under the MHCP's Habitat Group C definition of Coastal Sage/Chaparral Mix and Coastal Sage Scrub, which are considered sensitive habitats. This represents a significant impact (**Impact BIO-3b**), and mitigation is required. Impact to 2.90 acre of Disturbed Habitats, 0.29 acre of Ornamental and 0.01 acre of Pampas Grass in not considered significant and no mitigation is required for impact to those three land cover types.

a) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? Less Than Significant with Mitigation Incorporated

Despite the presence of broad-leaved cattail, a wetland obligate species, at one of the sample points, no definable wetlands were identified on the project site; therefore, implementation of the proposed project would not have a substantial adverse effect on State or federally protected wetlands.

As shown on **Figure 7**, project implementation would impact the downstream portion of the primary drainage and its tributary. Approximately 228 linear feet and 0.12 acre of CDFW jurisdiction and 0.06 acre of RWQCB jurisdiction would be impacted. This represents a significant impact (**Impact BIO-4**), and mitigation is required. Implementation of the following mitigation measure will be required as a condition of project approval:

Figure 6. Vegetation Impacts



Vegetation Communities Impacts	Acres
Agriculture	0.00
Coastal Sage/Chaparral Mix	3.35
Developed	0.00
Diegan Coastal Sage Scrub	1.16
Disturbed	2.90
Disturbed Diegan Coastal Sage Scrub	6.91
Mulefat Scrub	0.01
Natural Flood Channel/Streambed	0.12
Ornamental	0.29
Pampas Grass	0.01
Pampas Grass - Mexican Fan Palm	0.00

Source: Rincon 2021

MM-BIO-4 An Approved Jurisdictional Determination Form will be processed with USACE and permit authorizations from RWQCB and CDFW will be obtained prior to project implementation. To mitigate temporary impacts to CDFW and (RWQCB jurisdictional areas, the project applicant shall restore temporarily disturbed jurisdictional areas at a 1:1 ratio. To mitigate permanent impacts to 0.13 acre of CDFW jurisdiction and 0.07 acre of RWQCB jurisdiction, the project applicant shall restore in-kind habitat on site at a 2:1 ratio. If on-site restoration is infeasible, mitigation may be completed by providing adequate funding to a third-party organization, conservation bank or in-lieu fee program for the in-kind creation or restoration at a 2:1 ratio, as approved by CDFW and RWQCB. If mitigation is implemented off site, mitigation lands should be in the same County as the site. Mitigation shall be implemented prior to issuance of the grading permit.

Implementation of mitigation measures MM-BIO-4 will reduce impacts to below a level of significance.

b) 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? Less Than Significant Impact

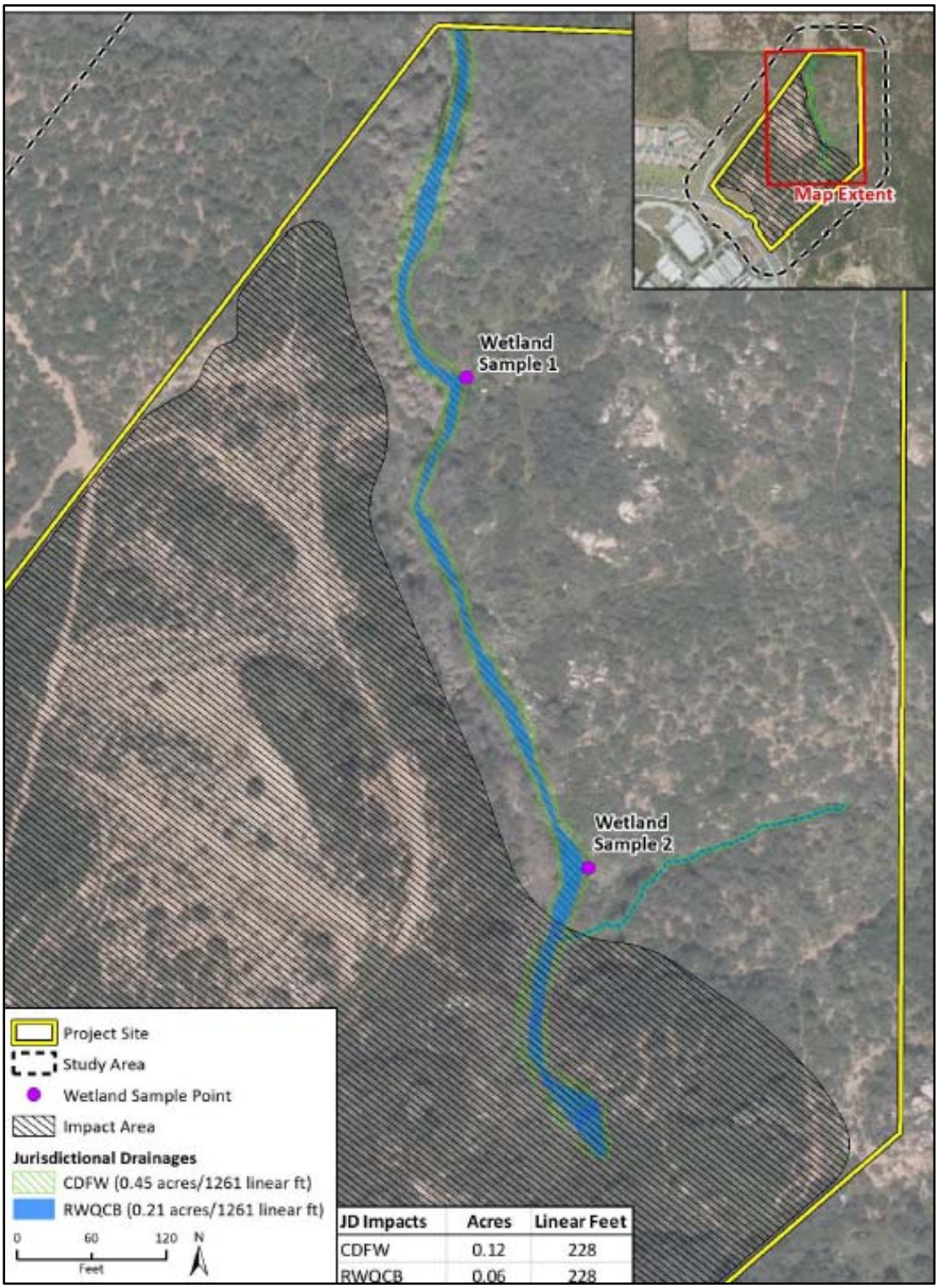
Wildlife movement corridors, or habitat linkages, are generally defined as connections between habitat patches that allow for physical and genetic exchange between otherwise isolated animal populations. Such linkages may serve a local purpose, such as providing a linkage between foraging and denning areas, or they may be regional in nature. Some habitat linkages may serve as migration corridors, wherein animals periodically move away from an area and then subsequently return. Others may be important as dispersal corridors for young animals. A group of habitat linkages in an area can form a wildlife corridor network.

The project site is surrounded by conserved lands managed by the Center for Natural Lands Management, a citrus grove designated in the county as permanent open space to the north, and mixed residential and industrial development to the west and southwest. Despite the fact that a Final Tract Map designating development of the entire project site was recorded in the early 1990s, the City looked to identify a habitat corridor in the northeast portion of the project site in conjunction with the surrounding conserved land in its Natural Community Conservation Plan (City of San Marcos 2001).

No physical barriers to connectivity exist within the project site and migrating wildlife would be expected to pass through it from the surrounding conserved land. Therefore, the site supports wildlife movement. As the proposed project is currently designed, the northeastern portion of the project site would be conserved as open space, allowing this wildlife corridor to remain (Figure 6). Project implementation would not have a substantial adverse effect on wildlife movement.

Common bird species are likely to use the vegetation on the project site for nesting, and mammal, amphibian, and reptile species are likely to raise their young in burrows on the project site. The project site is similar to the surrounding areas, and there are no unique features on the project site that would make it particularly important as a wildlife nursery from a regional perspective. Impacts would be less than significant.

Figure 7. Jurisdictional Resources



Source: Rincon 2021

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

The Conservation and Open Space Element of the City's General Plan includes policies related to the protection of biological resources. The applicable policies, as well as the project's consistency with these policies, are presented in **Table 7**. As shown in Table 7, the project does not conflict with any local policies or ordinance protecting biological resources and no impact is identified for this issue area.

Table 7. Project Consistency with Applicable Biological Resources General Plan Policies

Policy	Project Consistency with the Policy
Policy COS-1.1: Support the protection of biological resources through the establishment, restoration, and conservation of high-quality habitat areas.	With the exception of on-site Coastal Sage-Chaparral Transition and Diegan Coastal Sage Scrub, a large portion of the project site would not be characterized as a high-quality habitat area. Mitigation for impacts to Natural Flood channel/Streambed, Mulefat Scrub, Coastal Sage-Chaparral Transition, Diegan Coastal Sage Scrub, and Disturbed Diegan Coastal Sage Scrub is identified in MM-BIO-3, which requires a total of 11.55 acres of these vegetation communities be preserved at a 1:1 ratio. MM-BIO-4 requires impacts to 0.12 acre of CDFW jurisdiction and 0.06 acre of RWQCB jurisdiction be mitigated at a 2:1 ratio. This can be accomplished through either on-site preservation and restoration, off-site acquisition, in lieu fees, a purchase of credits from an approved mitigation bank, or a combination thereof as approved by the Planning Manager, CDFW and RWQCB. Additionally, the City previously approved a Final Map designating development of the entire project site in the early 1990s. The current project proposes grading of only a portion of the project site. Therefore, implementation of the project does not conflict with this policy.
Policy COS-1.2: Ensure that new development, including Capital Improvement Projects, maintain the biotic habitat value of riparian areas, oak woodlands, habitat linkages, and other sensitive habitats.	The project site supports riparian areas and a habitat linkage. On site Natural Flood channel/Streambed, Mulefat Scrub, Coastal Sage-Chaparral Transition, Diegan Coastal Sage Scrub, and Disturbed Diegan Coastal Sage Scrub is considered sensitive; however, mitigation for impacts to habitat is identified in MM-3, which would require a total of 11.55 acres of these vegetation communities be preserved at a 1:1 ratio. MM-BIO-4 requires impacts to 0.12 acre of CDFW jurisdiction and 0.06 acre of RWQCB jurisdiction be mitigated at a 2:1 ratio. This can be accomplished through either on-site preservation and restoration, off-site acquisition, in lieu fees, a purchase of credits from an approved mitigation bank, or a combination thereof as approved by the Planning Manager, CDFW and RWQCB. The project would avoid most of the primary drainage and its tributary and would avoid the City-identified wildlife corridor in the northeastern portion of the project site. The proposed project would therefore maintain most of the biotic habitat value of the on-site riparian area and that of the wildlife corridor on site. Additionally, the City previously approved a Final Map designating

Policy	Project Consistency with the Policy
	development of the entire project site in the early 1990s. The current project proposes grading only a portion of the site and no development is proposed at this time. Therefore, the project does not conflict with this policy.
Policy COS-2.1: Provide and protect open space areas throughout the City for its recreational, agricultural, safety, and environmental value.	The project site has a history of disturbance and contains fill from prior adjacent land uses including a quarry and the Brookfield Homes residential development. A Final Map (Map No. 12781) for City of San Marcos Tract No. 292 was recorded for the site in the early 1990s encompassing the entire project site with an industrial project. The current project proposes grading of only a portion of the project site and no development is proposed at this time. Lot B would be comprised of the avoided open space and would be a legally recorded lot. Therefore, implementation of the project does not conflict with this policy.
Policy COS-2.2: Limit, to the extent feasible, the conversion of open space to urban uses and place a high priority on acquiring and preserving open space lands for recreation, habitat protection and enhancement, flood hazard management, water and agricultural resources protection, and overall community benefit.	The project site has a history of disturbance and contains fill from prior adjacent land uses including a quarry and the Brookfield Homes residential development. A Final Map (Map No. 12781) for City of San Marcos Tract No. 292 was recorded for the site in the early 1990s encompassing the entire project site with an industrial project. The current project proposes grading of only a portion of the project site and no development is proposed at this time. Lot B would be comprised of the avoided open space and would be a legally recorded lot. Mitigation for habitat impacts can be accomplished through either on-site preservation and restoration, off-site acquisition, in lieu fees, a purchase of credits from an approved mitigation bank, or a combination thereof as approved by the Planning Manager, CDFW and RWQCB. Therefore, implementation of the project does not conflict with this policy.
Policy COS-2.6: Preserve healthy mature trees where feasible; where removal is necessary, trees shall be replaced at a ratio of 1:1.	Several mature Mexican fan palms are located along the upstream portion of the primary drainage near the northern property boundary. Project implementation would not remove these trees, as they are located outside of the project development footprint. Therefore, implementation of the project does not conflict with this policy.

d) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? Less than Significant with Mitigation Incorporated

The project site is located in the MHCP Area. The SANDAG MHCP is a comprehensive, multi-jurisdictional planning program designed to create, manage, and monitor an ecosystem preserve in northwestern San Diego County intended to protect viable populations of native plant and animal species and their habitat

while accommodating economic development and quality of life for San Diego residents. The MHCP encompasses the cities of Carlsbad, Encinitas, Escondido, Oceanside, San Marcos, Solana Beach, and Vista. Its goal is to conserve approximately 19,000 acres of habitat, of which roughly 8,800 acres (46%) are already in public ownership and contribute toward the habitat preserve system for the protection of more than 80 rare, threatened, or endangered species.

