

Carkel San Marcos Commercial

SP19-0004/ GPA19-0004/ R19-0002 / CUP19-0011

Draft Initial Study/ Mitigated Negative Declaration ND21-001

Prepared For

City of San Marcos
1 Civic Center Drive
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Project Applicant

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I. INTRODUCTION

I. PURPOSE

This document is an Initial Study (IS) for evaluation of environmental impacts resulting from implementation of the Carkel San Marcos Commercial project. For the purposes of this document, the proposed development as described in Section II, Project Description, will be called the “project.”

II. CALIFORNIA ENVIRONMENTAL QUALITY ACT REQUIREMENTS

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

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

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

III. INTENDED USES OF INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

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

IV. CONTENTS OF DOCUMENT

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

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

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

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

IV. ENVIRONMENTAL ANALYSIS evaluates each response provided in the environmental checklist form 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:

- **Specific Plan Amendment (SP19-0004)** to remove the project site from the San Marcos Creek (Creek District) Creekside Specific Plan Area.
- **General Plan Amendment (GPA19-0004)** to change the existing Specific Plan Area (SPA) land use designation to Commercial (C).
- **Rezone (R19-0002)** to change the existing (SPA) Specific Plan Area zone to (C) Commercial zone.
- **Conditional Use Permit (CUP19-0011)** to allow for a drive-thru in conjunction with the proposed restaurant and to address site plan design review, architecture, floor plans, landscaping, and other development criteria.
- Additional permits required for project construction including Grading Permit, Improvement Plans, Landscape Plans and Building Permits.
- Approval from Vallecitos Water District.
- Approval from the San Diego County Department of Environmental Health (Public Health Permit for Food Facility)

II. PROJECT DESCRIPTION

I. PROJECT LOCATION AND SETTING

The 0.55-acre project site is located in the Business/Industrial District of the City of San Marcos in North San Diego County. Specifically, the project site is located at the southeast corner of San Marcos Boulevard and Bent Avenue. The project site is bounded by San Marcos Boulevard on the north, Bent Avenue on the west, a self-storage facility (Stow-It Storage) on the south and an auto repair center to the east (**Figures 1a and 1b**). The project site is graded and vacant with some mature trees along the northern boundary along San Marcos Boulevard.

Per the Federal Emergency Management Agency (FEMA), the northern portion of the project site is located within a regulatory floodway (Zone AE). The Assessor Parcel Number (APN) is 219-270-60-00.

II. PROJECT DESCRIPTION

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

Restaurant - The project proposes to construct a 2,128-square foot (s.f.) Starbucks with drive-thru, including 1,797 s.f. of indoor space and 331 s.f. of outdoor space. The drive-thru lane, which will be located along the southern and eastern boundary of the project site, has been designed to accommodate queueing space for ten vehicles. **Figure 2** provides a layout of the project and the complete project plans are included in **Appendix A.1**.

Landscape Concept Plan – The project site is vacant. There are six existing trees on the project site along the frontage with San Marcos Boulevard. Construction of the project will require the removal of the trees. These trees will be replaced at a 5.3:1 ratio, with 32 new trees being planted as part of the landscape concept plan. The proposed planting palette detailing the specific types of the trees, shrubs, perennials, succulents, grasses, and groundcovers to be planted is included as part of **Appendix A.2**. Landscaping will cover 31.7 percent of the project site and the project will also comply with the City’s Model Water Efficient Landscape Ordinance (WELO).

Circulation and Parking – Vehicular access to the project site would be via one 34-foot wide right-in/right-out driveway off of San Marcos Boulevard. Internal vehicular circulation within the project is via a 24-foot wide drive lane. An accessible path of travel is located within the project site connecting the sidewalk on San Marcos Boulevard to the building entrance. The project will also provide a bicycle rack for bicycle parking. The drive-thru lane has been designed to accommodate ten vehicles and an additional seven vehicles could be accommodated in the parking lot for additional queueing. The project proposes 23 parking spaces, one of which will be accessible. A loading zone space will be provided for delivery trucks and solid waste collection. The project will also install two electric vehicle (EV) charging stations.

Architectural Design - The commercial building will be up to 20 feet in height. Architectural detailing/enhancements will break up the bulk and scale of the buildings. The project proposes the use of fiber cement siding, stucco, wood composite, and galvanized metal. **Figure 3a and 3b**

provides a schematic of the elevations for the west, north, east, and south sides of the building. **Figure 3c** presents color renderings of the proposed project.

Utility Improvements - The project site is within the Vallecitos Water District (VWD) water and sewer service boundaries and VWD has indicated they can serve the project (VWD 2020). For water service, the project will connect to the existing VWD 8-inch water line in Bent Avenue for water. For sewer service, the project will extend the existing 8-inch sewer pipeline along the project frontage in Bent Avenue by 300 feet to serve the project.

Stormwater Management – The project proposes installation of curb and gutter, ribbon gutter, a tree well, proprietary biofiltration, an underground detention system, and a pump system to discharge flows to the curb and gutter on Bent Avenue. Storm flows will be routed to the proprietary biofiltration unit to satisfy treatment control requirements, then to the underground storage structure to satisfy flow control requirements. A pump is proposed to drain the underground storage to the curb and gutter on Bent Avenue at a discharge rate that would not exceed the low flow threshold.

Grading - Grading will be required for the project to prepare the site for new construction and to result in a finished floor elevation that is four feet above the base flood elevation. The project proposes 20 cubic yards (cy) of cut and 500 cy of fill, with an import of 480 cy. Assuming the use of 10 cy haul trucks, this would represent 48 truck trips. Soil import is expected to take six days with approximately eight trucks per day. A concrete retaining wall, up to 3’ 4” in height, is proposed along the southern project boundary.

Construction Schedule - Assuming receipt of all necessary approvals, the project would begin construction activities in 2021 with an opening date in 2022.

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

Table 1. Project Design Features

<p>Aesthetics</p> <ul style="list-style-type: none"> • Implementation of the landscape plan. • Planting of 32 trees to replace the three trees to be removed during project construction. • Implementation of the proposed architectural treatments.
<p>Air Quality</p> <ul style="list-style-type: none"> • The project shall comply with Section 87.426 of the City’s Grading Ordinance and implement dust control measures. These measures include watering of active grading sites and unpaved roads a minimum of twice daily, replacement of ground cover as quickly as possible, reducing speeds on unpaved roads/surfaces to 15 miles per hour or less, and reducing dust during unloading and loading operations. • Low-VOC coatings shall be used for all buildings, as required under San Diego Air Pollution Control District (SDAPCD) Rule 67.0. • Heavy diesel construction equipment shall be rated Tier 3 or better.

Greenhouse Gases

- Installation of two Level II electric vehicle (EV) charging stations.
- Provision of a bicycle rack.
- Provision of two electric vehicle parking spaces.
- Connectivity to offsite pedestrian facilities (e.g., internal path of travel and connections to sidewalks).
- Accessible to public transit.
- Use of low-maintenance, drought-tolerant plants in the landscaping plan.
- Compliance with the City's Water Efficient Landscape Ordinance.

Land Use (Consistency with Mobility Element)

- The applicant/developer/property owner shall submit an executed version of petition to annex into and establish, with respect to the property, the special taxes levied by the following Community Facility District: CFD 2011-01 (Congestion Management).

Noise

- Comply with Section 17.32.180 of the San Marcos Municipal Code that limits grading activities to between 7:00 AM and 4:30 PM Monday through Friday. Grading extraction or related earth moving is not allowed in the City on weekends or holidays.
- Comply with Chapter 10.24 of the San Marcos Municipal Code which prohibits building construction activities to between 7:00 AM and 6:00 PM Monday through Friday or between 8:00 AM or after 5:00 PM on Saturdays.
- All construction equipment should be properly fitted with mufflers, as applicable.
- Incorporate standard dual pane windows and mechanical ventilation.

Utilities and Services Systems - Water and Wastewater

- Pay Water Capital Facility Fees per VWD Ordinance No. 175.
- Pay Wastewater Capital Facility Fees per VWD Ordinance No. 176.
- Construct 300 feet of sewer line within Bent Avenue.