The City of San Marcos Subarea Habitat Conservation Plan/Natural Communities Conservation Plan (hereafter, Draft Subarea Plan or NCCP) comprehensively addresses how the City will conserve natural biotic communities and sensitive plant and wildlife species. The City began preparing a draft of the City Subarea Plan of the MHCP in December 1999 and although the Draft Subarea Plan has not yet been approved by the USFWS and CDFW, the plan is a component of the adopted MHCP and is currently being used as a guide for open space design and preservation within the City. The City's Draft Subarea Plan is intended to be consistent with the MHCP and with the Draft Subarea Plan outline and standards agreed to by CDFW and USFWS and the other jurisdictions and entities participating in the MHCP. The Draft Subarea Plan qualifies as a stand-alone document to implement the MHCP (City of San Marcos 2001). Volume I of the Final MHCP provides a framework for city subarea plans (AMEC Earth & Environmental, Inc. 2003). The Plan has identified certain areas, known as Focused Planning Areas (FPAs), which have parcel-level preservation goals which would contribute to achieving local and regional conservation. The FPAs are represented by a combination of "hardline" preserves, indicating lands that will be conserved and managed for biological resources, and "softline" planning areas, within which preserve areas will ultimately be delineated based on further data and planning. The property does not fall within a "hardline" or "softline" area but is located adjacent to an FPA.

The project site is located within the MHCP, which identifies a series of FPAs within which some lands will be dedicated for preservation of native habitats. Biological Core and Linkage Areas (BCLAs) were designed to conserve sensitive species and corridors between areas of high-quality habitat and to provide avenues for wildlife movement between these areas. The project site is not located within an FPA, as illustrated in Figure 2-1 of the Final MHCP Plan (AMEC et al. 2003b). The project area is not within a BCLA, as illustrated in Figure 2-3 of the Final MHCP Plan (AMEC et al. 2003b).

Impacts to special-status plant and wildlife species, jurisdictional wetlands and waters, riparian habitat and other sensitive natural communities would be mitigated per the requirements of the MHCP. A discussion of how impacts would be reduced to less than significant are presented above in Section Iv.a through IV.c, above.

The project could result in indirect impacts to biological resources due to construction activities (e.g., inadvertent trampling of vegetation, leaking construction equipment) and this represents a significant impact (**Impact BIO-5**). Implementation of mitigation measure MM-BIO-5 will be required as a condition of project approval will reduce potential indirect impacts to below a level of significance. With the implementation of these mitigation measures, the project would not conflict with the MHCP provisions.

MM-BIO-5 The following best management practices (BMPs) shall be implemented for project construction activities in the project site:

- No pets or firearms will be allowed on the project site during construction activities.
- During project activities, all trash that may attract predators will be properly contained, removed from the work site, and disposed of at the end of each day. Following construction, all trash and construction debris will be removed from work areas.
- All refueling or maintenance activities will be conducted at least 100 feet outside of jurisdictional waters and wetlands. Containment pans/basins will be needed under all parked heavy equipment. Pallets or secondary containment areas for chemicals, drums, or bagged materials will be provided. Should spills occur, materials and/or contaminants will be cleaned from the project site and recycled or disposed of to the satisfaction of the RWQCB.
- All vehicles and equipment will be in good working condition and free of leaks.
- All open trenches will be completely and securely covered at the end of each day or constructed with appropriate exit ramps to allow species that accidentally fall into a trench to escape. Trenches will remain open for the shortest period necessary to complete required work and will be checked by a qualified biologist for sensitive resources immediately prior to backfilling.
- No water will be impounded in a manner to attract sensitive species.
- Erosion control and landscaping specifications will allow only natural-fiber, biodegradable meshes, and coir rolls, (i.e., no plastic-mesh temporary erosion control measures) to prevent impacts to the environment, fish, and terrestrial wildlife.
- During construction, the project will make all reasonable efforts to limit the use of imported soils for fill. Soils currently existing on site should be used for fill material. If the use of imported fill material is necessary, the imported material must be obtained from a source known to be free of invasive plant species.
- Equipment and vehicles must be free of caked on mud and weed seeds/propagules before accessing and leaving the project site.
- Crews will stay on designated, flagged routes to avoid sensitive vegetation, habitat and other plant wildlife.

V. CULTURAL RESOURCES

A cultural resources study was prepared for the project by ASM Affiliates (ASM) (2020). The complete report is included as **Appendix D** 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 October 13, 2020 for the project site. 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 43 previous reports that addressed areas within a one-mile radius of the project area. Of these reports, ten reports intersect or overlap the project site. CHRIS records also indicate the presence of 25 previously recorded cultural resources within a one-mile radius of the project area. One site, CA-SDI-11441, intersects the northeastern corner of the proposed project area that is designated as open space by the project. A summary of the other 24 previously recorded cultural resources within the search radius are included in the cultural resources report (Appendix D).

CA-SDI-11441

Site SDI-11441 was first recorded by Pigniolo and Briggs of ERC Environmental on September 23, 1989, as a bedrock milling station. The site was reported to consist of several features containing numerous slicks and at least two bedrock mortars. A rock alignment on one of the boulders was also suggested as a possible granary base. The site integrity was reported as good with relatively no disturbance; although the area west of the site had recently been graded at the time of the site recording.

Native American Heritage Commission

On October 13, 2020 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 project. ASM received a response from the NAHC dated October 15, 2020 stating that a record search of the Sacred Land File was negative. The NAHC response letter included a list of Native American contacts that should be notified to solicit further information regarding potential concerns or information regarding cultural resources within the project area or its immediate vicinity. ASM prepared letters for each of the contacts provided by the NAHC to inquire about additional information regarding cultural resources in the area and to inform them of the proposed project.

ASM received two responses from the Native American contacts notified of the upcoming project. On October 26, 2020, ASM received an email with an attached PDF letter from Cheryl Madrigal, Tribal Historic Preservation Officer of the Rincon Band of Luiseño Indians, which indicated that the project area is situated within the Territory of the Luiseño people and within the Band's specific Area of Historic Interest. Additionally, the letter stated that the Band has knowledge of a gathering area adjacent to the proposed project site. The Rincon Band provided the following recommendations for this project:

- An archaeological/cultural resources study should be conducted by a Secretary of the Interior qualified archaeologist for this project and include an archeological record search and complete intensive survey of the property;
- A professional Tribal monitor from the Rincon Band should accompany the archaeologist during the survey;
- A final copy of the study should be provided to the Rincon Band for their review and comment.

On October 27, 2020, ASM received an email from Ray Teran, Resource Management Director, of the Viejas Band of Kumeyaay Indians who determined that the project area has cultural significance or ties to the Kumeyaay Nation. Mr. Teran recommended that the San Pasqual Band of Mission Indians be notified

of the project and any changes or inadvertent discoveries associated with the project. ASM, in its initial outreach, has notified the San Pasqual Band of Mission Indians of the project.

To date, no other response letters have been received from the remaining Native American contacts provided by the NACH.

Pedestrian Field Survey

The project site was surveyed by ASM Associate Archaeologist Holly Drake and Assistant Archaeologist Joakin Lemoy on October 20, 2020. They were accompanied by Banning Taylor of Saving Sacred Sites.

The project area was surveyed in regular 15-meter (m) transects where vegetation permitted. Visibility during the survey was approximately 75 percent, with Chaparral and sage scrub communities obstructing visibility periodically.

Site SDI-11441 was located during the survey on October 20, 2020 and was updated to provide more detailed information about the portion of the site that intersects the project area. Two bedrock milling features, Feature 1 and Feature 2, were identified within the project area and in the location of the previously recorded site boundary. However, Feature 1, along with several of its elements, was located outside the previously defined site boundary, and so the site boundary was adjusted to include that extending portion.

Feature 1 is a granitic (intermediate felsic) low-lying bedrock exposure measuring 11.4 x 6.4 meters (m) in size with a maximum height of 40 centimeters (cm). ASM noted that the overall condition of the feature is fair, with some spalling and exfoliation along the downhill portion of the outcrop below the majority of milling elements. A total of 11 milling elements were recorded on the surface of Feature 1: two possible mortars and nine milling slicks.

Feature 2 is a granitic (intermediate felsic) low-lying bedrock outcrop measuring 3.4 x 2.5 m in size, with a height of 20 cm. Four milling elements were recorded on the surface of the feature, including one possible mortar and three milling slicks. All of the possible mortars are relatively shallow and highly weathered.

The site was likely used as a seasonal food-processing site, periodically occupied over a short time based on the number of slicks and the shallowness of the conical mortars. The lack of any additional artifacts suggests that it was a specialized local area for the processing of food, possibly acorns, given the proximity to a Coast Live Oak Woodland plant community.

No other artifacts were identified in association with the bedrock milling features. The rock alignment on a bedrock outcrop reported by Pigniolo and Briggs as a possible granary base was not located and is presumed to lie outside the proposed project footprint.

No other artifacts, archaeological sites, or cultural resources were identified during the pedestrian survey. As noted in the previous site record for SDI-11441, the portions of the project area surveyed southwest of the bedrock milling site demonstrate signs of having been previously disturbed or graded.

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 (2020). The report presents the results of a cultural and historical resources inventory conducted within the project site and within a one-mile radius.

Eight historical records were also identified as occurring within the one-mile radius and include AH04 (privies/dumps/trash), HP44 (adobe building/structure), AH09 (mines/quarries/tailings from copper mine audit), AH02 (foundations/structure pad), AH11 (walls/fences), AH12 (graves/cemetery), AP15 (habitation debris), and AH07 (roads/trails/railroad grades). 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, one previously recorded archaeological site intersects a portion of the project (SD-11441) (ASM 2020).

Site SDI-11441 was located during the survey on October 20, 2020 and was updated to provide more detailed information about the portion of the site that intersects the project area. Two bedrock milling features, Feature 1 and Feature 2, were identified within the project area and in the location of the previously recorded site boundary. However, Feature 1, along with several of its elements, was located outside the previously defined site boundary, and so the site boundary was adjusted to include that extending portion.

Feature 1 is a granitic (intermediate felsic) low-lying bedrock exposure measuring 11.4 x 6.4 m in size with a maximum height of 40 centimeters (cm). ASM noted that the overall condition of the feature is fair, with some spalling and exfoliation along the downhill portion of the outcrop below the majority of milling elements. A total of 11 milling elements were recorded on the surface of Feature 1: two possible mortars and nine milling slicks.

Feature 2 is a granitic (intermediate felsic) low-lying bedrock outcrop measuring 3.4 x 2.5 m in size, with a height of 20 cm (Figure 10 and 11). Four milling elements were recorded on the surface of the feature, including one possible mortar and three milling slicks. All of the possible mortars are relatively shallow and highly weathered.

The site was likely used as a seasonal food-processing site, periodically occupied over a short time based on the number of slicks and the shallowness of the conical mortars. The lack of any additional artifacts suggests that it was a specialized local area for the processing of food, possibly acorns, given the proximity to a Coast Live Oak Woodland plant community.

No other artifacts were identified in association with the bedrock milling features. The rock alignment on a bedrock outcrop reported by Pigniolo and Briggs as a possible granary base was not relocated and is presumed to lie outside the proposed project footprint.

SDI-11441 has not been evaluated for listing in the CRHR. However, the site is located within a portion of the project area designated as open space. An evaluation of the site is not recommended as long as the site remains in the open space easement. ASM indicated that since the location of site SDI-11441 is to remain in an open space easement, no further archaeological work is recommended for this site and the project would not impact this resource.

No other artifacts, archaeological sites, or cultural resources were identified during the pedestrian survey. Given the disturbed nature of the southern portion of the project area and the soil classification of the project area, Cieneba rocky coarse sandy loam, which has a very shallow bedrock horizon, there is a low probability of encountering any additional cultural resources during the grading of the proposed project area. However, it is possible that subsurface cultural deposits are still present 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 **Pre-Excavation Agreement:** Prior to the issuance of a Grading Permit, or ground disturbing activities, the Applicant/Owner shall enter into a Tribal Cultural Resources Treatment and Repatriation Agreement (Pre-Excavation Agreement) with a Traditionally and Culturally Affiliated Native American Tribe (TCA Tribe), identified in consultation with the City. The purpose of the Pre-Excavation Agreement shall be to formalize protocols and procedures between the Applicant/Owner and the TCA Tribe for the protection, treatment, and repatriation of Native American human remains, funerary objects, cultural and/or religious landscapes, ceremonial items, traditional gathering areas, and other tribal cultural resources. Such resources may be located within and/or discovered during ground disturbing and/or construction activities for the proposed project, including any additional culturally appropriate archaeological studies, excavations, geotechnical investigations, grading, preparation for wet and dry infrastructure, and other ground disturbing activities. Any project-specific Monitoring Plans and/or excavation plans prepared by the project archaeologist shall include the TCA Tribe requirements for protocols and protection of tribal cultural resources that were agreed to during the tribal consultation.

The landowner shall relinquish ownership of all non-burial related tribal cultural resources collected during construction monitoring and from any previous archaeological studies or excavations on the project site to the TCA Tribe for proper treatment and disposition per the Pre-Excavation Agreement, unless ordered to do otherwise by responsible agency or court of competent jurisdiction. The requirement and timing of such release of ownership, and the recipient thereof, shall be reflected in the Pre-Excavation Agreement. If the TCA Tribe does not accept the return of the cultural resources, then the cultural resources will be subject to curation.

MM-CR-1b **Construction Monitoring**: Prior to the issuance of a Grading Permit or ground disturbing activities, the Applicant/Owner or Grading Contractor shall provide written documentation (either as signed letters, contracts, or emails) to the City's Planning Division stating that a Qualified Archaeologist and Traditionally and Culturally

Affiliated Native American monitor (TCA Native American monitor) have been retained at the Applicant/Owner or Grading Contractor's expense to implement the construction monitoring program, as described in the Pre-Excavation Agreement.