Figure 1a. Regional Location

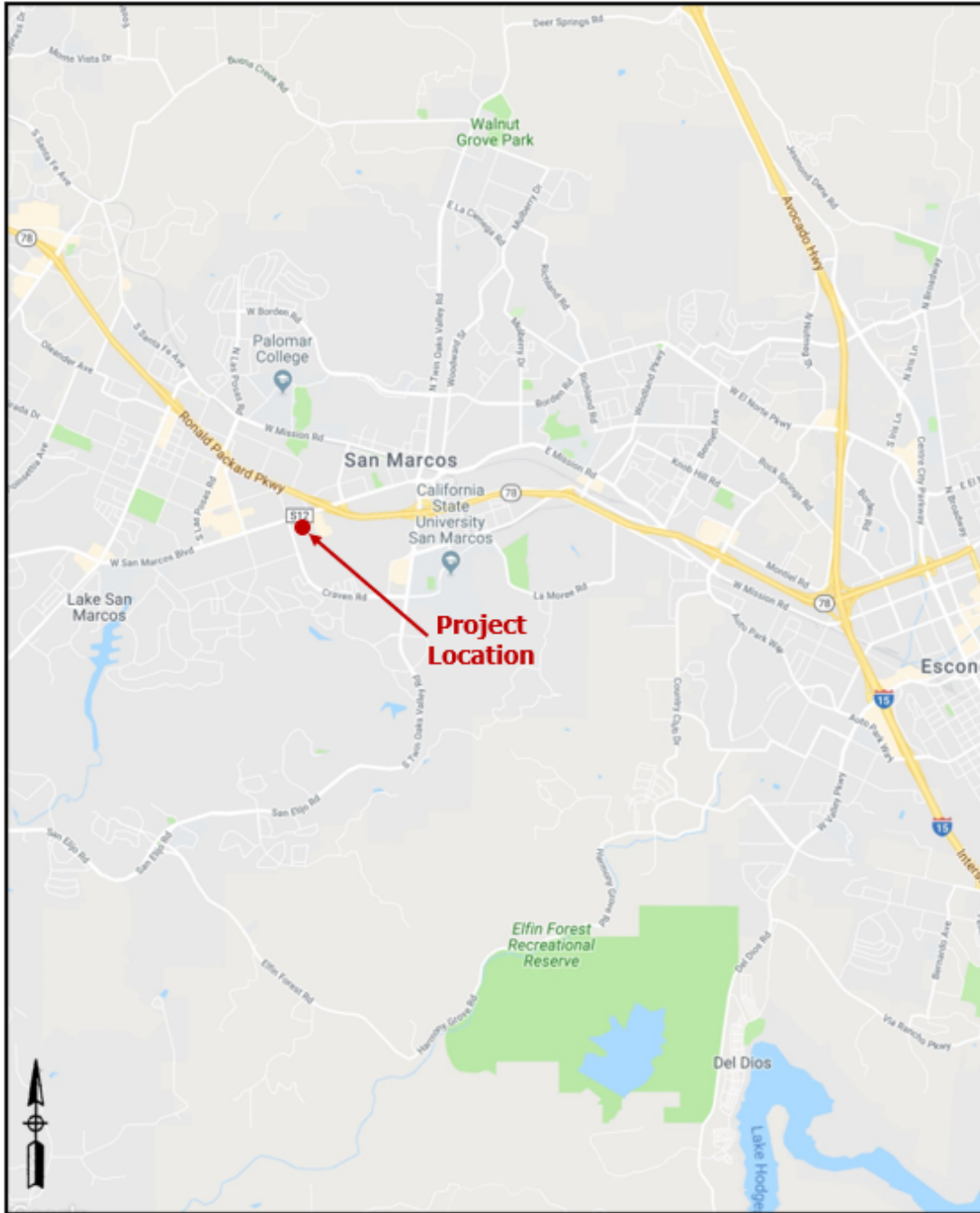


Figure 1b. Project Site Location



Source: (Google, 2021)

Figure 2. Site Plan

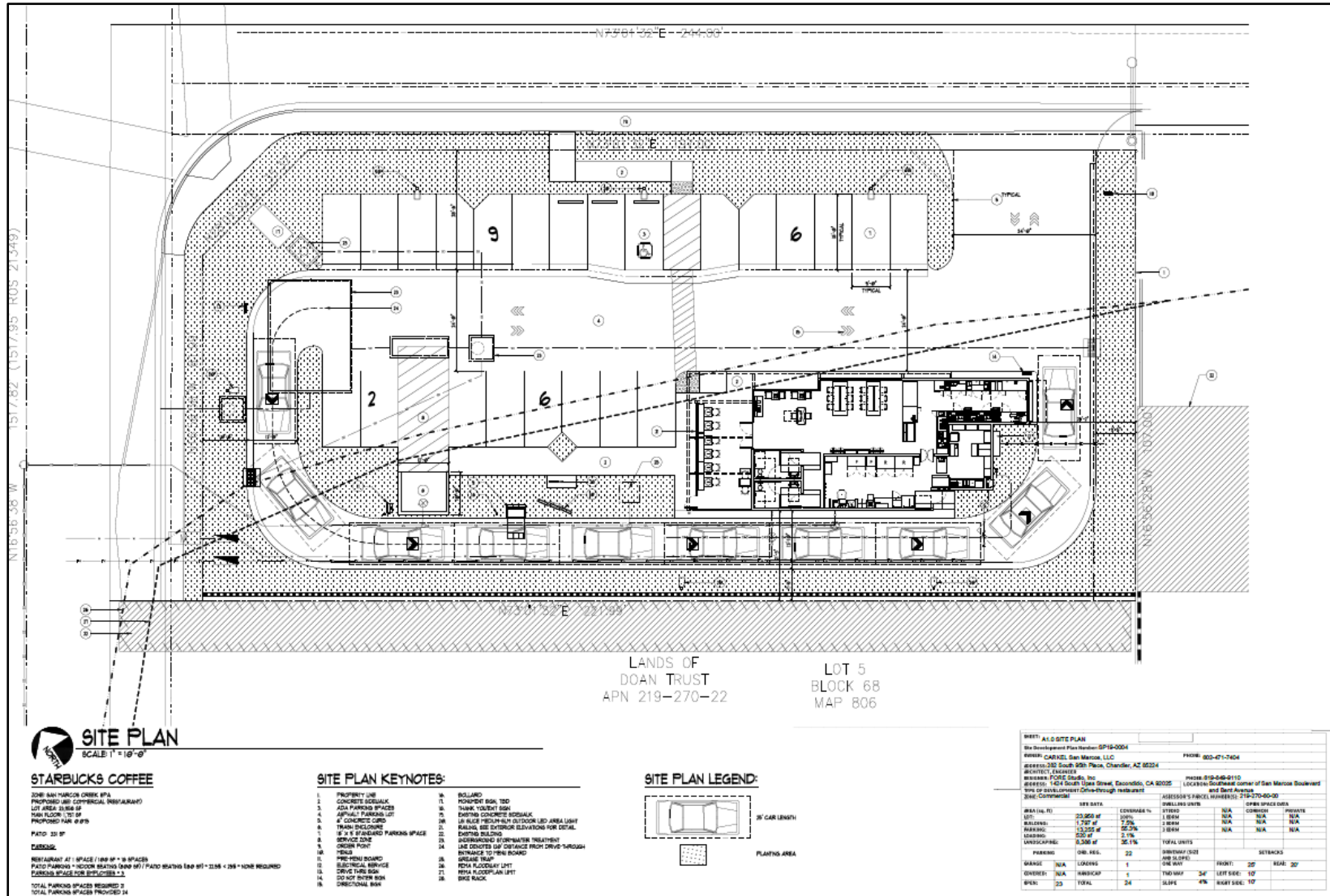


Figure 3a. Architectural Elevations (North and South Elevations)