The Qualified Archaeologist and TCA Native American monitor shall be invited to attend all applicable pre-construction meetings with the General Contractor and/or associated subcontractors to present the construction monitoring program. The Qualified Archaeologist and TCA Native American monitor shall be present on site during grubbing, grading, trenching, and/or other ground disturbing activities that occur in areas of native soil or other permeable natural surfaces that have the potential to unearth any evidence of potential archaeological resources or tribal cultural resources. In areas of artificial paving, the Qualified Archaeologist and TCA Native American monitor shall be present on site during grubbing, grading, trenching, and/or other ground disturbing activities that have the potential to disturb more than six inches below the original pre-project ground surface to identify any evidence of potential archaeological or tribal cultural resources. No monitoring of fill material, existing or imported, will be required if the General Contractor or developer can provide documentation to the satisfaction of the City that all fill materials being utilized at the site are either: 1) from existing commercial (previously permitted) sources of materials; or 2) are from private or other non-commercial sources that have been determined to be absent of tribal cultural resources by the Qualified Archaeologist and TCA Native American monitor.

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

Prior to the release of any grading bonds, or prior to the issuance of any project Certificate of Occupancy, an archaeological monitoring report, which describes the results, analysis, and conclusions of the construction monitoring shall be submitted by the Qualified Archaeologist, along with any TCA Native American monitor's notes and comments received by the Qualified Archaeologist, to the Planning Division Manager for approval. Once approved, a final copy of the archaeological monitoring report shall be retained in a confidential City project file and may be released, as a formal condition of Assembly Bill (AB) 52 consultation, to Rincon Band of Luiseño Indians (Rincon Band) and the Pechanga Band of Luiseño Indians (Pechanga Band) or any parties involved in the project specific monitoring or consultation process. A final copy of the report, with all confidential site records and appendices, will also be submitted to the South Coastal Information Center after approval by the City.

MM-CR-1c **Unanticipated Discovery Procedures:** Both the Qualified Archaeologist and the TCA Native American monitor may temporarily halt or divert ground disturbing activities if potential archaeological resources or tribal cultural resources are discovered during construction activities. Ground disturbing activities shall be temporarily directed away from the area of discovery for a reasonable amount of time to allow a determination of the resource's potential significance. Isolates and clearly non-significant archaeological resources (as determined by the Qualified Archaeologist, in consultation with the TCA Native American monitor) will be minimally documented in the field. All unearthed archaeological resources or tribal cultural resources will be collected, temporarily stored in a secure location (or as otherwise agreed upon by the Qualified Archaeologist and the TCA Tribe), and repatriated according to the terms of the Pre-Excavation Agreement, unless ordered to do otherwise by responsible agency or court of competent jurisdiction.

If a determination is made that the archaeological resources or tribal cultural resources are considered potentially significant by the Qualified Archaeologist, the TCA Tribe, and the TCA Native American monitor, then the City and the TCA Tribe shall determine, in consultation with the Applicant/Owner and the Qualified Archaeologist, the culturally appropriate treatment of those resources.

If the Qualified Archaeologist, the TCA Tribe, and the TCA Native American monitor 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 CEQA and California Public Resources Code Section 21083.2(b) with respect to archaeological resources and California Public Resources Section 21704 and 21084.3 with respect to tribal cultural resources, and shall take into account the religious beliefs, cultural beliefs, customs, and practices of the TCA Tribe.

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 avoidance of the resource is determined to be infeasible by the City as the Lead Agency, then the City shall require additional culturally appropriate mitigation to address the negative impact to the resource, such as, but not limited to, the funding of an ethnographic study and/or a data recovery plan, as determined by the City in consultation with the Qualified Archaeologist and the TCA Tribe. The TCA Tribe shall be notified and consulted regarding the determination and implementation of culturally appropriate mitigation and the drafting and finalization of any ethnographic study and/or data recovery plan, and/or other culturally appropriate mitigation. Any archaeological isolates or other cultural materials that cannot be avoided or preserved in place as the preferred mitigation shall be temporarily stored in a secure location on site (or as otherwise agreed upon by the Qualified Archaeologist and TCA Tribe), and repatriated according to the terms of the Pre-Excavation Agreement, unless ordered to do otherwise by responsible agency or court of competent jurisdiction. The removal of any artifacts from the project site will be inventoried with oversight by the TCA Native American monitor.

If a data recovery plan is authorized as indicated above and the TCA Tribe does not object, then 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 for later reburial or storage at a local curation facility, as described in the Pre-Excavation Agreement.

In the event that curation of archaeological resources or tribal cultural resources is required by a superseding regulatory agency, curation shall be conducted by an approved local facility within San Diego County and the curation shall be guided by California State Historical Resources Commission's Guidelines for the Curation of Archaeological Collections. The City shall provide the Applicant/Owner final curation language and guidance on the project grading plans prior to issuance of the grading permit, if applicable, during project construction. The Applicant/Owner shall be responsible for all repatriation and curation costs and provide to the City written documentation from the TCA Tribe or the curation facility, whichever is most applicable, that the repatriation and/or curation have been completed.

MM-CR-1d **Human Remains:** As specified by California Health and Safety Code Section 7050.5, if human remains, or remains that are potentially human, are found on the project site during ground disturbing activities 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 by telephone. No further excavation or disturbance of the discovery or any nearby area reasonably suspected to overlie adjacent remains (as determined by the Qualified Archaeologist and/or the TCA Native American monitor) 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 (as determined by the Qualified Archaeologist and/or the TCA Native American monitor), and consultation and treatment could occur as prescribed by law. As further defined by State 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, and not under his or her jurisdiction, then he or she shall contact the Native American Heritage Commission by telephone within 24 hours. The Native American Heritage Commission will make a determination as to the Most Likely Descendent, who shall be afforded 48 hours from the time access is granted to the discovery site to make recommendations regarding culturally appropriate treatment.

If suspected Native American remains are discovered, the remains shall be kept in situ (in place) until after the Medical Examiner makes its determination and notifications, and until after the Most Likely Descendent is identified, at which time the archaeological examination of the remains shall only occur on site in the presence of the Most Likely Descendent. The specific locations of Native American burials and reburials will be proprietary and not disclosed to the general public. According to California Health and Safety Code, six or more human burials at one location constitute a cemetery (Section 8100), and disturbance of Native American cemeteries is a felony (Section 7052). In the event that the Applicant/Owner and the Most Likely Descendant are in disagreement regarding the disposition of the remains, State law will apply, and the mediation process will occur with the NAHC. In the event that mediation is not successful, the landowner shall rebury the remains at a location free from future disturbance (see Public Resources Code Section 5097.98(e) and 5097.94(k)).

MM-CR-1e **Fencing:** Due to the high cultural sensitivity of the Project, the proponent will ensure that silt, biological, construction, or other highly visible fencing be installed between Parcels A and B. The fencing will be established as the Environmentally Sensitive Area (ESA) limits, shall be designated as such on all grading plans, and will be a visual reminder that CA-SDI-11441 will be avoided and not impacted in any way by the proposed construction. The construction manager will ensure that the project archaeologist and tribal monitor are notified at least 48 hours prior to fencing placement and the monitors will be present during installation and removal of the fencing. At least three times per week, either the archaeological monitor or the tribal monitor will inspect the fencing for any potential breaches. Should a breach occur, the monitor(s) who identified the breach will notify the other monitor and the construction manager and an inspection of the breach will occur within a reasonable timeframe to determine the extent of the damage to the fence and CA-SDI-11441. No additional ground disturbing should occur within 50 feet of the breach until it can be fully inspected.

If the breach was caused by construction personnel, sensitivity training shall be provided by the project archaeologist and a tribal representative to the entire construction team, at a minimum. If the breach was minimal and no disturbance to the site occurred, the fencing shall be fixed and ground disturbing can resume at the authorization of the construction manager. If the damage to the site is extreme and irreparable, additional measures may be taken as determined appropriate by the City with recommendations from the Rincon Band, up to and including removal of the offending operator from the jobsite, fines, and/or temporary work stoppages. Documentation of the fencing efforts will be included in the Phase IV Monitoring Report completed by the Project archaeologist.

Implementation of mitigation measures MM-CR-1a through MM-CR-1e would reduce potential impacts to cultural resources to below a level of significance.

c) 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 2020). 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-1e, 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-1d 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. ENERGY

a) Would the project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction, or operation? Less than Significant Impact

Construction activities for the project would include grading of the project site to provide site access and a future buildable pad. The project would consume energy resources during construction in three general forms: 1) petroleum-based fuels used to power off-road construction vehicles and equipment on the site, construction worker travel to and from the project site, as well as delivery and haul truck trips (e.g. soils import) ; 2) electricity associated with the conveyance of water that would be used during project construction for dust control (supply and conveyance) and 3) electricity to power any necessary lighting during construction, electronic equipment, or other construction activities necessitating electrical power.

The project does not propose any excessive or unnecessary energy consumption beyond what would be typical for this type of construction activity. Therefore, potential impacts associated with the wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation would be less than significant.

b) Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency? Less than Significant Impact

The project does not propose any development and there are no aspects of the project that would conflict or obstruct a state or local plan for renewable energy or energy efficiency. An existing utility tower associated with a 150-foot-wide SDG&E easement is located in the southwestern portion of the site within future Lot A. No development is proposed within Lot A at this time; however, any future development

plans would be designed around this easement to ensure SDG&E has appropriate access for maintenance of their utility tower and lines. Impacts are less than significant.

VII. GEOLOGY AND SOILS

A soils report was prepared for the project site by Geocon Inc (2020). The complete report is included as **Appendix E** of this document.

a) Directly or indirectly cause 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 California Earthquake Hazard Zone Application, the City of San Marcos is not identified as a jurisdiction affected by Alquist-Priolo Earthquake Fault Zones (California Department of Conservation 2020).

According to the Preliminary Geotechnical Evaluation prepared by Geocon, included as **Appendix E** of this document, there are no known active or potentially active faults transecting the project site. Further, the project site is not located within any State Mapped Earthquake Fault Zone or County of San Diego mapped fault zone. The nearest known active fault to the project site is the Newport-Inglewood-Rose Canyon Fault Zone, located approximately 8.8 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. 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

Seismic-related Ground Failure

The Preliminary Geotechnical Evaluation indicated that there are no active faults mapped on the project site and the site is not located within a mapped Alquist-Priolo Earthquake Fault Zone. No impact is identified for this issue area.

Liquefaction

The project site is identified as having Zero Susceptibility to Low Susceptibility for liquefaction per Figure 6-1 of the Safety Element of the City's General Plan. The risk associated with liquefaction and seismically induced settlement hazard is low due to removal of compressible deposits that will occur during grading, the lack of permanent, near surface groundwater and the dense nature of the underlying granitic bedrock (Geocon 2020). 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 relatively flat with surface elevations varying from near 510 feet AMSL in the northern portion of the site near 415 feet at the southwest corner adjacent to Melrose Drive. The site is identified as having Zero Susceptibility to Low 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

Proposed site improvements require grading and soil import of approximately 114,170 cubic yards (cy) of material import. 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. With implementation of BMPs, 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. The project would not be located on a geologic unit or soil that would potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse. Per the Preliminary Geotechnical Evaluation prepared for the project site, the potential for adverse impacts from liquefaction is considered low. See below for discussion of special handling and placement of the granitic rock that underlies the project. 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 Preliminary Geotechnical Evaluation report prepared for the project site (Geocon 2020), poorly compacted undocumented fills (Qudf) were observed on the property. Observations from numerous trenches indicate the fills are poorly consolidated, and in some areas are underlain by potentially compressible topsoil, alluvium, or colluvium. The undocumented fill, as well as underlying topsoil, colluvium, and alluvium, will require removal and recompaction.

Geocon also observed that topsoil blankets most of the site, varying in thickness from approximately 1 to 2 feet. The topsoil is medium dense to dense, dry to moist, orange brown to brown, silty, fine to coarse sand. Topsoil deposits are unsuitable in their present condition and will require removal and compaction in areas planned to receive structural fill and/or settlement sensitive structures.

Colluvial deposits (Qcol) were encountered in the gentle, low lying, slope areas near alluvial drainages overlying the Granitic Rock. These deposits generally possess very low to medium expansion potential, are poorly consolidated, and will require remedial grading in areas of planned development.

Alluvial soils were found within the canyon drainage and tributary channels. These deposits consist of relatively loose/soft, silty/clayey sands and sandy clays with varying amounts of gravel and cobble derived from bedrock units. The alluvial deposits are compressible and will require remedial grading. Deeper removals may be required in the main drainage areas or where alluvium is overlain by undocumented fill.

Below the alluvial soils the site is underlain by Cretacious-age Granitic Rock (commonly referred to as Escondido Creek Granodiorite). The rock materials exhibited a highly variable weathering pattern ranging from completely weathered decomposed granite to outcrops of fresh, extremely strong, hard rock that will require blasting to excavate. Granitic units generally exhibit adequate bearing and have good slope stability characteristics if free of adversely oriented joints or fractures.

Based on the grades shown on the Tentative Map, cuts into granitic rock are expected across the northern portion of the site. Soils derived from excavations within the decomposed granitic rock are anticipated to consist of low expansive, silty, medium- to coarse-grained sands and should provide suitable foundation support in either a natural or properly compacted condition. Excavations in Granitic Rock will generate oversize materials (rocks greater than 12 inches in dimension) that will require special handling and placement.

Geocon evaluated the rippability characteristics of the rock in proposed cut areas by performing air-track borings and seismic refraction traverses. Drill penetration rates were used to evaluate rock rippability and to estimate the depth at which difficult excavation will occur. Rock rippability is a function of natural weathering processes that can vary vertically and horizontally over short distances depending on jointing, fracturing and/or mineralogic discontinuities within the bedrock. The results of the field investigation indicate that, where fresh rock is not exposed near the surface, the Granitic Rock is characterized by a rippable weathered mantle varying from 3 to 54 feet thick. Therefore, excavations will likely require blasting.