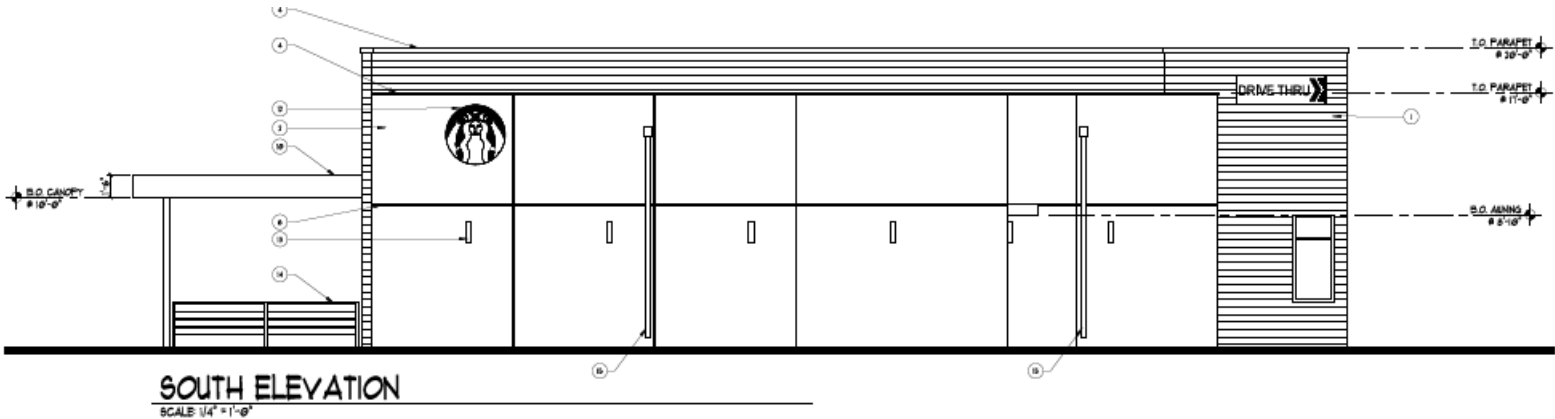
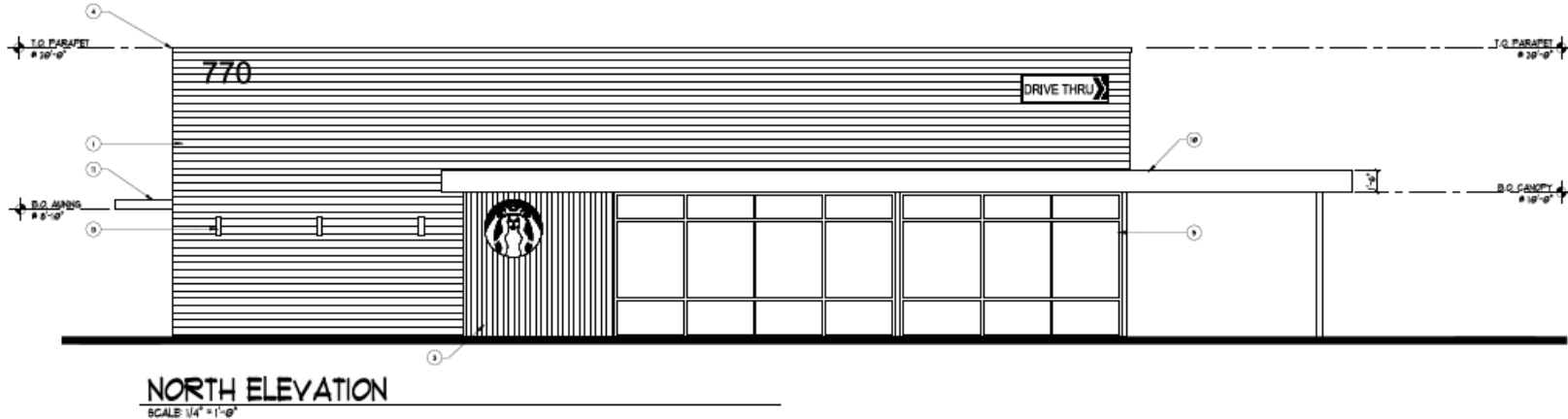
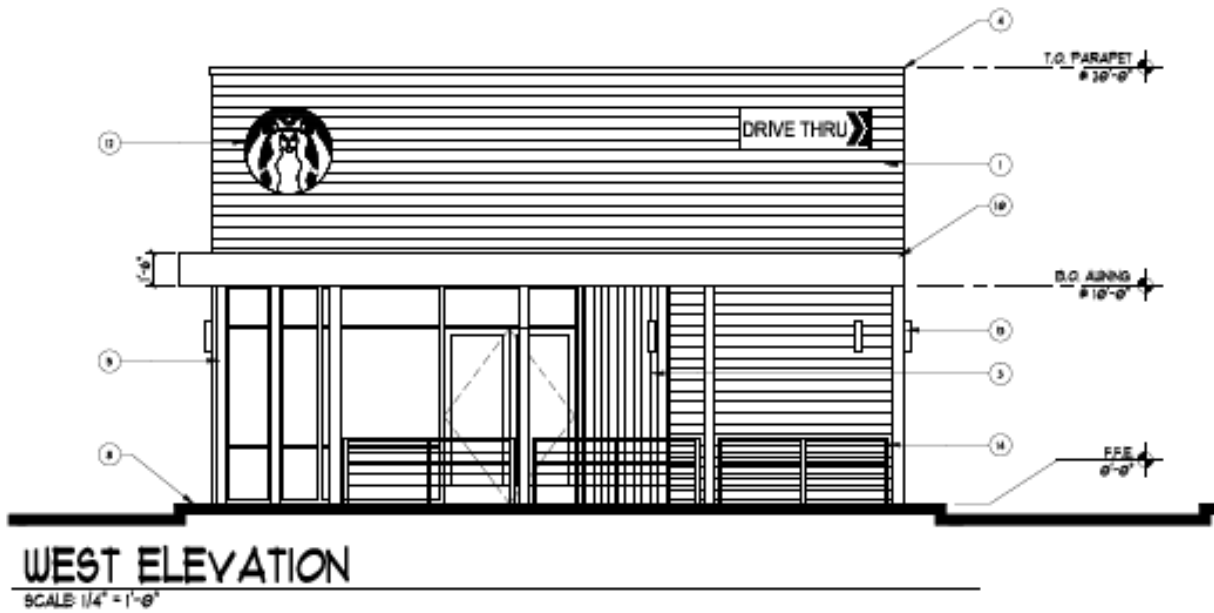
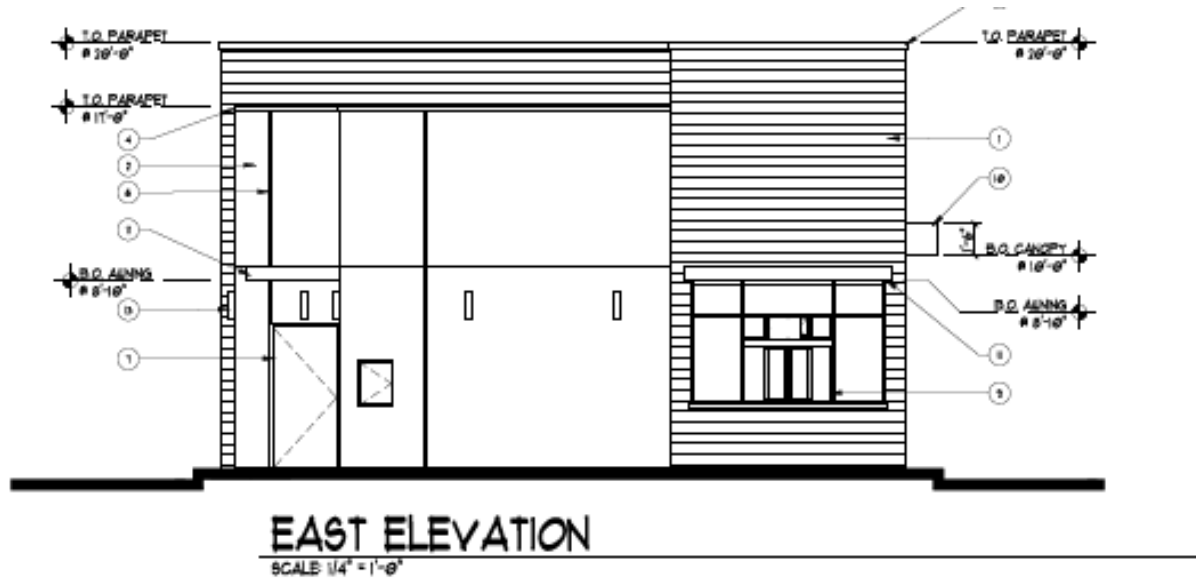


Figure 3b. Architectural Elevations (East and West Elevations)



III. ENVIRONMENTAL CHECKLIST

I. BACKGROUND

1. **Project Title:** Carkel San Marcos Commercial
2. **Lead Agency Name and Address:**
City of San Marcos
1 Civic Center Drive
San Marcos, CA 92069
3. **Contact Person and Phone Number:**
Norman Pedersen Associate Planner
760-744-1050 ext. 3236
npedersen@san-marcos.net
4. **Project Location:** The 0.55-acre project site is located at the southeast corner of San Marcos Boulevard and Bent Avenue.
5. **Project Sponsor's Name and Address:**
Carkel San Marcos, LLC
282 S. 95th Place
Chandler, AZ 85224
6. **General Plan Designation:** The project site has a General Plan Designation of Specific Plan Area (SPA). The project is proposing a General Plan Amendment to change the designation to Commercial (C).
7. **Zoning Designation:** The project site has a zoning designation of Specific Plan Area (SPA). The project is proposing a rezone to change the designation and zoning to Commercial (C).
8. **Description of Project:** Please see Section II for project description.
9. **Surrounding Land Uses and Setting:** The project site is located within the Business/Industrial District and is surrounded by a mix of commercial development. The project site is bounded by San Marcos Boulevard on the north, Bent Avenue on the west, a self-storage facility (Stow-It Storage) on the south and an auto repair center to the east.
10. **Other Public Agencies Whose Approval is Required:**
 - Vallecitos Water District
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 received AB 52 a consultation requests from the Rincon Band is currently in consultation with the Tribe.

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)

- | | |
|---|--|
| <input type="checkbox"/> Aesthetics | <input checked="" type="checkbox"/> Land Use and Planning |
| <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Mineral Resources |
| <input type="checkbox"/> Air Quality | <input type="checkbox"/> Noise |
| <input checked="" type="checkbox"/> Biological Resources | <input type="checkbox"/> Population and Housing |
| <input checked="" type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Public Services |
| <input checked="" type="checkbox"/> Geology and Soils | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Transportation |
| <input type="checkbox"/> Hazards and Hazardous Materials | <input checked="" type="checkbox"/> Tribal Cultural Resources |
| <input type="checkbox"/> Hydrology and Water Quality | <input type="checkbox"/> Utilities and Service Systems |
| | <input type="checkbox"/> 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 4/28/21

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
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

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?			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
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

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
V. CULTURAL RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource 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
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				X

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
systems where sewers are not available for the disposal of wastewater?				
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	
XI. 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 Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project 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	

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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 stormwater drainage systems or provide substantial additional sources of polluted runoff?			X	
f) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or 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	

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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	
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 general 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	
V. 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				

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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. 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		
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		X		

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(c) of Public Resources Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.				
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 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?				X
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

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
V. 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 Business/Industrial District of the City of San Marcos. The Business/Industrial District is located in the west-central portion of San Marcos. The project vicinity is developed with a mix of commercial uses.

The City has a Ridgeline Protection and Management Overlay Zone to protect natural viewsheds and unique natural resources, minimize physical impacts to ridgelines, and to establish innovative sensitive 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 Element of the General Plan. The project site is flat and located at a lower elevation part of the City. Therefore, the project would not have a substantial adverse effect on a scenic vista and no impact is identified for this issue area.

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

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

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

Per the cultural resources report prepared for the project, the project site does not support any historic buildings (ASM 2020). The site does not support any significant trees, rock outcroppings, or historic buildings as identified in or protected by the City's General Plan. In summary, the project would not damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State Scenic Highway. No impact would occur.

c) *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 project site is located in a developed part of the city. The project vicinity is developed primarily with commercial uses. The project site is bounded to the east and south by parcels designated as SPA as part of the San Marcos Creek Specific Plan. Parcels to the west, on the opposite side of Bent Avenue are also identified as SPA as part of the San Marcos Creek Specific Plan. To the north, on the opposite side of San Marcos Boulevard are parcels designated as Commercial on the northwest corner of San Marcos Boulevard/Bent and with Mixed Use 1 to the west of that. The proposed General Plan Amendment to allow Commercial is compatible with adjacent parcels. The project vicinity is developed with a mix of commercial uses.

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. Additionally, per the cultural resources report prepared for the project the project site does not support any historic buildings (ASM 2020). The site does not support any significant trees, rock outcroppings, or historic buildings as identified in or protected by the City's General Plan. In summary, the project would not substantially degrade the existing visual character or quality of public views of the site and its surroundings. Impacts would be less than significant.