Based on visual classification of materials encountered onsite and as verified by laboratory testing, soils near subgrade are considered to have low expansion potential. However, higher expansive soils may be encountered during the grading of the site. This potential in addition to the potential for special grading conditions related to excavating granitic rock represent 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 beginning on pages 10 – 25 of the Preliminary Geotechnical Evaluation Report prepared by Geocon for the project site. These recommendations address excavation and soil characteristics, subdrains, grading, slopes, temporary excavation

slopes, earthwork grading factors, seismic design criteria, foundation considerations, retaining wall design, lateral loading, soil nail wall, etc.

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. Future development on the project site would be VWD for wastewater service and VWD has indicated that they can serve the project for wastewater service (VWD 2020). Therefore, no impact is identified for this issue area.

i) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? Less than Significant Impact with Mitigation Incorporated

The project area is located in the Peninsular Ranges Geomorphic Province. The province is characterized by mountainous terrain on the east composed mostly of Mesozoic igneous and metamorphic rocks, and relatively low-lying coastal terraces to the west underlain by late Cretaceous, Tertiary, and Quaternary age sedimentary rocks.

According to the Preliminary Geotechnical Evaluation prepared for the project (Geocon), the geologic conditions underlying the site consist of undocumented artificial soils (Qudf), and Quaternary-aged colluvial and alluvium deposits (Qcol and Qal)). Colluvial deposits were encountered in the gentle, low lying, slope areas near alluvial drainages overlying the Granitic Rock. Alluvial soils were found within the canyon drainage and tributary channels. The Quaternary Period is divided into two epochs: the Pleistocene (2.588 million years ago to 11.7 thousand years ago) and the Holocene (11.7 thousand years ago to today).

According to the San Marcos General Plan EIR (page 3.12-1), older Pleistocene-age alluvial deposits have the potential to yield "Ice-age" fossils. In composition, these deposits consist of "moderately well consolidated, poorly sorted, permeable, commonly slightly desiccated gravel, sand, silt, and clay-bearing alluvium." These Pleistocene alluvial deposits are locally capped by Holocene alluvium and artificial fill, and at depth, are underlain by Cretaceous and older igneous rocks. Pleistocene old alluvial flood plain deposits are found in northern San Diego County and include recorded fossil collecting localities in Vista, Carlsbad, and Oceanside. These localities have yielded fossils of terrestrial plants, freshwater and terrestrial invertebrates such as clams and snails, and terrestrial mammals such as ground sloth, rodents, horse, tapir, camel, llama, deer, mastodon, and mammoth. Given that no fossils have been recovered from the sediments mapped as old alluvial flood plain deposits in the City, it is suggested that these deposits have an unproven and/or undetermined paleontological sensitivity. Due to the fact that the Pleistocene old alluvial floodplain deposits have an unproven/undetermined sensitivity there is a potential that the site could contain paleontological resources that could be disturbed during grading activities for the project. This represents a potentially significant impact (**Impact GEO-2**), and mitigation is required. Implementation of mitigation measures MM-GEO-2 would reduce this impact to below a level of significance.

MM-GEO-2 Prior to project grading the project applicant shall retain a qualified paleontologist to review the proposed project area to determine the potential for paleontological resources to be encountered. If there is a potential for paleontological resources to occur, the paleontologist shall identify the area(s) where these resources are expected to be present, and a qualified paleontological monitor shall be retained to monitor the initial cut in any areas that have the potential to contain paleontological resources.

VIII. GREENHOUSE GAS EMISSIONS

The City adopted an updated Climate Action Plan (CAP) on December 8, 2020 (San Marcos 2020b). The CAP outlines strategies and measures that the City will undertake to achieve its proportional share of State greenhouse gas (GHG) emissions reduction targets.

The City's CAP is a qualified GHG emissions reduction plan in accordance with State CEQA Guidelines Section 15183.5. Pursuant to CEQA Guidelines Sections 15064(h)(3), 15130(d), and 15183(b), a project's incremental contribution to a cumulative GHG emissions effect may be determined not to be cumulatively considerable if it complies with the requirements of a CAP.

Per the City's CAP, new discretionary projects subject to CEQA review that emit fewer than 500 metrics tons of carbon dioxide equivalent (MT/year of CO_2e) annually would not contribute considerably to cumulative climate change impacts. A CAP Consistency Review Worksheet was prepared for the project and is included as **Appendix F**.

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

Construction Emissions

No development is proposed at this time, so there would not be any operational emissions. Therefore, this analysis focuses on construction emissions.

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.

Grading will be required for the project to create site access and also a future buildable pad. The project grading activities will require approximately 122,750 cy of cut and 236,920 cy of fill for a total of 114,170 cy of material import. Materials import will take up to six months and will occur at different phases during the grading activities. Assuming the use of 15 cy hauling trucks, there will be approximately 60 truck trips per day. Also, as a design feature of the project, the construction contractor would use Tier IV rated diesel construction equipment to minimize diesel particulates from construction equipment.

Table 8 presents the anticipated construction emissions for the proposed project.

Table 8. 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)
2021	0.00	780.41	780.41	0.15	0.00	784.14
Total Construction Emissions						**784.14**
Yearly Average Construction Emissions (Metric Tons/year over 30 years)						**26.14**

Notes: CO_2 = Carbon Dioxide; CH_4 = Methane; N_2O= Nitrous Oxide

As shown in Table 8, anticipated construction-related GHG emissions for the project are estimated at 784.14 MT/year of CO_2e over the life of the project. Per SCAQMD guidance, these emissions are amortized over 30 years. This amortized figure estimates project construction would be 26.14 MT/year of CO_2e per year. This is below the 500 MT/year of CO_2e threshold in the City's CAP. Impacts would be less than significant.

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

Construction-related GHG emissions for the project are estimated at 784.14 MT/year of CO_2e over the life of the project and 26.14 MT/year of CO_2e per year once it is amortized. This is below the 500 MT/year of CO_2e threshold in the City's CAP. Impacts would be less than significant. 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. Additionally, any future development of an industrial building(s) will require Site Development Plan and environmental review by the City.

IX. HAZARDS AND HAZARDOUS MATERIALS

A Phase 1 Environmental Site Assessment (ESA) was prepared for the project site by EFI Global (EFI) 2020. The complete report is included as **Appendix G** of this document.

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 reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? Less Than Significant Impact

Historical Use on the Project Site and Project Vicinity

According to historical research data, the project site has been undeveloped land since at least 1938, while the surrounding area uses have included agricultural, a sand and gravel pit, and residential. The site is still undeveloped, and the surrounding area includes undeveloped land and commercial and residential development.

Recognized Environmental Conditions

A recognized environmental condition (REC) is defined by ASTM E1527-13 as the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to any release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment.

The Phase 1 ESA report determined that there was no evidence of recognized environmental conditions (REC) in relation to the project site for past or current use (EFI 2020). The project site is not listed on any of the regulatory databases researched and there are no properties within 100-feet of the project site where a release is considered likely or a known release has occurred.

Site Observations

On January 23, 2020, Brian R. Brennan of EFI Global, Inc. conducted a site reconnaissance of the project site. The site inspection was conducted to attempt to identify current site use(s), current hazardous materials storage, and evidence of past site uses and hazardous material storage and to identify evidence of other recognized environmental conditions. Due to physical site conditions, such as dense vegetation, a drainage and mountainous terrain, portions of the project site were not accessible and/or visible during our site reconnaissance. Therefore, the site reconnaissance was limited to accessible trails and vantage point views. Minor trash and debris, metal, and shattered glass, concrete-cast drain pipes, and a crushed metal drum were observed on the project site; however, these items are not considered to be an environmental concern.

No REC's were identified on the site. Specifically, the following features were not observed on the project site: hazardous substances and petroleum products containers, underground and/or aboveground storage tanks, drains/sumps/clarifiers/sewer interceptors/ septic systems, stained or corroded surfaces/ Stained soil or stressed vegetation, pits/ponds/lagoons/wetlands, electrical equipment with the potential to contain fluids, production or monitoring wells, or evidence of solid waste disposal/dumping/fill areas.

The adjoining and immediately surrounding properties (within 100-feet of the project site boundary) were visually and physically observed from public right-of ways and the project site and no RECs were identified during the adjoining property reconnaissance.

In summary, there are no identified conditions on the project site that would create a scenario whereby the project would create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials. 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 Isle Preschool La Costa is located at 1655 S. Rancho Santa Fe Road, located approximately 0.5 miles southwest of the project, Prestige Preschool Academy at 7150 Rancho Santa Fe Road, approximately 0.5 miles west of the project, San Elijo Elementary School located approximately one mile east of the project site and Pivot Charter School located approximately 1.4 miles north of the project site. The project does not propose uses that would emit hazardous emissions or handle hazardous or acutely hazardous materials or substances as no schools are located within 0.25 miles of the project site. No hazards 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

A comprehensive records and database search was conducted in conjunction with the preparation of the Phase 1. The records search was completed by EDR and the project site was not listed in any of the databases. The project site is not identified on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. As described above, there were no RECs identified for the project site.

Surrounding properties within a one-mile radius were included in the data base search. A total of 8 sites were listed in the radius report. No adjoining/immediately surrounding properties (within 100-feet) were listed on any of the regulatory databases researched. EFI Global reviewed groundwater data presented in the State Water Resources Control Board (SWRCB) GeoTracker website. According to the information reviewed, groundwater was detected at a leaking underground storage tank (LUST) site (1619 South Rancho Santa Fe Road) located approximately 0.9-mile northwest of the project site at approximately 10 feet below ground surface, and under artesian conditions. It should be noted that this site is lower in elevation when compared to the project site; therefore, groundwater conditions may be deeper. Based on the information provided in a case closure summary associated with the aforementioned LUST, the regional groundwater flow direction is estimated to be towards the southwest; however, local groundwater flow direction may vary. EFI Global concluded that neither this site nor any of the other sites listed on the regulatory database report pose a significant threat to the subject property as there is no indication of a release at the respective sites, a release has occurred but groundwater has not been impacted, a release has occurred but the case is closed, or the sites are located cross or down gradient of the subject property and in excess of 1/10 mile from the subject property.

The project site is not identified on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Any of the listed sites identified in the vicinity of the project site have been determined to be low risk to the project site. Therefore, implementation of the proposed project would not create a significant hazard to the public pursuant to Government Code Section 65962.5. 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 3.5 miles northwest of the project site. While the proposed project is not within two miles of a public airport nor according to Figure 6-5 of the Safety Element of the City's General Plan, is the project site is not located within Review Area 2 of the airport influence area. Therefore, the project would not result in a safety hazard for people residing or working in the project area. No impact would occur.

f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? No Impact

The project 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. No impact is identified for this issue area.

g) 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 adjacent to wildland areas and a portion of the site will be retained as natural open space. The project site is located in an urbanized portion of the City and is not located in or near a State Responsibility Area (CAL FIRE 2009). The site is located within a Very High Fire Hazard Severity Zone (VHFHSZ) within a Local Responsibility Area (CAL FIRE 2009). The project plans, as proposed, include a note requiring a future fire staging area in the northernmost portion of Lot A. This would provide a staging location for firefighters should there be a wildfire in the adjacent open space areas. No development is proposed at this time. In the future, if a development project is proposed within Lot A, the site design shall include an adequate fire fuel modification zone and would be subject to review by SMFD. No impact is identified for this issue area.

X. HYDROLOGY AND WATER QUALITY

A hydrology and hydraulic study was prepared for the project by Excel Engineering (2020a) and is included in **Appendix H**. A Standard (Minor) Development Project Storm Water Quality Management Plan (SWQMP) was also prepared for the project by Excel Engineering (2020b). The complete report is included as **Appendix I**.

Existing Site Conditions

The project site is mostly undeveloped hillsides which all drain south into a natural valley at the bottom of the hills. The valley continues draining south into an existing Type-F inlet where it enters the public

storm drain system via a 48-inch reinforced concrete pipe (RCP) in Melrose Drive (POC-1). Peak 100-year runoff is 128.182 cubic feet per second (cfs) at POC-1.

There is a small natural ridge that develops in the lower western portion of the property that splits a small portion of the hillside flows west towards an existing access road with adjacent brow ditches collecting this flow into an existing 30-inch pipe in the access road (POC-2). Peak 100-year runoff is 15.794 cfs at POC-2.

Along the Melrose Drive Right of Way there is a 30-foot to 50-foot high cut slope that drains into a brow ditch adjacent to the sidewalk on Melrose Drive. The brow ditch drains south along Melrose Dr. until it reaches the D-25 where it discharges into Melrose Drive (POC-3). Peak 100-year runoff is 1.180 cfs at POC-3.

Proposed Conditions

The project proposes to fill in a portion of the existing valley to create a large pad that slopes 2.0% towards two different desiltation basins while maintaining the natural spilt of the existing ridge. All offsite flows generally remain undisturbed until they reach the northern edge of the pad where they will either enter a 48-inch pipe or a brow ditch that drains directly into the existing type-f box (POC-1). In the proposed condition at POC-1, with the proposed desiltation basins, peak 100-year runoff will be 124.766, which is a reduction of 3.416 cfs.

The third desiltation basin to the west collects all onsite flows that flow to POC-2 in the pre-development condition and discharges them into the existing brow ditch along the access road. A portion of cut slope along Melrose Drive be redirected to POC-1, due to the proposed driveway. The remaining undisturbed cut slope will drain as it did in the pre-development condition. In the proposed condition at POC-2, peak 100-year runoff will be 13.406, which is a reduction of 2.343 cfs. At POC-3, peak 100-year runoff will be 0.281 cfs, which is a reduction of 0.899 cfs. A separate Site Development Plan and environmental review will be required when the site is developed with an industrial building(s) and impervious surfaces in the future.

a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality? Less than Significant Impact

The project site is located in the Batiquitos hydrologic sub-area (904.51) of the Lower San Marcos Creek hydrologic area (904.51) of the 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 grading and could result in sediment discharge to 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 SWQMP based on the

standards set forth in the most current Model BMP Design Manual – San Diego Region (BMP Design Manual). The Standard (Minor) Development Project SWQMP for the project is included as Appendix I of this document.