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

The project site is currently vacant but located in a developed portion of the City. The project will incorporate lighting for safety, security and way finding. The project proposes to use LSI SLM Outdoor LED area lights on poles for the parking area and drive thru and additional lighting for walkways. Light fixtures will also be incorporated into the building exterior. Development of the proposed project would be required to comply with the City's lighting standards, and the location, type, and direction of the lighting would be reviewed during Improvement Plan review to ensure compliance. The City's standards require cut-off lighting fixtures to direct light downwards and avoid spillage onto adjacent properties. Landscaping will be used along the project boundaries to provide screening and minimize nuisance from vehicle headlights in the drive-thru. Additionally, proposed exterior finishes (fiber cement siding, stucco, and galvanized sheet metal) would not be characterized as inducing glare. Therefore, the project would not create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area. Impacts would be less than significant.

II. AGRICULTURE AND FORESTRY RESOURCES

- a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? No Impact**

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

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

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

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

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

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

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

- e) Involve other changes in the existing environment that, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? No Impact**

The project site is located within the Business/Industrial District of the City and is located in a developed portion of the City. There is existing development on both sides of the project site. The project area does not support any agricultural or forest land. Therefore, the project would not involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland to non-agricultural use or conversion of forest land to non-forest use. No impact is identified for this issue area.

III. AIR QUALITY

An air quality report was prepared for the project by LDN Consulting (LDN) (2021a) and is included as **Appendix B** of this document.

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

The proposed project is related to the Regional Air Quality Strategy (RAQS) and/or State Implementation Plan (SIP) through the land use and growth assumptions that are incorporated into the air quality planning process. Both air quality plans contain strategies for the region to attain and maintain the ambient air quality standards. Projects that are consistent with existing General Plan documents and subsequent SANDAG population projections, which are used to develop air emissions budgets for air quality planning and attainment demonstrations, would be consistent with the San Diego Air Basin’s (SDAB) air quality plans, including the RAQS and SIP. Provided a project proposes the same or less development as accounted for in the General Plan document, and provided the project is in compliance with applicable Rules and Regulations adopted by the San Diego Air Pollution Control District (SDAPCD) through their air quality planning process, the project would not conflict with or obstruct implementation of the RAQS or SIP.

The project involves construction of a 3,500 square foot restaurant with drive thru. The site is currently designated as SPA – associated with the San Marcos Creek Specific Plan. Within the Specific Plan, the site is identified as Mixed Use 1 (MU1), which is intended for a variety of commercial, office and residential uses integrated as a cohesive development. Per the Specific Plan, a Floor Area Ratio (FAR) of 1.9 is permitted under this designation. The proposed project would have a FAR of 0.7. Therefore, the project would be less intense than would otherwise be allowed under the General Plan and would not conflict with the Regional Air Quality Strategy (RAQS) or the State’s Air Quality State Implementation Plan (SIP). Furthermore, the project would comply with all applicable rules and regulations that have been adopted as part of the SIP. Therefore, the project would not conflict with or obstruct implementation of the applicable air quality plan. Impacts would be less than significant.

Air quality emissions were calculated as part of the air quality study prepared by LDN (2021a).

Table 2 shows the state and federal attainment status for criteria pollutants in the San Diego Air Basin (SDAB). As shown, the SDAB is a nonattainment area for the state and federal O₃ standards and for the state PM₁₀ and PM_{2.5} standards.

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

Pollutant	Federal	State
Ozone (8-Hour)	Nonattainment	Nonattainment
Ozone (1-Hour)	Attainment (1)	Nonattainment
Carbon Monoxide (CO)	Attainment	Attainment
Particulate Matter–10 microns (PM ₁₀)	Unclassifiable (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 2019.

Notes: (1) The federal 1-hour standard of 12 ppm was in effect from 1979 through June 15, 2005. The revoked standard is referenced because it was employed for such a long period and because this benchmark is addressed in State Implementation Plans.

(2) At the time of designation, if the available data does not support a designation of attainment or nonattainment, the area is designated as unclassifiable.

The SDAPCD establishes significance criteria for air quality emissions through Rule 20.2. The screening thresholds are shown in **Table 3**. These criteria can be used as numeric indicators that demonstrate whether a project’s emissions would result in a significant impact to air quality. Any project with daily construction- or operation-related emissions that exceed any of the following thresholds would be considered to have a significant air quality impact and modeling would be required to demonstrate that the project’s total air quality impacts result in ground-level concentrations that are below State and Federal Ambient Air Quality Standards, including appropriate background levels. For nonattainment pollutants (O₃, with ozone precursors NO_x 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 3. Screening-Level Thresholds for Criteria Pollutants

Pollutant	Total Emissions (lbs per day)
Construction Emissions	
Respirable Particulate Matter (PM ₁₀)	100
Fine Particulate Matter (PM _{2.5})	55
Oxides of Nitrogen (NO _x)	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 (NO _x)	250
Sulfur Oxide (SO _x)	250
Carbon Monoxide (CO)	550
Lead and Lead Compounds	3.2
Volatile Organic Compounds (VOC)	75
Reactive Organic Gases (ROG) SCAQMD	75

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

Construction Emissions

Construction activities for the project would include minor site grading and preparation, paving, building construction, and architectural coating application. A total of 500 cubic yards of import is anticipated for the project.

All phases of the proposed project (e.g., grading, paving, and construction) are anticipated to start in late 2021 and be completed in 2022. Consistent with SDAPCD’s fugitive dust rules/fugitive dust control measures outlined in Section 87.426 of the City’s Grading Ordinance, the project would implement fugitive dust control measures during grading, which would include watering the site a minimum of twice daily to control dust, as well as reducing speeds on unpaved surfaces to 15 mph or less, replacing ground cover in disturbed areas quickly, and reducing dust during loading/unloading of dirt and other materials. In addition, the project would use low-VOC paints in accordance with the requirements of SDAPCD Rule 67 for architectural coatings. The project would also require that all heavy diesel construction equipment be rated Tier 3 or better. These requirements have been identified as project design features for the project in Table 1.

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

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

Table 4. Construction Emissions (lbs/day)

Year	ROG	NOx	CO	SO ₂	PM ₁₀ (Total)	PM _{2.5} (Total)
2021	0.25	5.58	7.12	0.02	1.10	0.53
2022	4.11	3.37	4.26	0.01	0.04	0.03
<i>Significance Threshold (lbs/day)</i>	<i>75</i>	<i>250</i>	<i>550</i>	<i>250</i>	<i>100</i>	<i>55</i>
Exceeds Screening Threshold?	No	No	No	No	No	No

Source: LDN 2021a

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

Operational Emissions

Operational impacts associated with the project would include area sources, energy use, mobile sources, waste, and water use. Area sources include consumer products, landscaping, and architectural coatings applied during routine maintenance. Emissions associated with project operations were estimated based on the project’s overall trip generation of 1,746 ADT. This is a conservative approach since the traffic report prepared for the project assumed a 50% pass by reduction with 873 new trips being associated with the project. An average trip length of 5.54 miles was used. **Table 5** provides a summary of the estimated operational emissions for the proposed project. As shown, operational emissions associated with the project would be below the significance thresholds for all criteria pollutants.

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

Micro-Scale Operational Findings

The traffic study prepared for the project (LLG 2021) reported that the project would maintain classification of Level of Service (LOS) of E or worse directly at the intersection of West San Marcos Boulevard/Bent Avenue and is expected to operate with over 3,000 vehicles during the AM and PM peak-hours. **Table 6** shows the number of peak hour vehicles using this intersection during the AM and PM peak hours. Utilizing CALINE4 CO emissions were found to be less than the California Ambient Air Quality Standards (CAAQS) and impacts would be less than significant.

Table 5. Operations Emissions (lbs/day)

	ROG	NOx	CO	Sox	PM10	PM2.5
Summer Scenario						
Area Source Emission Estimates Mitigated (lbs/day)	0.051	0.000	0.000	0.000	0.000	0.000
Energy Emission Estimates Mitigated (lbs/day)	0.011	0.100	0.084	0.001	0.008	0.008
Mobile Emission Estimates Mitigated (lbs/day)	1.988	6.808	13.201	0.036	2.658	0.732
Total (lbs/day)	2.050	6.908	13.285	0.036	2.666	0.739
Screening Level Thresholds	75	250	550	250	100	55
Significant Impact?	No	No	No	No	No	No
Winter Scenario						
Area Source Emission Estimates (lbs/day)	0.051	0.000	0.000	0.000	0.000	0.000
Energy Emission Estimates (lbs/day)	0.011	0.100	0.084	0.001	0.008	0.008
Mobile Emission Estimates (lbs/day)	1.919	6.822	14.352	0.034	2.659	0.732
Total (lbs/day)	1.981	6.922	14.436	0.034	2.667	0.740
Screening Level Thresholds	75	250	550	250	100	55
Significant Impact?	No	No	No	No	No	No

Source: LDN 2021a

Note: Daily pollutant generation assumes trip distances with CalEEMod

Table 6. Intersections with LOS E or Worse and Delay

Intersection	Scenario	AM/PM	Number of peak-hour Vehicles
W. San Marcos Blvd/Bent Ave.	Cumulative plus Project	AM	4,842
		PM	5,947

The CALINE4 model was set up to show a typical intersection with a north, east, south, and west segment extending a typical 50-meters in every direction. Peak hour segment volumes were taken from the peak-hour turning movements within the project traffic study (LLG 2021) for the intersection analyzed above.

Receptors were assumed to be roughly 25-feet to each roadway which represents a worst-case environment. The EMFAC2014 model was run to determine the emission factors for 2025 or approximately when the cumulative traffic impacts would be expected.