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) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin? 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.

c) 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 proposes to fill in a portion of the existing valley on the site to create a large pad that slopes 2.0% towards two different desiltation basins while maintaining the natural spilt of the existing ridge. All offsite flows generally remain undisturbed until they reach the northern edge of the pad where they will either enter a 48-inch pipe or a brow ditch that drains directly into the existing type-f box (POC-1). The third desiltation basin to the west collects all onsite flows that flow to POC-2 in the pre-development condition and discharges them into the existing brow ditch along the access road. A portion of cut slope along Melrose Drive be redirected to POC-1, due to the proposed driveway. The remaining undisturbed cut slope will drain as it did in the pre-development condition. At all POCs the post-development condition results in a reduction of runoff rate (Excel 2020a).

The project would not substantially alter the existing drainage pattern of the site or area through the alteration of the course of a stream or river, or through the addition of impervious surfaces in a manner which would result in substantial erosion or siltation on- or off-site. Impacts would be less than significant.

d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, through the addition of impervious surfaces, in a manner which would: 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 undeveloped with no impervious surfaces and the project would not add any new impervious surfaces to the project site. The project would not alter the course of any stream or river.

The project proposes to fill in a portion of the existing valley on the site to create a large pad that slopes 2.0% towards two different desiltation basins while maintaining the natural spilt of the existing ridge. All

offsite flows generally remain undisturbed until they reach the northern edge of the pad where they will either enter a 48-inch pipe or a brow ditch that drains directly into the existing type-f box (POC-1). The third desiltation basin to the west collects all onsite flows that flow to POC-2 in the pre-development condition and discharges them into the existing brow ditch along the access road. A portion of cut slope along Melrose Drive be redirected to POC-1, due to the proposed driveway. The remaining undisturbed cut slope will drain as it did in the pre-development condition. At all POCs the post-development condition results in a reduction of runoff rate (Excel 2020a).

The project would not substantially alter the existing drainage pattern of the site or area through the alteration of the course of a stream or river, or through the addition of impervious surfaces in a manner which would substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site. Impacts would be less than significant.

e) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, through the addition of impervious surfaces, in a manner which would: create or contribute to runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? Less than Significant Impact

The project site is undeveloped with no impervious surfaces and the project would not add any new impervious surfaces to the project site. The project would not alter the course of any stream or river.

The project proposes to fill in a portion of the existing valley on the site to create a large pad that slopes 2.0% towards two different desiltation basins while maintaining the natural spilt of the existing ridge. All offsite flows generally remain undisturbed until they reach the northern edge of the pad where they will either enter a 48-inch pipe or a brow ditch that drains directly into the existing type-f box (POC-1). The third desiltation basin to the west collects all onsite flows that flow to POC-2 in the pre-development condition and discharges them into the existing brow ditch along the access road. A portion of cut slope along Melrose Drive be redirected to POC-1, due to the proposed driveway. The remaining undisturbed cut slope will drain as it did in the pre-development condition. At all POCs the post-development condition results in a reduction of runoff rate (Excel 2020a).

The project would not substantially alter the existing drainage pattern of the site or area through the alteration of the course of a stream or river, or through the addition of impervious surfaces in a manner which would exceed the capacity of existing or planned stormwater drainage systems or provide additional sources of polluted runoff. 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, through the addition of impervious surfaces, in a manner which would: Impede or redirect flood flows? Less than Significant Impact

The project site is undeveloped with no impervious surfaces and the project would not add any new impervious surfaces to the project site. The project would not alter the course of any stream or river.

The project proposes to fill in a portion of the existing valley on the site to create a large pad that slopes 2.0% towards two different desiltation basins while maintaining the natural spilt of the existing ridge. All offsite flows generally remain undisturbed until they reach the northern edge of the pad where they will

either enter a 48-inch pipe or a brow ditch that drains directly into the existing type-f box (POC-1). The third desiltation basin to the west collects all onsite flows that flow to POC-2 in the pre-development condition and discharges them into the existing brow ditch along the access road. A portion of cut slope along Melrose Drive be redirected to POC-1, due to the proposed driveway. The remaining undisturbed cut slope will drain as it did in the pre-development condition. At all POCs the post-development condition results in a reduction of runoff rate (Excel 2020a).

The project would not substantially alter the existing drainage pattern of the site or area through the alteration of the course of a stream or river, or through the addition of impervious surfaces in a manner which would impede or redirect flood flows. Impacts would be less than significant.

g) In flood hazards, tsunami or seiche zones, risk release of pollutants due to project inundation? No Impact

The project site is not located within a mapped tsunami inundation zone. Lake San Marcos is located approximately 1,700 feet east of the site. Potential flooding associated with a seiche generated in Lake San Marcos would be confined to San Marcos Creek which passes 800 feet south of the site through an abandoned quarry. Therefore, the risk associated with inundation hazard associated with seiche is low.

The Federal Emergency Management Agency (FEMA 2012) locates the site within a Flood Zone X area, indicating a minimal risk to inundation by 100-year and 500-year floods. Potential flooding associated with failure of the dam located at the south end of Lake San Marcos would be confined to San Marcos Creek which passes 800 feet south of the site through an abandoned quarry. Therefore, no impact is identified for this issue area.

h) Conflict with or obstruct implementation of a water quality control plan or suitable groundwater management plan? Less than Significant Impact

The applicant would be required to comply with the NPDES permit. Regionally, this is achieved by preparing and implementing a SWQMP based on the standards set forth in the most current Model BMP Design Manual – San Diego Region (BMP Design Manual). The SWQMP will require implementation of water quality 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 Standard (Minor) Development Project SWQMP for the project is included as Appendix I of this document. The preliminary SWQMP prepared for this project indicates the project will meet the requirements of the BMP Design Manual. Further the project is being designed to comply with the current Hydromodification Management Plan (HMP) requirements which include addressing both flow-control and critical coarse sediment. Additionally, the project would not use any groundwater or affect direct infiltration and saturation. Therefore, implementation of the proposed project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. As such, the potential 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, and the use of fuels for construction equipment. 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:

- Prevention of illicit discharges into Municipal Separate Storm Sewer System (MS4)
- Storm drain stenciling or signage
- 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. 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. Therefore, the project would not result in significant alteration of receiving water quality during 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 Batiquitos hydrologic sub-area (904.51) of the Lower San Marcos Creek hydrologic area (904.51) of the 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).

The applicant would be required to comply with the NPDES permit. Regionally, this is achieved by preparing and implementing a SWQMP based on the standards set forth in the most current Model BMP Design Manual – San Diego Region (BMP Design Manual). The SWQMP will require implementation of water quality 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 or an increase in pollutant discharge in receiving water bodies.

The Standard (Minor) Development Project SWQMP for the project is included as Appendix I of this document. The preliminary SWQMP prepared for this project indicates the project will meet the requirements of the BMP Design Manual. Further the project is being designed to comply with the current Hydromodification Management Plan (HMP) requirements which include addressing both flow-control and critical coarse sediment. As such, the potential 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

The project site is located in the Batiquitos hydrologic sub-area (904.51) of the Lower San Marcos Creek hydrologic area (904.51) of the of the Carlsbad watershed (904). Impaired water bodies in this watershed, include San Marcos Creek, Lake San Marcos, Batiquitos Lagoon, and the Pacific Ocean.

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. The project does not propose any development. Desiltation basins are included in the project design and would minimize the potential for sediments to enter impaired water bodies. 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 within the MHCP, which identifies a series of FPAs within which some lands will be dedicated for preservation of native habitats. BCLAs were designed to conserve sensitive species and corridors between areas of high-quality habitat and to provide avenues for wildlife movement between these areas. The project site is not located within an FPA, as illustrated in Figure 2-1 of the Final MHCP Plan (AMEC et al. 2003b) nor is it located within a BCLA, as illustrated in Figure 2-3 of the Final MHCP Plan (AMEC et al. 2003b). The project would implement a SWQMP to ensure there would not be an increase in pollutant discharge to receiving waters. 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 would implement BMPs during project grading to minimize potential impacts to surface water quality, including the construction of desiltation basins. Incorporation of these basins 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.

XI. LAND USE AND PLANNING

The project applicant is requesting approval of a Tentative Parcel Map to consolidate an existing 22.89-acre site from 13 lots into two lots. Lot A would be 16.12 acres and would be mass graded for an industrial pad. No development is proposed on Lot A at this time. Parcel B would be 6.77 acres and would remain in its current condition and would be a designated open space area. Development of future industrial building(s) will require a separate Site Development Plan and environmental review by the City.

a) Physically divide an established community? No Impact

The project would not divide an established community. It would reduce the existing 13-lot subdivision map to two lots, Lot A which could be developed as a light industrial use in the future and Lot B, which would be preserved as open space. Lot A would be near existing light industrial use on Diamond Drive and

adjacent to existing residential uses. The project site is zoned Light Industrial (L-I) similar to the zoning south of Melrose Drive. It would be a continuation of development in the project vicinity. Lot B would be adjacent to existing open space lands. The project would not physically divide an established community and no impact is identified for this issue area.

b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? No Impact

The current 13-lot industrial subdivision map for the property was previously approved in the early 1990's as an extension of the industrial development to the south of Melrose Drive and allows for the development of an industrial building on each of the existing 13 lots subject to the development standards of the Light Industrial (L-I) zone. The project site has a General Plan designation of Light Industrial (L-I) and a zoning designation of Light Industrial (L-I). No change in General Plan designation or zoning is proposed as part of the project. This environmental document has reviewed the potential environmental effects of the project and has determined that all impacts will be less than significant or mitigated to below a level of significance. The proposed Tentative Parcel Map for future industrial development is allowed within the Light Industrial (L-I) zone.

The biological resources section of this document (Section IV.f) analyzed the project's consistency with the MHCP. The project site is not located within a Focused Planning Area or Biological Core and Linkage Area of the Multiple Habitat Conservation Program (MHCP) nor is the project subject to a Natural Community Conservation Plan. Mitigation for impacts to sensitive habitats, which includes Natural Flood channel/Streambed, Mulefat Scrub, Costal Sage-Chaparral Transition, Diegan Coastal Sage Scrub and Disturbed Diegan Coastal Sage Scrub shall be mitigated per the ratios identified in the MHCP (MM-BIO-3). The project will not conflict with the MHCP and no impact is identified for this issues area.

XII. 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.

XIII. NOISE

a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? Less Than Significant Impact

Grading Activities

Site grading is proposed to create an access driveway from Melrose Drive to reconfigure an existing CFD-landscaped slope in the western portion of the site, create a water quality basin, a desiltation basin and to create a buildable pad within Lot A.

The project grading activities will require approximately 114,170 cubic yards (cy) of material import and will take up to six months. Materials import will occur at different phase during the grading activities. Assuming the use of 15 cy hauling trucks, there will be approximately 60 truck trips per day.

Construction equipment anticipated to be used for the project are dozers, tractors/loaders/backhoes, graders, scrapers, pavers, rollers, and air compressors. No rock crushing is proposed.

The project would be required to comply with Chapter 10.24 of the San Marcos Municipal Code, which prohibits loud, annoying, or unnecessary noises. Section 10.24.020 provides definitions for and examples of prohibited noise sources. Included in the list of prohibited noise sources are building construction activities that occur Monday through Friday before 7:00 AM and after 6:00 PM or on Saturdays before 8:00 AM or after 5:00 PM. The project would also be required to comply with the grading operation restrictions listed in Section 17.32.180 of the San Marcos Municipal Code. This section of the code addresses the time limits that apply to grading, extraction, and blasting between 7:00 AM and 4:30 PM Monday through Friday. Grading, extraction, or related earth moving is not allowed in the City on the weekends or holidays. The Municipal Code does not set noise limits on construction activities. Commonly, the City has utilized the County of San Diego's Noise Ordinance noise limit of 75 dBA for construction activities.

The project site is adjacent to both developed areas and undeveloped areas. Industrial development is located to the southwest and residential development is to the west. There is a citrus grove (designated in the County of San Diego as permanent open space) to the north and designated open space managed by the Center for Natural Lands Management to the northwest, east and southeast.

Given the limited and temporary duration of construction activity, the type of construction equipment proposed to be used for the site, and typical noise attenuation that occurs due to distance, the noise levels during construction would comply with the 75 dBA equivalent continuous noise level (Leq) standard at the property lines. Additionally, the residential condominiums to the west are 200 feet away, further reducing the sound levels. Therefore, no impacts are anticipated to surrounding land uses, and no mitigation is required during construction of the proposed project.

Blasting

Due to granitic bedrock conditions in some areas of the site, blasting may be required as part of the grading operations. A blasting permit from the Fire Department would be required. The project would

comply with all provisions identified in the City's Municipal Code Section 17.60.06 as it relates to blasting, which requires the following:

- The blaster shall notify the Building Division and the Fire Department no less than 12 hours prior to any blasting at the location or locations of the blasting, number of blasts or explosions, type of explosives to be used, and scheduled time blasting will begin, and name of contractor and Certificate of Authorization date.
- The general contractor or property owner/developer shall give reasonable notice in writing at the time of issuance of a building permit, grading permit or encroachment license to all residences or businesses within 600 feet of any potential blast location. The notice shall be in a form approved by the Building Director. Any resident or business receiving such notice may request of the Building Director that a notice of impending blasting be given by the blaster at the time of the 12-hour advance notice given to the Building Director. The general contractor or property owner/developer shall make all reasonable efforts to contact any and all parties requesting the second notice.
- The blaster shall file a written certification with the Building Director certifying that the general notice required by Section 17.60.60(b) has been given. The certificate shall include addresses and date(s) of notification. A copy shall be retained on file at the Building Division.
- Inspections of all structures within 300 feet of the blast site shall be made before blasting operations. The persons inspecting shall obtain the permission of the building owner to conduct an inspection. The inspections shall be done by a registered structural engineer employed by the blaster or project contractor. The inspection shall be only for the purpose of determining the existence of any visible or reasonably recognizable pre-existing defects or damages in any structure. Inspection refusal shall be at the discretion of the property owner.
- The structural engineer shall file a written report identifying all findings of the inspections with the Building Division. The report shall be signed by the engineer and countersigned by the contractor/developer or his agent receiving the report.
- The blaster shall confirm with the Building Division and Fire Department scheduled blasts no less than one hour prior to the scheduled blast.
- The blaster shall permit Fire Department personnel to inspect the blast site and blast materials or explosives at any reasonable time prior to any blasting. The general contractor and blaster shall request and arrange 12 hours in advance of the blast to have a Fire Department official present during the blast. The Fire Department shall, whenever possible and practicable, assign a Department member to be present to observe the blast.
- Blasting shall only be permitted between the hours of 9:00 a.m. and 4:00 p.m. during any weekday, Monday through Friday, exclusive of City recognized holidays unless special circumstances warrant another time or day, and special approval is granted by the Building Director and Fire Chief.
- Possession, storage, transportation and use of explosives and blasting agents shall be in accordance with the Uniform Fire Code as adopted by Ordinance of the San Marcos Fire Protection District.