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

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

Table 7. Expected Carbon Monoxide Hot Spot Concentration Levels

Intersection	Existing plus Cumulative plus Project (Worst Case)		
	Vehicles Per Hour	Predicted Concentration (PPM)	
		1-hour	8-hour
W. San Marcos Blvd./Bent Ave. AM Peak Hour	4,842	3.3	2.31
W. San Marcos Blvd./Bent Ave. PM Peak Hour	5,947	3.3	2.31
CAAQS - Significant Threshold		20	9
Significant Impact?		No	No

Source: LDN 2021a

Note: Traffic volumes obtained from project traffic study (LLG 2021).

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 project construction and operation. As identified above, the SDAB is a nonattainment area for state and federal O₃ standards and for state PM₁₀ 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 O₃ standards, and the potential for the project to result in a cumulatively considerable impact due to particulate emissions.

As part of the RAQS and SIP planning process, the SDAPCD develops an emission inventory, based on projections from SANDAG, of growth in the region as well as on information maintained by the SDAPCD on stationary source emissions within the SDAB. The SDAPCD then uses the emission inventory to conduct airshed modeling, to demonstrate that the SDAB will attain and maintain the O₃ 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 O₃ within the SDAB.

With regard to emissions of O₃ precursors NO_x 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 O₃ precursor emissions associated with project construction are well below the screening level thresholds. Therefore, the project would not result in additional emissions of O₃ precursors above those projected in the attainment demonstration for O₃. The project would therefore not result in a cumulatively considerable impact to O₃ levels within the SDAB. In summary, the project would not result in a cumulatively considerable net increase of O₃, PM₁₀, or PM_{2.5} standards, for which the project region is non-attainment.

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

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

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

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

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

Potential onsite odor generators would include short-term construction odors from activities such as paving and painting. Given 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.

Once operational, the proposed project may generate odors from food preparation. In order for this to be a significant impact, the odors would generally need to be defined as objectionable by a significant number of people. Based on the odors which may be produced by the building tenant (heating baked food items or coffee production), less than significant odor impacts from operations would be expected.

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

emissions of odors that would cause a nuisance. Therefore, the project is not considered a source of objectionable odors from operations.

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

IV. BIOLOGICAL RESOURCES

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

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

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

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

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

- b) *Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? No Impact***

The project site is graded and is located in an urbanized portion of the city. Based upon a site visit and a review of aerial photography, the project does not support any riparian habitat nor does it support any

sensitive natural communities identified in local or regional plans, policies, regulations or by the CDFW or USFWS. No impact is identified for this issue area.

- c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? No Impact***

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

- d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? No Impact***

The project site is graded and is located within an urbanized area of the City. The project site is not identified as being in a wildlife corridor area, as depicted in Figure 4-2, Wildlife Corridors and Linkage, in the Open Space and Conservation Element of the City's General Plan. Therefore, the project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites. No impact is identified for this issue area.

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

The proposed project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. Six existing trees would be removed during project construction and 32 new trees and complimentary landscaping will be planted. Tree replacement will be at 5.3:1 ratio which exceeds the City's requirement of a 1:1 ratio. The landscape concept plan is included in Appendix A.2. No impact is identified for this issue area.

- f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? No Impact***

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

V. CULTURAL RESOURCES

A cultural resources study was prepared for the project by ASM Affiliates (ASM) (2020). The complete report is included as **Appendix C** of this document.

As part of the cultural resources study, a records search request of the archives at the South Coastal Information Center, San Diego State University, of the California Historical Resources Information System for San Diego County, was submitted by ASM on June 1, 2020 for the project site and was received on June 4, 2020. The record search area encompasses the project area and a search radius of one mile around it. The California Register of Historic Resources and the National Register of Historic Places were also examined to identify any additional resources within one mile of the project area.

The CHRIS records identified 71 previous reports that addressed areas within a one-mile radius of the project area. Of these reports, only two reports intersect or overlap the project site. CHRIS records also indicate the presence of 38 previously recorded cultural resources within a one-mile radius of the project area. Additionally, three unique historical addresses were also identified as occurring within the one-mile radius.

On June 2, 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 originally proposed Project. ASM received a response from the NAHC dated June 15, 2020 stating that a record search of the Sacred Land File was negative.

The project site was surveyed by Stephen Harvey, Senior Archaeologist with ASM, and Ali'i Suaiaunoa, a Native American monitor from Saving Sacred Sites on June 10, 2020. The entirety of the project site has been graded and previously disturbed by the construction of Bent Avenue and San Marcos Boulevard, as well as the commercial structures that are located directly on its northern and eastern boundaries. The entirety of the project site was visually inspected. The majority of the project site is heavily vegetated with invasive grasses and ground surface visibility is less than ten percent. Exposed ground surface is limited to the western quarter of the project site along South Bent Avenue. Modern debris, including glass and plastic fragments, cans, bottles, and paper were observed, primarily in the northeastern corner of the project site.

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.

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

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

Based upon the cultural resources study prepared for the project, no archaeological resources are known to occur on the project site (ASM 2020).

Two previously-conducted studies intersect or overlap with the project site but it does not appear that the project site has been included in any previously conducted surveys for cultural resources.

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

The intensive visual inspection of the project site provided scant evidence for the presence of cultural resources in those areas. The entirety of the project site has been graded and previously disturbed by the construction of Bent Avenue and San Marcos Boulevard, as well as the commercial structures that are located directly on its northern and eastern boundaries. The entirety of the project site was visually inspected. Modern debris, including glass and plastic fragments, cans, bottles, and paper were observed, primarily in the northeastern corner of the project site. While most of the project site has been previously disturbed by grading activities, it is possible that subsurface cultural deposits are still presents under the surface and construction activities could impact these resources if they are present. This represents a significant impact and mitigation is required. (**Impact CR-1**). The following mitigation measures apply to grading and construction activity that occurs within areas of previously-undisturbed soil and would be required as a condition of project approval and would reduce impacts to below a level of significance.

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 [INSERT TRIBE] 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)).

Tribal Consultation

Assembly Bill (AB) 52 requires consultation with California Native American Tribes and consideration of tribal cultural resources, requiring consultation prior to the release of an environmental document if requested by a California Native American Tribe. Senate Bill (SB) 18 requiring cities and counties to contact and consult with California Native American tribes prior to adopting or amending any general plan or specific plan, or designating land as open space in order to preserve or mitigate impacts to specified Native American places, features and objects that are located within the city's or county's jurisdiction. SB 18 also requires cities and counties to hold in strict confidence any information about the specific identity, location, character or use of these resources. In 2005, OPR published Tribal Consultation Guidelines to guide cities and counties on the process of engaging in consultation in accordance with SB 18. The NAHC maintains a list of California Native American Tribes with whom cities and counties must consult pursuant to SB 18.

Outreach to local tribes by the City, consistent with AB 52 and in compliance with SB 18, was initiated as part of the preparation of this environmental document.

Two responses were received from the Rincon Band of Luiseño Indians, dated March 13 and June 30, 2020 stating that the site is within the Territory of the Luiseño people and within the Band's specific Area of Historic Interest. As such, Rincon is traditionally and culturally affiliated to the project area. The Band requested SB 18 and AB 52 Consultation to learn more about any potential impacts to cultural resources.

Although ASM did not identify any archaeological or Native American resources, there remains the potential to encounter unidentified resources during project grading activities in areas of previously-undisturbed soil. (**Impact CR-1**). Implementation of mitigation measures CR-1a through CR-1d, identified above, would apply to grading and construction activity that occurs within areas of previously-undisturbed soil and would be required as a condition of project approval. This would reduce potential impact 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-1c, 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, building construction and application of architectural coatings to the proposed buildings, and paving of the proposed parking lot and driveways. 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.

Operational energy use would include, but not be limited to heating/ventilating/air conditioning (HVAC), refrigeration, lighting, appliances, and electronics. Energy would also be consumed during operations related to water usage, solid waste disposal, landscape equipment and vehicle trips.

The project would comply with regulatory compliance measures outlined by the State and City related to air quality, greenhouse emissions, transportation/circulation, and water supply. Additionally, the project will be constructed in accordance with all applicable City Building and Fire Codes which require efficiency and energy conservation.

The project does not propose any excessive or unnecessary energy consumption beyond what would be typical of this type of development. 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 would comply with all Federal, State, and City requirements related to the consumption of electricity, including but not limited to, CCR Title 24, Part 6 *Building Energy Efficiency Standards* and CCR Title 24, Part 11: *California Green Building Standards*. The CCR Title 24, Part 6 and Part 11 standards require numerous energy efficiency measures to be incorporated into the proposed buildings, including enhanced insulation, use of energy efficient lighting and appliances as well as requiring a variety of other energy-efficiency measures to be incorporated into all of the proposed structures. Therefore, the project would be designed and built to minimize electricity use and that existing and planned electricity capacity and electricity supplies would be enough to support the project's electricity demand and impacts related to electrical supply and infrastructure capacity would be less than significant.

The Conservation Element of the General Plan includes local policies related to energy conservation. These are primarily related to the incorporation of energy efficient features in a project and the use of renewable energy. As previously stated, the project will comply with state energy efficiency standards. Due to the project design, the project is not able to accommodate renewable energy production on the project site. Rooftop space is limited due to necessary HVAC equipment and the full project site is being utilized for the proposed development.

VII. GEOLOGY AND SOILS

A soils report was prepared for the project site by GeoTek, Inc (2019). The complete report is included as **Appendix D** 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 is not located on or adjacent to any known active faults. According to the 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 2019).