Compliance with the provisions identified in the City's Municipal Code Section 17.60.06 as it relates to blasting, would ensure noise impacts related to blasting are less than significant.

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

Construction activities are not anticipated to be an excessive source of groundborne vibrations. Grading activities would be short term. Blasting activities would be required to comply with all provisions identified in the City's Municipal Code Section 17.60.06. Impacts would be less than significant.

c) For a project located within an airport land use plan within the vicinity of a private airstrip or 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? No Impact

As identified above, the nearest airport is the McClellan-Palomar Airport in Carlsbad, which is located approximately 3.5 miles northwest 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, portions of San Marcos 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. The project site is not located within Review Area 2 of the airport influence area. Therefore, the project would not result in a safety hazard for people residing or working in the project area. No impact would occur.

XIV. 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)? No Impact

The project applicant is requesting approval of a Tentative Parcel Map to consolidate the project site from 13 lots into two lots. No development is proposed at this time. No change in land use or zoning is proposed by the project. The project would reduce the buildable lot area compared to what could currently be constructed under the current Final Map that covers the project site. The proposed project would put 6.77 acres of the project site into an open space lot. The project would not result in any extension of roads or other infrastructure beyond that which is needed to provide access to the project site. Therefore, the project would not directly or indirectly induce population growth. No impact is identified for this issue area.

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? No Impact.

The project site is vacant and does not contain any existing residential units. The project site has a General Plan and zoning designation of Light Industrial (L-I). Therefore, the project would not displace a substantial number of existing housing, necessitating the construction of replacement housing elsewhere. No impact is identified.

XV. 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 Impact

The project site would be served by the San Marcos Fire Department (SMFD). The project applicant is requesting approval of a Tentative Parcel Map to consolidate an existing site from 13 lots into two lots. Lot A would be mass graded for an industrial pad. No development is proposed on Lot A at this time. Any future development on Lot A would be subject to Site Development Plan review and environmental review. Lot B would remain in its current condition and would be a designated open space area. Since no development is proposed at this time, there will not be an increase in demand on fire protection services. If a development is proposed in the future, that project applicant would be required to annex into Community Facility District: CFD 2001-01 (Fire and Paramedic). Impacts would be less than significant.

b) Police protection? Less than Significant Impact

The project site would be served by the San Diego County Sheriff's Department out of the San Marcos Station. The project applicant is requesting approval of a Tentative Parcel Map to consolidate an existing site from 13 lots into two lots. Lot A would be mass graded for an industrial pad. No development is proposed on Lot A at this time. Any future development on Lot A would be subject to Site Development Plan and environmental review by the City. Lot B would remain in its current condition and would be a designated open space area. Since no development is proposed at this time, there will not be an increase in demand on police protection services. If a development is proposed in the future, that project applicant would be required to annex into Community Facility District: CFD 98-01, Improvement Area No. 1 (Police). Impacts would be less than significant.

c) Schools? No Impact

The project site is located within the service boundary of the San Marcos Unified School District (SMUSD). The project applicant is requesting approval of a Tentative Parcel Map to consolidate an existing site from 13 lots into two lots. Lot A be mass graded for an industrial pad. No development is proposed on Lot A at this time. Lot B would remain in its current condition and would be a designated open space area. If a development project is proposed in the future, the project applicant would 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. The project will not result in any school impacts.

d) Parks? No Impact

The City has 16 major community parks and 18 mini parks and an extensive trail network. The closest existing park or recreational facilities to the project site are the San Elijo Recreation Center located at 1105 Elfin Forest Road and Double Peak Regional Park located at 900 Double Peak Drive. The San Elijo Recreation center is a facility that accommodated small gatherings and is available for reservation. Double Peak Park includes an amphitheater, kiosk, permanent restrooms, a picnic shelter, picnic tables, play equipment, a telescope and trail connections. 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. The project would not result in substantial adverse physical impacts associated with the provision of new park facilities or the need for or physically altered governmental facilities, or need for new or physically altered park facilities, the construction of which could cause significant environmental impacts. No impact is identified.

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 for police protection, fire protection, schools, and parks. The project would not result in an impact to any other public facilities. No development is proposed at this time; therefore, the project would not result in an increase in demand for public services. Impacts would be less than significant.

XVI. 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 park or recreational facilities to the project site are the San Elijo Recreation Center located at 1105 Elfin Forest Road and Double Peak Regional Park located at 900 Double Peak Drive. The San Elijo Recreation center is a facility that accommodated small gatherings and is available for reservation. Double Peak Park includes an amphitheater, kiosk, permanent restrooms, a picnic shelter, picnic tables, play equipment, a telescope and trail connections. 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 is the approval of a Tentative Map to consolidate an existing site from 13 lots into two lots. No development is proposed as part of the project. The project does not propose any recreational facilities

or require the construction or expansion of recreational facilities which may have an adverse physical effect on the environment. No impact is identified.

XVII. TRANSPORTATION

a) Conflict with a program plan, ordinance or policy addressing the circulation systems, including transit, roadways, bicycle, and pedestrian facilities? No Impact

Transit

Transit service is provided in the project vicinity via the North County Transit District (NCTD) Route 304 bus. Route 304 provides bus service between the Palomar College Transit Station and the Encinitas Station. The closes stop to the project site is at the corner of Rancho Santa Fe Road/Melrose Avenue.

The route operates hourly between the hours of 5:00 AM and 9:00 PM, Monday through Friday, and between 7:00 AM and 9:00 PM on Saturday. The project does not include any components that would conflict with adopted policies, plans, or programs regarding public transit or otherwise decrease the performance or safety of such facilities. No impact is identified.

Bicycle Network

According to Figure 3-4 of the Mobility Element of the General Plan, there is an Existing Class I Bikeway (Bike Path) on Melrose Drive adjacent to project site. A Class I Bikeway is a bike path within an exclusive right-of-way physically separated from vehicular roadway sand intended specifically for non-motoring used. In the future a Class II Bikeway is also identified for the portion of Melrose Drive in the project vicinity. A Class II Bikeway (Bike Lane) is a signed and striped bike lane within a street right-of-way.

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. No impact is identified.

Pedestrian Infrastructure

Melrose Drive has an existing soft surface trail on the east side and an urban (sidewalk) trail on the western side in the vicinity of the project. The project would not change these pedestrian pathways. 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. No impact is identified.

b) Conflict with or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)? No Impact

Section 15064.3(b) of the CEQA Guidelines provide criteria for analyzing transportation impacts for land use projects and transportation projects. The City produced their Transportation Impact Analysis Guidelines (Guidelines), dated November 16, 2020, to provide guidance to City staff, applicants, and consultants on the requirements to evaluate transportation impact for land use projects in the City. These guidelines implement the requirements of SB 743 with respect to the City (San Marcos 2020a).

The project does not propose any development and would not result in any increase in vehicle miles traveled. The project applicant is requesting approval of a Tentative Parcel Map to consolidate an existing site from 13 lots into two lots.

Lot A would be 16.12 acres and would be mass graded for an industrial pad and no development is proposed on Lot A at this time. Any future development on Lot A would be subject to Site Development Plan and environmental review. At that time additional CEQA review would be required, including an analysis of VMT based upon the proposed size of a future development. No impact is identified for this issue area.

The project grading activities will require approximately 114,170 cy of material import. The import and export of earth material is guided by Section 17.32.080 of the City's Municipal Code and prior to any import of soils, a haul route will be submitted for review and approval by the City Engineer.

c) 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. The project entrance at Melrose Drive would be a 40-foot wide private driveway. The project driveway will range from 28 feet to 60 feet wide to accommodate turning radius requirements for larger trucks. Additionally, the project will complete the remaining traffic signal component (4th leg) at the existing signal at the intersection of Diamond Street and Melrose Drive. No impact is identified for this issue area.

d) Result in inadequate emergency access? No Impact

Access to the project site will be via one 40--foot wide private driveway on Melrose Avenue. The project driveway has been designed to include additional width at the turns to accommodate larger trucks and fire apparatus. Therefore, the project would not result in inadequate emergency access. No impact is identified for this issue area.

XVIII. 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 Band), Rincon Band of Luiseño Indians (Rincon Band), Mesa Grande Band of Diegueño Mission Indians (Mesa Grande Band) and the Pechanga Band of Luiseño Indians (Pechanga Band). To date, the City has received two requests for consultation, one from the Rincon Band and one from the Pechanga Band. The City is in active consultation with these tribes.

Potential for Resources

Based upon the cultural resources study prepared for the project, one previously recorded archaeological site intersects a portion of the project (SD-11441) (ASM 2020).

Site SDI-11441 was relocated during the survey on October 20, 2020 and was updated to provide more detailed information about the portion of the site that intersects the project area. Two bedrock milling features (Feature 1 and Feature 2) were identified within the project area and in the location of the previously recorded site boundary. Feature 1 is a granitic (intermediate felsic) low-lying bedrock exposure measuring 11.4 x 6.4 m in size with a maximum height of 40 centimeters (cm). Feature 2 is a granitic (intermediate felsic) low-lying bedrock outcrop measuring 3.4 x 2.5 m in size, with a height of 20 cm.

SDI-11441 has not been evaluated for listing in the CRHR. However, the site is located within a portion of the project area designated as open space. An evaluation of the site is not recommended as long as the site remains in the open space easement. ASM indicated that since the location of site SDI-11441 is to remain in an open space easement, no further archaeological work is recommended for this site and the project would not impact this resource.

No other artifacts, archaeological sites, or cultural resources were identified during the pedestrian survey. Given the disturbed nature of the southern portion of the project area and the soil classification of the project area, Cieneba rocky coarse sandy loam, which has a very shallow bedrock horizon, there is a low probability of encountering any additional cultural resources during the grading of the proposed project area. However, to further ensure Native American archaeological resources are protected, implementation of MM-CR-1a through MM-CR-1e 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

As discussed above, one previously recorded archaeological site intersects a portion of the project (SD-11441). The site is located within a portion of the project area designated as open space. No other artifacts, archaeological sites, or cultural resources were identified during the pedestrian survey. Given the disturbed nature of the southern portion of the project area and the soil classification of the project area, Cieneba rocky coarse sandy loam, which has a very shallow bedrock horizon, there is a low probability of encountering any additional cultural resources during the grading of the proposed project area. However, to further ensure Native American archaeological resources are protected, implementation of MM-CR-1a through MM-CR-1e 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.

XIX. UTILITIES AND SERVICE SYSTEMS

A Water and Sewer Study was prepared for the project by Vallecitos Water District (2020). The complete report is included as **Appendix J** of this document.

Existing water facilities in the project vicinity includes a 12-inch diameter water line in Melrose Drive and an 8-inch water line in Diamond Street. For wastewater, an existing 8-inch diameter pipeline is located in Diamond Drive. There is also existing storm drain, electricity, natural gas and telecommunications infrastructure in Melrose Avenue and Diamond Drive. No development is proposed at this time.

a) Require or result in the construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction of which could cause significant environmental effects? Less Than Significant Impact

The project applicant is requesting approval of a Tentative Parcel Map to consolidate an existing site from 13 lots into two lots. Lot A would be mass graded for an industrial pad. No development is proposed on Lot A at this time. Any future development on Lot A would be subject to Site Development Plan and future CEQA review. Lot B would remain in its current condition and would be a designated open space area. No change in land use or zoning is proposed. VWD's water and sewer analysis analyzed the site based on ultimate buildout according to its General Plan land use designation of light industrial.

Water Facilities Analysis

The project site is located within VWD boundaries for water service and is within the VWD 622 pressure zone. The 2018 VWD Master Plan assumed a light industrial use on the project site, therefore future light industrial development would 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. The analysis found that water storage capacity is currently available to serve the project. In summary, water facility impacts would be less than significant. Additionally, any future development on the site 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 2018 Master Plan.

Wastewater Facilities Analysis

The project site lies completely within VWD sewer shed 6S. The 2018 VWD Master Plan assumed a light industrial 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 in the Master Plan. 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 from the development to Meadowlark Reclamation Facility near Melrose Drive on Corintia Street. The modeling results show that

the wastewater flow from the proposed project does not create any system deficiencies under the peak wet weather flows during ultimate build-out conditions.

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.

Parallel Land Outfall Analysis – The proposed project does not propose to generate additional wastewater flow that was not accounted for in the Land Outfall's capacity studied in the 2018 Master Plan. VWD's analysis finds that outfall capacity is currently available to serve the project's proposed wastewater generation. Additionally, any future development on the site 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 2018 Master Plan. Impacts would be less than significant.

Storm Water Drainage

There is an existing stormwater drainage infrastructure at the intersection of Melrose Drive and Diamond Street. The project will construct

As discussed in more detail above in Section X, Hydrology and Water Quality, the project proposes to fill in a portion of the existing valley to create a large pad that slopes 2.0% towards two different desiltation basins while maintaining the natural spilt of the existing ridge. All offsite flows generally remain undisturbed until they reach the northern edge of the pad where they will either enter a 48-inch pipe or a brow ditch that drains directly into the existing type-f box (POC-1). In the proposed condition at POC-1, with the proposed desiltation basins, peak 100-year runoff will be 124.766, which is a reduction of 3.416 cfs.

The third desiltation basin to the west collects all onsite flows that flow to POC-2 in the pre-development condition and discharges them into the existing brow ditch along the access road. A portion of cut slope along Melrose Drive be redirected to POC-1, due to the proposed driveway. The remaining undisturbed cut slope will drain as it did in the pre-development condition.

All necessary facilities to drain and treat stormwater would be constructed within the project footprint. According to the Hydrology and Hydraulic study prepared for the project by Excel Engineering (2020a), in the proposed condition stormwater flows would be reduced as compared to the existing condition. Therefore, the proposed project would not impact storm drain capacity.

Electric Power, Natural Gas and Telecommunications

Electricity and natural gas service to the project site is provided by San Diego Gas & Electric (SDG&E). Future development on the project site would connect to existing electricity and gas infrastructure within Melrose Drive.

Project improvements are proposed within SDG&E's 100-foot easement (per Doc. No. 53881, book 1073 page 448 of Official Records of San Diego County recorded October 14, 1940) and the 50-foot easement (per Doc. No. 192240 of Official Records of San Diego County recorded October 22, 1965).

The project will grade a sheet graded pad within the easement areas. The proposed pad maintains the existing SDG&E transmission pole location and elevation. This pad could ultimately service an industrial use on the site which could include parking, drive aisles, truck bays and other components. Any future development would be subject to Site Development Plan review and additional CEQA review by the City. Additionally, all uses within the easement will require SDG&E's approval.

The project includes the construction of a new access driveway that is partially within the easement areas. This driveway includes supporting retaining walls, underground drainage improvements, private underground utilities, and landscaped slopes. These specific improvements are depicted on the grading concept for the TPM for APNs 223-341-03 through 14 &16 by Excel Engineering dated October of 2020 and that Landscape Concept Plan for Tentative Parcel Map for APN's 223-341-03 through 14 &16 by GMP dated December 15, 2020.

The grading concept also includes a proposed SDG&E access easement along the new driveway to the existing SDG&E easements. This access provides an enhancement to SDG&E's ability to access their facilities. The access will be through a signalized intersection at Melrose Drive and then along a paved access which varies in width from 28 to 40 feet.

The majority of the SDG&E easement area will be graded as a 2% sheet graded pad. The grading will provide for better access to the existing and future SDG&E facilities within the portion of the easements that are within the project footprint.

No development is proposed within Lot A at this time; however, any future development plans would be designed around this easement to ensure SDG&E has appropriate access for maintenance of their utility tower and lines. The project plans will be reviewed and approved by SDG&E and the Public Utilities Commission. No impact is identified.

b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years? Less Than Significant Impact

The VWD 2018 Master Plan assumed a light industrial use on the project site and that is consistent with the ultimate 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.

c) 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

The VWD 2018 Master Plan assumed a light industrial use on the project site and that is consistent with the use proposed by the project. Additionally, any future development on the site 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.

d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals? Less than Significant Impact

The project would generate solid waste from the future light industrial 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 2020 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 2020). 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.

e) 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. At the time a development project is brought froward, the project would be required to 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.

XX. WILDFIRE

a) If located in or near state responsibility areas or lands classified as very high fire hazard severity zone, would the project:

- **Substantially impair an adopted emergency response plan or emergency evacuation plan? No Impact.**
- **Due to slope, prevailing winds, and other factors, exacerbate wildlife risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire? No Impact**
- **Require the installation of maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? No Impact**
- **Expose people or structure to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes? No Impact**

The four wildfire thresholds relate specifically to projects located in or near state responsibility areas or lands classified as very high fire severity zones. The project site is located in an urbanized portion of the City and is not located in or near a State Responsibility Area (CAL FIRE 2009). The site is located within a Very High Fire Hazard Severity Zone (VHFHSZ) within a Local Responsibility Area (CAL FIRE 2009).

The project applicant is requesting approval of a Tentative Parcel Map to consolidate an existing site from 13 lots into two lots. Lot A would be 16.12 acres and mass graded for an industrial pad. No development is proposed on Lot A at this time. The project plans, as proposed, include a note requiring a future fire staging area in the northernmost portion of Lot A. This would provide a staging location for firefighters should there be a wildfire in the adjacent open space areas. In the future, if a development project is proposed within Lot A, the site design shall include an adequate fire fuel modification zone and would be subject to review by SMFD. No impact is identified for this issue area.

XXI. MANDATORY FINDINGS

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

A biological resources study was prepared for the project (Rincon 2021). Mitigation measures have been identified to reduce potential impacts to California coastal gnatcatcher and nesting birds and raptors through implementation of mitigation measures MM-BIO-1a through MM-BIO-1d and MM-BIO-2. Impacts to sensitive habitats, including natural flood channel/streambed, mulefat scrub, coastal sage-chaparral transition, Diegan coastal sage scrub, disturbed Diegan coastal sage scrub will be reduced to below a level of significance through implementation of MM-BIO-3.

A cultural resources study was prepared for the project (ASM 2020). One previously recorded archaeological site intersects a portion of the project (SD-11441). The site is located within a portion of the project area designated as open space. To further ensure Native American archaeological resources are protected, implementation of MM-CR-1a through MM-CR-1e provides additional protections for significant resources and describes the process for proper treatment and handling to ensure impacts would be minimized.

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. Less than significant impacts are identified.

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

There are no aspects of the project which would contribute to a cumulative impact. The project would include short-term grading. There are no other projects proposed in the immediate vicinity that would be grading concurrently. Further, since no development is proposed, there would be no long-term operational considerations that could contribute to a cumulative impact. The project will mitigate all project-level impacts 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 and MM-GEO-2). 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.

V. 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.

CITY OF SAN MARCOS

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VI. REFERENCES

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VII. 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: May 3, 2021 to June 2, 2021

Project Name: Diamond Street Industrial

Project Applicant: Jenco Holmes Family Trust, 1316 San Julian Lane, San Marcos, CA 92078

Project Location: The 22.89-acre project site is located within the Questhaven/La Costa Meadows neighborhood and is located northeast of the intersection of Melrose Drive and Diamond Street in the City of San Marcos (APNs 223-341-03 to -14 and -16). The site is bounded by a citrus grove (designated in the County of San Diego as permanent open space) to the north, designated open space managed by the Center for Natural Lands Management to the northwest, east and southeast, industrial development to the southwest, and residential development to the west

Project Description: The project applicant is requesting approval of a Tentative Parcel Map to consolidate an existing site from 13 lots into two lots. Lot A would be 16.12 acres and mass graded for an industrial pad. No development is proposed on Lot A at this time. Any future development on Lot A would be subject to Site Development Plan review. Lot B would be 6.77 acres and would remain in its current condition and would be a designated open space area. Lot B would be placed within a biological conservation easement and would be subject to ongoing maintenance and management. The project grading activities will require approximately 114,170 cubic yards (cy) of material import.

VIII. 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.

Biological Resources

MM-BIO-1a An updated presence/absence protocol survey of the project site and a 500-foot buffer around the project site shall be conducted by a qualified biologist with a valid USFWS 10(a)(1)(A) permit to determine the presence of CAGN that could be affected by construction activities, including vegetation clearance. In accordance with the USFWS survey protocol, a minimum of six breeding season surveys will be conducted at least one week apart from March 15, 2021 through June 30, 2021. The results of the survey shall be submitted to the USFWS upon completion of the survey.

If CAGN is detected during the protocol survey, vegetation clearing shall only be conducted between September 1 and February 14, outside of the breeding season for CAGN. If vegetation clearing would start outside of those dates, then surveys would be conducted prior to vegetation clearing. If nests are found, they would be avoided by establishing a 500-foot buffer around the nest as a mitigation measure to allow vegetation clearance to continue. No more than three (3) days prior to the clearing of vegetation, a qualified biologist shall conduct one survey for CAGN to ensure that the vegetation on site is not occupied by the species. If the vegetation clearance survey identifies the presence of CAGN, the project biologist shall delay the removal of vegetation until CAGN has left the project site of their own volition.

MM-BIO-1b The applicant is required to have a Worker Environmental Awareness Program (WEAP) for the construction crew that will be developed and implemented by a qualified biologist. Each employee (including temporary, contractors, and subcontractors) will receive the WEAP on the first day of working on the proposed project. They will be advised of the potential impact to the listed species and the potential penalties for taking such species.

At a minimum, the WEAP will include the following topics: occurrence of the listed and sensitive species in the area, their general ecology, sensitivity of the species to human activities, legal protection afforded these species, penalties for violations of Federal and State laws, reporting requirements, and project features designed to reduce direct and indirect impacts to these species and promote continued successful occupation of the project area environs.

MM-BIO-1c Construction work areas shall be delineated and marked clearly, by flagging or temporary orange construction fencing, in the field prior to habitat removal, and the marked boundaries will be maintained and clearly visible to personnel on foot and by heavy equipment operators. Fencing shall be placed on the impact side to reduce the potential for additional vegetation loss within open space. Fencing shall be put in place by a qualified biologist or the project applicant. All temporary fencing shall be removed only after the conclusion of all grading, clearing, and construction. Employees shall strictly limit their activities and vehicles to the proposed project areas, staging areas, and routes of travel. The biological monitor shall verify that the limits of construction have been properly staked and are readily identifiable. Intrusion by unauthorized vehicles outside of construction limits shall be prohibited, with control exercised by an on-site foreman. Access routes to the construction area outside of work hours shall be blocked with physical barriers, such as concrete blocks or large equipment.

MM-BIO-1d A City-approved qualified biologist shall be present during all vegetation clearing and other activities with the potential to affect CAGN and will monitor the project to ensure that there are no unanticipated impacts to the CAGN and its habitat. The biologist shall have the authority to halt all associated project activities that may be in violation of the protective measures.

If CAGN are found to be within the survey area (project site plus a 500-foot buffer) during protocol or pre-construction surveys, the following avoidance and minimization measures shall be implemented.

- To reduce potential noise impacts to nesting CAGN, a qualified biologist shall monitor noise levels with a noise monitoring device at an appropriate distance from the nest to determine if construction activity noise is above 60 dBA, the standard level requested by the USFWS, or if noise levels above 60 dBA have the potential to affect any CAGN nests.
- If/when an active CAGN nest is identified, an acoustician shall monitor noise at the edge of construction as directed by the qualified biologist. If noise levels continue to exceed 60 dBA, the acoustician shall consult with the qualified biologist and provide requirements for the construction contractor to make operational and barrier changes to reduce noise levels to 60 dBA during the breeding season (February 15 through August 31). Noise monitoring will occur during operational changes and installation of barriers, as needed, to ensure their effectiveness. If the noise meets or exceeds the 60 dB(A) Leq threshold, or if the biologist determines that the activities in general are disturbing the nesting activities, the biologist shall have the authority to halt construction and shall consult with the CDFW and USFWS to devise methods

to reduce the noise and/or disturbance in the vicinity. This may include methods such as, but not limited to, turning off vehicle engines and other equipment whenever possible to reduce noise, installing a protective noise barrier between the nesting coastal CAGN and the activities, and working in other areas until the young have fledged.

All active nests will be reported within 24 hours to the USFWS upon detection.

MM-BIO-2 If site clearing activities are conducted between February 1 and August 31, a qualified biologist shall conduct a nesting bird survey no more than three days prior to the start of such activities to identify nesting birds within the project site and a 250-foot buffer around the project site. If any nests are found, their locations shall be flagged and an appropriate avoidance buffer, ranging in size from 25 to 50 feet for passerines, and up to 500 feet for raptors depending upon the species and the proposed work activity, shall be determined and demarcated by a qualified biologist with bright orange construction fencing or other suitable flagging. Active nests shall be monitored at a minimum of once per week until it has been determined that the nest is no longer being used by either the young or adults. No disturbance shall occur within this buffer until the qualified biologist confirms that breeding/nesting is completed, and all the young have fledged. If project activities must occur within the buffer, activities shall be conducted at the discretion of the qualified biologist and with monitoring and management to ensure that nesting birds and the nests are not disturbed. If no nesting birds are observed during the survey or during other monitoring activities, then no further actions shall be necessary. A follow-up survey will be needed if site clearing does not occur within three days after the initial survey

MM-BIO-3 Permanent loss of 0.12 acre of Natural Flood channel/Streambed and 0.01 acre of Mulefat Scrub will be mitigated at a minimum 1:1 ratio in accordance with Table 4-7 of the MHCP (AMEC et al. 2003a).

Permanent loss of 3.35 acres Coastal Sage-Chaparral Transition, 1.16 acres Diegan Coastal Sage Scrub, and 6.91 acres Disturbed Diegan Coastal Sage Scrub shall be mitigated at a 1:1 ratio. Section 5.2.1 of the City of San Marcos Draft Subarea Habitat Conservation Plan references the preferred order of mitigation to be on-site mitigation, off-site acquisition, in-lieu fees, and mitigation credits. For mitigation purposes, the Diegan Coastal Sage Scrub and Disturbed Diegan Coastal Sage Scrub acreages on the project site that would be impacted have been combined as these two vegetation communities are considered to have similar sensitivity under the MHCP.