According to the Preliminary Geotechnical Evaluation prepared by GeoTek included as Appendix D 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 12 miles southwest of the project site. Therefore, the project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault. No impact is identified for this issue area.

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

The proposed project is located in seismically-active southern California. The type and magnitude of seismic hazards affecting the site are dependent on the distance to causative faults, the intensity, and the magnitude of the seismic event. The Rose Canyon Fault is considered to have the most significant effect at the site from a design standpoint. The fault is located approximately 12 miles to the southwest from the site. 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. Shallow ground rupture due to shaking from distant seismic events is not considered to be a significant hazard for the project site (GeoTek 2019). No impact is identified for this issue area.

Liquefaction

The project site is identified as having Zero Susceptibility for liquefaction per Figure 6-1 of the Safety Element of the City's General Plan. No impact is identified for this issue area.

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

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

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

The project site is relatively flat. Proposed site improvements require grading and soil import of 480 cy to prepare the site for development and to raise the site above base flood elevation. The project would be under the State Water Resources Control Board (SWRCB) General Construction Permit, which prohibits sediment or pollutant release from the project site and requires preparation of a Stormwater Pollution Prevention Plan (SWPPP) and implementation of best management practices (BMPs) that would incorporate erosion and sediment control measures during and after grading operations to stabilize these areas. Permanent vegetation would also be required to stabilize graded areas. The project would not result in substantial soil erosion or the loss of topsoil. Impacts would be less than significant.

f) *Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse? Less than Significant Impact*

The project site is not located on or adjacent to any known active faults nor is the site underlain by soils that are conducive to landslides. The project would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse. Per the Preliminary Geotechnical Evaluation prepared for the project site, the potential for adverse impacts from liquefaction is considered low. 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 (GeoTek), the site is underlain by a veneer of undocumented fill materials over older alluvium. Undocumented fill soils are limited to the upper disturbed area due to weed abatement activities. These soils are not considered suitable for support of structural site improvements but may be re-used as engineered fill if properly processed and placed. The most recent regional geologic map showing the overall site geology shows young alluvial flood-plain deposits, however, based on GeoTek's site evaluation, older alluvium is present beneath undocumented fill. As encountered in the borings, older alluvium consists of mixtures of sands, silts, and clays. The upper few feet have rather variable consistency/density. Below approximately three feet the sands are generally dense; silts and clays are generally very stiff to hard. 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 represents a significant impact (Impact GEO-1) and mitigation is required. As a condition of project approval, implementation of the following mitigation measure (MM-GEO-1) will be required, and will reduce the impact to below a level of significance:

MM-GEO-1 The project applicant shall implement the geotechnical recommendations identified beginning on pages 7 – 19 of the Preliminary Geotechnical Evaluation Report prepared by GeoTek for the project site. These recommendations address earthwork activities, excavations, foundation, and slab considerations, retaining wall design, concrete flatwork, and pavement design.

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. The project will be served by VWD 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 (GeoTek), the geologic conditions underlying the site consist of undocumented artificial soils (Afu), and Quaternary-aged Old Alluvium (Qya and Qoa). 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 trenching 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 prepare a paleontological identification and evaluation report. If the report indicates there is no potential for paleontological resources on the site, then grading may proceed without monitoring. The report shall be provided to the Planning Manager prior to issuance of the grading permit.

If the report indicates that paleontological resources may be present, then a paleontological mitigation and monitoring plan shall be developed and implemented concurrent with project grading. The mitigation and monitoring plan shall be provided to the Planning Director and the plan shall be implemented during project grading.

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 CO₂e) annually would not contribute considerably to cumulative climate change impacts. A CAP Consistency Review Checklist was completed for the project and is included in **Appendix E**.

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

The City of San Marcos has a CAP Checklist screening level suggesting that projects that emit fewer than 500 MT/year of CO₂e would have a less than significant GHG impact. Step 1, Checklist Items 1 on the CAP Consistency Review Checklist identifies the sizes and types of projects that would emit fewer than 500 MT/year of CO₂e. One of the listed projects types and sizes is Restaurant (Drive-Thru, High Turnover) of 2,400 s.f. The project is proposing a 2,128 s.f. restaurant with drive-thru. Therefore, it would fall within a project type and size that would emit fewer than 500 MT/year of CO₂e per year and the project's GHG impacts would be less than significant and would not be subject to the measures of the CAP.

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

The analysis above considered the GHG emissions of the proposed project in comparison to the City's GHG screening thresholds that are identified in the recently published CAP, which was adopted in December 2020. Based on the CAP, a screening threshold of 500 MT/year of CO₂e is used to determine significant cumulative GHG impacts as related to state and local GHG requirements. Since the project was found to be of a size and type that would emit less than 500 MT/year of CO₂e per year, a less than significant GHG impact would be expected and the project would not conflict with any applicable plans, policies or regulations adopted for the purpose of reducing GHG emissions.

IX. HAZARDS AND HAZARDOUS MATERIALS

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

A Phase 1 Environmental Site Assessment (ESA) was prepared for the project site by Terracon (2019). The complete report is included as **Appendix F** of this document.

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 public 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

Based on a review of the historical information, the site consisted of undeveloped and/or vacant land from the early 1890s until the mid-1960s when the site was graded. Apparent overgrown vegetation was observed on the central portion of the site in 1970 and later cleared in the late 1970s. The site has remained vacant land through the present.

The properties surrounding the site have consisted of primarily undeveloped and/or vacant land from the early 1890s until the late 1940s when the property to the northwest was developed with McCormick Airfield. Additional commercial development to the north commenced in the late 1960s, and the airfield was razed. Commercial development of the remaining surrounding properties commenced in the late 1970s through the late 1980s and have remained relatively unchanged through the present. For the properties to the north, a Smart and Final was present between 2010-2014, San Marcos County Water from 1971-1985 and Vallecitos Water District in 1992. To the east, development of automobile repair and service businesses commenced in 1985. To the south, storage facilities were built in 1980. To the west, a series of commercial businesses were developed starting in 1980. Calvary Chapel of San Marcos was also built in 1995.

McCormick Airfield, which included three landing strips and one aircraft hangar, was identified northwest of the site in the historical topographic maps from 1948 through 1949 and in the historical aerial photographs from 1946 through 1964. By 1967, the landing strips appear to have been razed; however, the aircraft hangar is visible through 1994 when it was occupied by R. D. Walter Trucking / Walter Trucking, Inc., R.D. McCormick Airfield was not identified in the regulatory database. Based on the relative distance, topographic gradient, and the review of available subsurface investigation, the former McCormick Airfield would not impact the project site.

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 (Terracon 2019).

Site Observations

Terracon personnel performed a site reconnaissance on April 10, 2019. No REC's were identified on the property. Further, Terracon was able to perform a visual inspection of the neighboring parcels 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 a one-quarter mile of an existing or proposed school. The closest schools to the project site are Discovery Elementary, located approximately 0.7 mile to the southwest and San Marcos Elementary school located approximately 0.9 mile to the east. The project does not propose uses that would emit hazardous emissions or handle hazardous or acutely hazardous materials or substances and no schools are located within 0.25 miles of the project site. No hazardous emissions impact to 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 database search. A total of 17 sites were listed in the radius report. The closest listing to the project site was the Jiffy Lube and Minit Lube located to the adjoining east and in a topographic up-gradient position relative to the project site. However, the Phase I ESA determined that based on the facility's regulatory status, removed status of the underground storage tank (UST), and soil analytical results, the Jiffy Lube and Minit Lube facility does not represent a REC or an impact to the proposed project site.

Lloyd Pest Control, located approximately 110 feet to the south and in a topographic down-gradient position relative to the site, was also identified in several regulatory databases. However, the Phase I ESA determined that based on the facility's topographic down-gradient position relative to the site, the facility's removed UST status, and regulatory closed leaking underground storage tank (LUST) case, the Lloyd Pest Control facility does not represent a REC or an impact to the proposed project site.

San Marcos County Water District and Vallecitos Water District, formerly located approximately 120 feet to the north and in a topographic up-gradient position relative to the site, is identified in several regulatory databases. Regulatory closure was granted by the San Diego County and San Diego Regional Water Quality Control Board on September 12, 1988. the Phase I ESA concluded that based on the facility's regulatory

closed LUST status and impacts to the facility's soils only, the former San Marcos County Water District and Vallecitos Water District facility does not represent a REC or an impact to the proposed project site.

Able Auto Repair & Smog and V-Tec Auto Repair, located approximately 150 feet to the east-southeast, within a larger multi-tenant commercial retail property, and in a topographic cross-gradient position relative to the site are identified in several regulatory databases. The Phase I ESA concluded that based on the facility's regulatory closed LUST status, facility's distance, and topographic gradient position relative to the site, the Able Auto Repair & Smog and V-Tec Auto Repair facility does not represent a REC or an impact to the proposed project site.

The remaining facilities listed in the database report do not appear to represent RECs to the site at this time based upon regulatory status, apparent topographic gradient, and/or distance from the site.

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.

- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? No Impact.***

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

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

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

- 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 located in an urbanized area of the City and is not adjacent to any open space or wildland areas. The Fire Marshal has reviewed the project and standard City fire conditions have been applied to the project. The project site is identified as being in a non-Very High Fire Hazard Severity Zone per CalFire

(2009). Therefore, the project would not expose people or structure to a significant risk of loss, injury or death involving wildland fires. No impact is identified for this issue area.

X. HYDROLOGY AND WATER QUALITY

Existing Site Conditions

The project site is currently undeveloped with nearly bare ground. The site has been previously graded and is seasonally mowed/cleared for weed and fire abatement. Runoff at the site sheet flows generally south and west to the southwest corner of the site to Bent Avenue. Offsite flows on San Marcos Boulevard and Bent Avenue do not enter the site; nor is there any run-on from the east or south. Storm water from the proposed project site drains to San Marcos Creek, Batiquitos Lagoon, and the Pacific Ocean.