Thus, a minimum of 0.12 acre of Natural Flood channel/Streambed, 0.01 acre of Mulefat Scrub, 3.35 acres of Coastal Sage-Chaparral Transition, and 8.07 acres of Diegan Coastal Sage Scrub shall be preserved by the project applicant through either on-site preservation, off-site acquisition, in lieu fees, a purchase of credits from an approved mitigation bank, or a combination thereof as approved by the Planning Manager. Proof of onsite preservation, off-site acquisition, payment of in lieu fees, purchase of credits from an approved mitigation bank or a combination thereof shall be provided to the Planning Manager prior to issuance of a grading permit.

MM-BIO-4 An Approved Jurisdictional Determination Form will be processed with USACE and permit authorizations from RWQCB and CDFW will be obtained prior to project implementation. To mitigate temporary impacts to CDFW and RWQCB jurisdictional areas, the project applicant shall restore temporarily disturbed jurisdictional areas at a 1:1 ratio. To mitigate permanent impacts to 0.12 acre of CDFW jurisdiction and 0.07 acre of RWQCB jurisdiction, the project applicant shall restore in-kind habitat on site at a 2:1 ratio, as approved by CDFW and RWQCB. If on-site restoration is infeasible, mitigation may be completed by providing adequate funding to a third-party organization, conservation bank or in-lieu fee program for the in-kind creation or restoration at a 2:1 ratio. If mitigation is implemented off site, mitigation lands should be in the same County as the site. Mitigation shall be implemented prior to issuance of the grading permit.

MM-BIO-5 The following best management practices (BMPs) shall be implemented for project construction activities in the project site:

- No pets or firearms will be allowed on the project site during construction activities.
- During project activities, all trash that may attract predators will be properly contained, removed from the work site, and disposed of at the end of each day. Following construction, all trash and construction debris will be removed from work areas.
- All refueling or maintenance activities will be conducted at least 100 feet outside of jurisdictional waters and wetlands. Containment pans/basins will be needed under all parked heavy equipment. Pallets or secondary containment areas for chemicals, drums, or bagged materials will be provided. Should spills occur, materials and/or contaminants will be cleaned from the project site and recycled or disposed of to the satisfaction of the RWQCB.
- All vehicles and equipment will be in good working condition and free of leaks.
- All open trenches will be completely and securely covered at the end of each day or constructed with appropriate exit ramps to allow species that accidentally fall into a trench to escape. Trenches will remain open for the shortest period necessary to complete required work and will be checked by a qualified biologist for sensitive resources immediately prior to backfilling.
- No water will be impounded in a manner to attract sensitive species.
- Erosion control and landscaping specifications will allow only natural-fiber, biodegradable meshes, and coir rolls, (i.e., no plastic-mesh temporary erosion control measures) to prevent impacts to the environment, fish, and terrestrial wildlife.
- During construction, the project will make all reasonable efforts to limit the use of imported soils for fill. Soils currently existing on site should be used for fill material. If the use of imported fill material is necessary, the imported material must be obtained from a source known to be free of invasive plant species.
- Equipment and vehicles must be free of caked on mud and weed seeds/propagules before accessing and leaving the project site.

- Crews will stay on designated, flagged routes to avoid sensitive vegetation, habitat and other plant wildlife.

Cultural Resources

MM-CR-1a **Pre-Excavation Agreement:** Prior to the issuance of a Grading Permit, or ground disturbing activities, the Applicant/Owner shall enter into a Tribal Cultural Resources Treatment and Repatriation Agreement (Pre-Excavation Agreement) with a Traditionally and Culturally Affiliated Native American Tribe (TCA Tribe), identified in consultation with the City. The purpose of the Pre-Excavation Agreement shall be to formalize protocols and procedures between the Applicant/Owner and the TCA Tribe for the protection, treatment, and repatriation of Native American human remains, funerary objects, cultural and/or religious landscapes, ceremonial items, traditional gathering areas, and other tribal cultural resources. Such resources may be located within and/or discovered during ground disturbing and/or construction activities for the proposed project, including any additional culturally appropriate archaeological studies, excavations, geotechnical investigations, grading, preparation for wet and dry infrastructure, and other ground disturbing activities. Any project-specific Monitoring Plans and/or excavation plans prepared by the project archaeologist shall include the TCA Tribe requirements for protocols and protection of tribal cultural resources that were agreed to during the tribal consultation.

The landowner shall relinquish ownership of all non-burial related tribal cultural resources collected during construction monitoring and from any previous archaeological studies or excavations on the project site to the TCA Tribe for proper treatment and disposition per the Pre-Excavation Agreement, unless ordered to do otherwise by responsible agency or court of competent jurisdiction. The requirement and timing of such release of ownership, and the recipient thereof, shall be reflected in the Pre-Excavation Agreement. If the TCA Tribe does not accept the return of the cultural resources, then the cultural resources will be subject to curation.

MM-CR-1b **Construction Monitoring**: Prior to the issuance of a Grading Permit or ground disturbing activities, the Applicant/Owner or Grading Contractor shall provide written documentation (either as signed letters, contracts, or emails) to the City's Planning Division stating that a Qualified Archaeologist and Traditionally and Culturally Affiliated Native American monitor (TCA Native American monitor) have been retained at the Applicant/Owner or Grading Contractor's expense to implement the construction monitoring program, as described in the Pre-Excavation Agreement.

The Qualified Archaeologist and TCA Native American monitor shall be invited to attend all applicable pre-construction meetings with the General Contractor and/or associated subcontractors to present the construction monitoring program. The Qualified Archaeologist and TCA Native American monitor shall be present on site during grubbing, grading, trenching, and/or other ground disturbing activities that occur in areas of native soil or other permeable natural surfaces that have the potential to unearth any evidence of potential archaeological resources or tribal cultural resources. In areas of artificial paving, the Qualified Archaeologist and TCA Native American monitor shall be present on

site during grubbing, grading, trenching, and/or other ground disturbing activities that have the potential to disturb more than six inches below the original pre-project ground surface to identify any evidence of potential archaeological or tribal cultural resources. No monitoring of fill material, existing or imported, will be required if the General Contractor or developer can provide documentation to the satisfaction of the City that all fill materials being utilized at the site are either: 1) from existing commercial (previously permitted) sources of materials; or 2) are from private or other non-commercial sources that have been determined to be absent of tribal cultural resources by the Qualified Archaeologist and TCA Native American monitor.

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

Prior to the release of any grading bonds, or prior to the issuance of any project Certificate of Occupancy, an archaeological monitoring report, which describes the results, analysis, and conclusions of the construction monitoring shall be submitted by the Qualified Archaeologist, along with any TCA Native American monitor's notes and comments received by the Qualified Archaeologist, to the Planning Division Manager for approval. Once approved, a final copy of the archaeological monitoring report shall be retained in a confidential City project file and may be released, as a formal condition of Assembly Bill (AB) 52 consultation, to Rincon Band of Luiseño Indians (Rincon Band) and the Pechanga Band of Luiseño Indians (Pechanga Band) or any parties involved in the project specific monitoring or consultation process. A final copy of the report, with all confidential site records and appendices, will also be submitted to the South Coastal Information Center after approval by the City.

MM-CR-1c **Unanticipated Discovery Procedures:** Both the Qualified Archaeologist and the TCA Native American monitor may temporarily halt or divert ground disturbing activities if potential archaeological resources or tribal cultural resources are discovered during construction activities. Ground disturbing activities shall be temporarily directed away from the area of discovery for a reasonable amount of time to allow a determination of the resource's potential significance. Isolates and clearly non-significant archaeological resources (as determined by the Qualified Archaeologist, in consultation with the TCA Native American monitor) will be minimally documented in the field. All unearthed archaeological resources or tribal cultural resources will be collected, temporarily stored in a secure location (or as otherwise agreed upon by the Qualified Archaeologist and the TCA Tribe), and repatriated according to the terms of the Pre-Excavation Agreement, unless ordered to do otherwise by responsible agency or court of competent jurisdiction.

If a determination is made that the archaeological resources or tribal cultural resources are considered potentially significant by the Qualified Archaeologist, the TCA Tribe, and

the TCA Native American monitor, then the City and the TCA Tribe shall determine, in consultation with the Applicant/Owner and the Qualified Archaeologist, the culturally appropriate treatment of those resources.

If the Qualified Archaeologist, the TCA Tribe, and the TCA Native American monitor 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 CEQA and California Public Resources Code Section 21083.2(b) with respect to archaeological resources and California Public Resources Section 21704 and 21084.3 with respect to tribal cultural resources, and shall take into account the religious beliefs, cultural beliefs, customs, and practices of the TCA Tribe.

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 avoidance of the resource is determined to be infeasible by the City as the Lead Agency, then the City shall require additional culturally appropriate mitigation to address the negative impact to the resource, such as, but not limited to, the funding of an ethnographic study and/or a data recovery plan, as determined by the City in consultation with the Qualified Archaeologist and the TCA Tribe. The TCA Tribe shall be notified and consulted regarding the determination and implementation of culturally appropriate mitigation and the drafting and finalization of any ethnographic study and/or data recovery plan, and/or other culturally appropriate mitigation. Any archaeological isolates or other cultural materials that cannot be avoided or preserved in place as the preferred mitigation shall be temporarily stored in a secure location on site (or as otherwise agreed upon by the Qualified Archaeologist and TCA Tribe), and repatriated according to the terms of the Pre-Excavation Agreement, unless ordered to do otherwise by responsible agency or court of competent jurisdiction. The removal of any artifacts from the project site will be inventoried with oversight by the TCA Native American monitor.

If a data recovery plan is authorized as indicated above and the TCA Tribe does not object, then 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 for later reburial or storage at a local curation facility, as described in the Pre-Excavation Agreement.

In the event that curation of archaeological resources or tribal cultural resources is required by a superseding regulatory agency, curation shall be conducted by an approved local facility within San Diego County and the curation shall be guided by California State Historical Resources Commission's Guidelines for the Curation of Archaeological Collections. The City shall provide the Applicant/Owner final curation language and

guidance on the project grading plans prior to issuance of the grading permit, if applicable, during project construction. The Applicant/Owner shall be responsible for all repatriation and curation costs and provide to the City written documentation from the TCA Tribe or the curation facility, whichever is most applicable, that the repatriation and/or curation have been completed.

MM-CR-1d **Human Remains:** As specified by California Health and Safety Code Section 7050.5, if human remains, or remains that are potentially human, are found on the project site during ground disturbing activities 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 by telephone. No further excavation or disturbance of the discovery or any nearby area reasonably suspected to overlie adjacent remains (as determined by the Qualified Archaeologist and/or the TCA Native American monitor) 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 (as determined by the Qualified Archaeologist and/or the TCA Native American monitor), and consultation and treatment could occur as prescribed by law. As further defined by State 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, and not under his or her jurisdiction, then he or she shall contact the Native American Heritage Commission by telephone within 24 hours. The Native American Heritage Commission will make a determination as to the Most Likely Descendent, who shall be afforded 48 hours from the time access is granted to the discovery site to make recommendations regarding culturally appropriate treatment.

If suspected Native American remains are discovered, the remains shall be kept in situ (in place) until after the Medical Examiner makes its determination and notifications, and until after the Most Likely Descendent is identified, at which time the archaeological examination of the remains shall only occur on site in the presence of the Most Likely Descendent. The specific locations of Native American burials and reburials will be proprietary and not disclosed to the general public. According to California Health and Safety Code, six or more human burials at one location constitute a cemetery (Section 8100), and disturbance of Native American cemeteries is a felony (Section 7052). In the event that the Applicant/Owner and the Most Likely Descendant are in disagreement regarding the disposition of the remains, State law will apply, and the mediation process will occur with the NAHC. In the event that mediation is not successful, the landowner shall rebury the remains at a location free from future disturbance (see Public Resources Code Section 5097.98(e) and 5097.94(k)).

MM-CR-1e **Fencing:** Due to the high cultural sensitivity of the Project, the proponent will ensure that silt, biological, construction, or other highly visible fencing be installed between Parcels A and B. The fencing will be established as the Environmentally Sensitive Area (ESA) limits, shall be designated as such on all grading plans, and will be a visual reminder that CA-SDI-

11441 will be avoided and not impacted in any way by the proposed construction. The construction manager will ensure that the project archaeologist and tribal monitor are notified at least 48 hours prior to fencing placement and the monitors will be present during installation and removal of the fencing. At least three times per week, either the archaeological monitor or the tribal monitor will inspect the fencing for any potential breaches. Should a breach occur, the monitor(s) who identified the breach will notify the other monitor and the construction manager and an inspection of the breach will occur within a reasonable timeframe to determine the extent of the damage to the fence and CA-SDI-11441. No additional ground disturbing should occur within 50 feet of the breach until it can be fully inspected.

If the breach was caused by construction personnel, sensitivity training shall be provided by the project archaeologist and a tribal representative to the entire construction team, at a minimum. If the breach was minimal and no disturbance to the site occurred, the fencing shall be fixed and ground disturbing can resume at the authorization of the construction manager. If the damage to the site is extreme and irreparable, additional measures may be taken as determined appropriate by the City with recommendations from the Rincon Band, up to and including removal of the offending operator from the jobsite, fines, and/or temporary work stoppages. Documentation of the fencing efforts will be included in the Phase IV Monitoring Report completed by the Project archaeologist.

Geology/Soils

MM-GEO-1 The project applicant shall implement the geotechnical recommendations identified beginning on pages 10 – 25 of the Preliminary Geotechnical Evaluation Report prepared by Geocon for the project site. These recommendations address excavation and soil characteristics, subdrains, grading, slopes, temporary excavation slopes, earthwork grading factors, seismic design criteria, foundation considerations, retaining wall design, lateral loading, soil nail wall, etc.

MM-GEO-2 Prior to project grading the project applicant shall retain a qualified paleontologist to review the proposed project area to determine the potential for paleontological resources to be encountered. If there is a potential for paleontological resources to occur, the paleontologist shall identify the area(s) where these resources are expected to be present, and a qualified paleontological monitor shall be retained to monitor the initial cut in any areas that have the potential to contain paleontological resources.

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 — Date 4/22/21