Proposed Conditions

The proposed drainage pattern results in the majority of the site runoff being conveyed westerly in a concrete gutter, which will turn south and join a grate inlet near the southwest corner of the site. From there flows are piped to the project treatment BMP (Modular Wetlands) and then to underground storage/flow control vault/chambers. There is a small area of runoff captured on the east side of the project and piped to the treatment area. As there are no storm drains adjacent to Bent Ave., flow leaving the storage vault will be pumped to the surface perimeter landscaping, where flow will spread as sheet-flow toward Bent Avenue, mimicking the current drainage pattern. Storm water from the proposed project site will continue to drain to San Marcos Creek, Batiquitos Lagoon, and the Pacific Ocean.

The project proposes installation of curb and gutter, ribbon gutter, a tree well, proprietary biofiltration, an underground detention system, and a pump system to discharge flows to the curb and gutter on Bent Avenue. Storm flows will be routed to the proprietary biofiltration unit to satisfy treatment control requirements, then to the underground storage structure to satisfy flow control requirements. A pump is proposed to drain the underground storage to the curb and gutter on Bent Avenue at a discharge rate that would not exceed the low flow threshold.

A drainage study was prepared for the project by Tory R. Walker Engineering (Walker Engineering) (2019a) and is included in **Appendix G**. A preliminary Storm Water Quality Management Plan (SWQMP) was also prepared for the project by Walker Engineering (2019b). The complete report is included as **Appendix H**.

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

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

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. While the project would increase impervious surfaces, it would not alter the course of a stream or river. Per the Federal Emergency Management Agency (FEMA), Flood Insurance Rate Map (FIRM) panel 06073C0793G, the northern portion of the project site is located within a regulatory floodway (Zone AE). The project site is already graded and minor grading will be required to raise a portion of the site above the flood elevation. The project has been designed to accommodate 100-year 6-hour storm floods and the project proposes the use of a proprietary biofiltration device, a small modular wetland, and an underground detention system. The biofiltration devices and modular wetland would meet water quality goals and the vault meets the hydromodification

requirements and peak flow attenuation. The project runoff will exit the project site at the same location as the existing condition. The project applicant considered the existing drainage patterns and designed the site in a manner such that the project would not result in significant adverse environmental impact due to alteration of drainage patterns in a manner that would substantially increase the rate or amount of surface runoff as to cause flooding onsite or offsite. Impacts would be less than significant.

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

While the project would increase impervious surfaces, it would not alter the course of a stream or river. The project site is already graded and minor grading will be required to raise a portion of the site above the flood elevation. The project proposes installation of curb and gutter, ribbon gutter, a tree well, proprietary biofiltration, an underground detention system, and a pump system to discharge flows to the curb and gutter on Bent Avenue. Storm flows will be routed to the proprietary biofiltration unit to satisfy treatment control requirements, then to the underground storage structure to satisfy flow control requirements. A pump is proposed to drain the underground storage to the curb and gutter on Bent Avenue at a discharge rate that would not exceed the low flow threshold. The project would not create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems. 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. While the project would increase impervious surfaces, it would not alter the course of a stream or river. Per the Federal Emergency FEMA FIRM panel 06073C0793G, the northern portion of the project site is located within a regulatory floodway (Zone AE). The project site is already graded and minor grading will be required to raise a portion of the site above the flood elevation. The project has been designed to accommodate 100-year 6-hour storm floods and the project proposes the use of a proprietary biofiltration device, a small modular wetland, and an underground detention system. The biofiltration devices and modular wetland would meet water quality goals and the vault meets the hydromodification requirements and peak flow attenuation. The project runoff will exit the project site at the same location as the existing condition. The project applicant considered the existing drainage patterns and designed the site in a manner such that the project would not result in significant adverse environmental impact due to alteration of drainage patterns in a manner that would substantially 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? Less Than Significant Impact

The subject property is not located within a Tsunami Evacuation Area or FEMA Flood Zone; therefore, damage due to tsunamis and flooding is considered low. The FEMA FIRM Panel 06073C0793G, was reviewed to determine if the project site was located within an area designated as a Flood Hazard Zone (FEMA, 2012). The northern portion of the project site is located within a regulatory floodway (Zone AE).

The project site is already graded and minor grading will be required to raise a portion of the site above the flood elevation. The project has been designed to accommodate 100-year 6-hour storm floods and the project proposes the use of a proprietary biofiltration device, a small modular wetland, and an underground detention system.

Seiches are periodic oscillations in large bodies of water such as lakes, harbors, bays, or reservoirs. The subject property is not located immediately adjacent to any lakes or confined bodies of water; therefore, the potential for a seiche to affect the property is considered low. Therefore, less than significant impacts are 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 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. 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, the use of fuels for construction equipment, and the generation of trash and debris from the construction site. To minimize these potential sources of pollution, the project would incorporate construction-related water quality BMPs. Such measures could include, but are not limited to:

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

These measures are designed to minimize the generation of pollutants, including sediment and trash/debris. Preparation and implementation of a SWPPP and construction-related water quality BMPs would ensure that there are no significant alterations to receiving water quality during project construction. During project operation, the project includes a comprehensive water quality management approach including implementing a variety of site design, source control, and treatment control BMPs to treat anticipated pollutants of concern and minimize the potential for pollutants prior to reaching the

storm drain and off-site waterways. Therefore, the project would not result in significant alteration of receiving water quality during or following construction. Impacts would be less than significant.

j) Result in an increase in pollutant discharges to receiving waters? Consider water quality parameters such as temperature, dissolved oxygen, turbidity, and other typical storm water pollutants (e.g., heavy metals, pathogens, petroleum derivatives, synthetic organics, sediment, nutrients, oxygen-demanding substances, and trash). Less than Significant Impact

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

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

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

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

k) Be tributary to an already impaired water body as listed on the Clean Water Act Section 303(d) list? If so, can it result in an increase in any pollutant for which the water body is already impaired? Less than Significant Impact

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

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

l) Be tributary to environmentally sensitive areas (e.g., MSCP, RARE, Areas of Special Biological Significance, etc.)? If so, can it exacerbate already existing sensitive conditions? Less than Significant Impact

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

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

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

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

XI. LAND USE AND PLANNING

The project proposes to construct a 2,128 square foot restaurant with a drive-thru. The requested approvals include:

- **Specific Plan Amendment (SP19-0004)** to remove the project site from the San Marcos Creek (Creek District) Creekside Specific Plan Area.
- **General Plan Amendment (GPA19-0004)** to change the existing Specific Plan Area (SPA) land use designation to Commercial (C).
- **Rezone (R19-0002)** to change the existing (SPA) Specific Plan Area zone to (C) Commercial zone.
- **Conditional Use Permit (CUP19-0011)** to allow for a drive-thru in conjunction with the proposed restaurant and to address site plan design review, architecture, floor plans, landscaping, and other development criteria.

a) Physically divide an established community? No Impact

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

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

The project site has a General Plan and zoning designation of Specific Plan and is associated with the San Marcos Creek Specific Plan. Within the Specific Plan, the site is identified as Mixed Use 1 (MU1) which allows for a mix of commercial and residential use. A General Plan Amendment and Rezone are proposed to change the designations to Commercial. The project site is currently graded and located in a developed portion of the city adjacent to other commercial uses. This environmental document has reviewed the potential environmental effects of developing the project site and has determined that all impacts will be less than significant or mitigated to below a level of significance.

Local Transportation Analysis

A local transportation analysis was prepared for the project by Linscott, Law and Greenspan (LLG) and the complete report is included as **Appendix K**. The purpose of this analysis was to evaluate the potential effects of the projects to the local roadway system and to see if the project would be consistent with the City's level of service (LOS) standards as described in the Mobility Element of the City's General Plan. Section XVII, Transportation, of this document analyzes the topics of 1) programs and policies related to transit, roadway, bicycles, and pedestrian facilities; 2) vehicle miles traveled; 3) hazards due to design features; and 4) emergency access.

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

Intersections

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

Segments

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

Existing Street Network

The principal roadways in the project study area are described briefly below. Roadway classification was determined from a review of the City of San Marcos Mobility Element and information gathered from field observations.

Bent Avenue is constructed as a 2-lane undivided roadway between Grand Avenue and Discovery Street. A TWLT lane is provided between Grand Avenue and San Marcos Boulevard. The posted speed limit is 35 miles per hour (mph). On-street parking is prohibited. Class II bike lanes are provided between Grand Avenue and San Marcos Boulevard. Bent Avenue is an unclassified major road.

Via Vera Cruz is constructed as a 4-lane roadway between Grand Avenue and Linda Vista Drive with a two-way left turn lane (TWLT) or turn pockets depending on the location. Between Linda Vista Drive and San Marcos Boulevard, it is constructed as a 4-lane undivided roadway with a TWLT lane. Between San Marcos Boulevard and Discovery Street, it is constructed as a 2-lane undivided roadway. The posted speed limit is 40 mph between Grand Avenue & San Marcos Boulevard and 30 mph south of San Marcos Boulevard. On-street parking is prohibited. Class II bike lanes are provided between Grand Avenue and San Marcos Boulevard. Via Vera Cruz is classified as a 4-lane Arterial between Grand Avenue and Discovery Street.

Grand Avenue is constructed as a 4-lane undivided roadway with a TWLT lane between Las Posas Road and San Marcos Boulevard. The posted speed limit is 45 mph between Las Posas Road and San Marcos Boulevard. On-street parking is prohibited. Only 350 feet of Class II bike lanes are provided on the west side of Grand Avenue, north of San Marcos Boulevard. Grand Avenue is classified as a 4-lane Arterial between Las Posas Road and Via Vera Cruz and as a Complete Street between Via Vera Cruz and San Marcos Boulevard.

San Marcos Boulevard is constructed as a 4-lane divided roadway between Pacific Street and Bent Street and a 6-lane divided roadway between Bent Avenue and Grand Avenue. The posted speed limit is 40-45 mph. On-street parking is prohibited. Class II bike lanes are provided between Pacific Street and Grand Avenue. San Marcos Boulevard is classified as a Multi-way Boulevard between Pacific Street and Bent Avenue and as a 6-lane Arterial between Bent and Grand Avenue.

Trip Generation

The trip generation rates for coffee shops with a drive-thru are not available in SANDAG’s *(Not So) Brief Guide of Vehicular Traffic Generation Rates for the San Diego Region, April 2002*. Therefore, the trip generation rates for the project were based on ITE Trip Generation Manual (10th Edition).

Pass-by trips are a subset of trip generation that primarily applies to commercial/retail developments. They are project trips made by people already on the road who stop at a business as they are driving by while on their way to another destination. For example, if on the way to work one stops at a coffee shop then carries on to work, the trip to the coffee shop would be considered a pass-by trip. A trip from home to a coffee shop and then back home is a primary or new trip.

Coffee shops with a drive-thru generate a high number of pass-by trips. Based on information provided in the ITE Trip Generation Manual, the average pass-by trip percentage for a coffee shop with drive thru window is approximately 89%. However, in order to provide a conservative analysis, a pass-by percentage of 50% was assumed, with the remaining 50% considered primary (new) trips.

The project would generate increased traffic through the construction of a 2,128 s.f. coffee shop with a drive-thru, including 1,797 s.f. of indoor space and a 331 s.f. outdoor patio. As shown in **Table 8** the project would generate a total of 1,746 ADT with 189 AM peak hour trips (96 inbound/ 93 outbound) and 92 PM peak hour trips (46 inbound and 46 outbound). Of the total trips, 50% are considered pass-by trips, with the remaining 50% considered net new trips. The project is calculated to generate 873 new ADT with 94 new AM peak hour trips (48 inbound / 46 outbound) and 46 new PM peak hour trips (23 inbound and 23 outbound).

Table 8. Project Trip Generation

Land Use	Size (SF)	Daily Trip Ends (ADTs)		AM Peak Hour				PM Peak Hour			
		Rate ⁽¹⁾	Volume	Rate	In: Out		Volume	Rate	In: Out		Volume
					Split	In			Out	Split	
Coffee Shop (with drive-thru)	2,128	820.38/ KSF	1,746	88.99	51:49	96	93	43.38	50:50	46	46
Pass-by Trips (50%)			(873)			(48)	(47)			(23)	(23)
Total New Trips			873			48	46			23	23

Source: LLG 2021

Note: (1) Rate is based on the 10th edition of the Trip General Manual, Institute of Transportation Engineers (ITE)

Existing Intersection and Segment Operations

Table 9 summarizes the existing intersection operations. As shown in Table 9, all of the study area intersections currently operate at an acceptable LOS (LOS D or better).

Table 9. Existing Intersection Operations

Intersection	Control Type	Peak Hour	Existing	
			Delay ⁽¹⁾	LOS ⁽²⁾
Grand Avenue/ Bent Avenue	Signal	AM	7.8	A
		PM	17.8	B
San Marcos Boulevard/ Via Vera Cruz	Signal	AM	26.0	C
		PM	39.9	D
San Marcos Boulevard/ Bent Avenue	Signal	AM	34.4	C
		PM	44.2	D
San Marcos Boulevard/ Future Project Driveway	NA ³	AM	-	-
		PM	-	-
San Marcos Boulevard/ Grand Avenue	Signal	AM	21.8	C
		PM	38.2	D
San Marcos Boulevard/ SR-78 EB Ramps	Signal	AM	10.0	A
		PM	10.9	B
San Marcos Blvd/ SR-78 WB Ramps/ Knoll Road	Signal	AM	28.1	C
		PM	26.0	C

Source: LLG 2021

Notes: (1) Average delay expressed in seconds per vehicle.
 (2) Level of Service
 (3) Intersection does not exist under existing conditions.

Table 10 summarizes the existing segment operations. As shown in Table 10, two segments of San Marcos Boulevard currently operate at LOS E:

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

Table 10. Existing Street Segment Operations

Street Segment	Existing Capacity (LOS E) ⁽¹⁾	Existing		
		ADT ⁽²⁾	LOS ⁽³⁾	V/C ⁽⁴⁾
San Marcos Boulevard				
Via Vera Cruz to Bent Avenue	40,000	36,900	E	0.923
Bent Avenue to Future Project Driveway	60,000	40,600	C	0.677
Future Project Driveway to Grand Avenue	60,000	40,600	C	0.677
Grand Avenue to SR-78 EB Ramps	60,000	54,500	E	0.908
Bent Avenue				
Grand Avenue to San Marcos Boulevard	15,000	5,100	B	0.340

Source: LLG 2021

- Notes:** (1) Capacities based on the City of San Marcos' Urban Street Design Criteria
(2) Average delay traffic volumes
(3) Level of Service
(4) Volume to Capacity

Near-Term Condition - Intersection Analysis

Table 11 presents the intersection operations under the Near-Term scenario. As shown in Table 11 the following intersections are calculated to operate at LOS F in the Near-Term scenario.

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

Table 11. Near-Term Intersection Operations

Intersection	Control Type	Peak Hour	Near-Term		Near-Term + Project		Change ⁽³⁾
			Delay ⁽¹⁾	LOS ⁽²⁾	Delay	LOS	
Grand Avenue/ Bent Avenue	Signal	AM	8.9	A	8.9	A	0.0
		PM	23.4	C	23.6	C	0.2
San Marcos Boulevard/ Via Vera Cruz	Signal	AM	39.0	D	39.6	D	0.6
		PM	110.2	F	110.9	F	0.7
San Marcos Boulevard/ Bent Avenue	Signal	AM	94.6	F	100.3	F	5.7
		PM	133.4	F	136.5	F	3.1
San Marcos Boulevard/ Future Project Driveway	MSSC ⁽⁴⁾	AM	-	-	27.9	D	-
		PM	-	-	24.2	C	-
San Marcos Boulevard/ Grand Avenue	Signal	AM	48.9	D	49.5	D	0.46
		PM	206.8	F	206.8	F	0.0
	Signal	AM	10.9	B	11.1	B	0.2

San Marcos Boulevard/ SR-78 EB Ramps		PM	11.9	B	11.9	B	0.0
San Marcos Blvd/ SR-78 WB Ramps/ Knoll Road	Signal	AM	29.0	C	29.0	C	0.0
		PM	27.7	C	27.7	C	0.0

Source: LLG 2021

- Notes:** (1) Average Delay expressed in seconds per vehicle
(2) Level of Service
(3) Denotes the increase in delay due to project.
(4) MSSC= Minor Street Stop Controlled Intersection. Worst-case movement approach delay and LOS reported. Intersection does not exist under “without project” conditions.

Near Term Condition - Segment Operations

Table 12 presents the segment operations under the Near-Term scenario. As shown in Table 12, the following study segments are calculated to operate at LOS E or F.

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

Table 12. Near Term Street Segment Operations

Street Segment	Capacity ⁽¹⁾	Near-Term			Near-Term + Project			V/C Change ⁽⁵⁾
		ADT ⁽²⁾	LOS ⁽³⁾	V/C ⁽⁴⁾	ADT	LOS	V/C	
San Marcos Boulevard								
Via Vera Cruz to Bent Avenue	40,000	45,700	F	1.143	45,960	F	1.149	0.006
Bent Avenue to Future Project Driveway	60,000	46,810	D	0.780	47,490	D	0.792	0.012
Future Project Driveway to Grand Avenue	60,000	46,810	D	0.780	47,490	D	0.792	0.012
Grand Avenue to SR-78 EB Ramps	60,000	58,890	E	0.982	59,200	E	0.987	0.005
Bent Avenue								
Grand Avenue to San Marcos Boulevard	15,000	7,730	C	0.515	7,820	C	0.521	0.006

Source: LLG 2021

- Notes:** (1) Capacities based on the City of San Marcos’ Urban Roadway Classification Table
(2) ADT = Average Daily Traffic
(3) LOS = Level of Service
(4) V/C = Volume to Capacity Ratio
(5) Change denotes a project-induced increase in the Volume to Capacity (V/C) ratio.

Near-Term + Project Condition - Intersection Analysis

Table 11 also presents the intersection operations under the Near-Term + Project scenario. As shown in Table 11, the following intersections are calculated to operate at LOS F in the Near-Term + Project scenario.

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

For intersections operating at LOS E or F, a significant impact would occur if the project would result in an increase in delay of 2 seconds or more. As shown in Table 13, project traffic will not result in an increase in delay of 2 seconds at the San Marcos Boulevard/Via Vera Cruz and San Marcos Boulevard/ Grand Avenue intersections. Therefore, no impact is identified for those intersections.

Project traffic will result in an increase in delay greater than 2 seconds at the San Marcos Boulevard/Bent Avenue intersection. However, there is a plan to improve this intersection by restriping the northbound leg along Bent Avenue to provide a dedicated right-turn lane. This improvement is associated with the Bent Avenue Bridge Capital Improvement Project (CIP).

Table 13 summarizes the San Marcos Boulevard/ Bent Avenue intersection operations under Near-Term + Project + Restriping conditions. As seen in Table 13, the future restriping of the northbound leg of this intersection will increase performance to pre-project conditions. The proposed restriping improves the delay at the intersection of San Marcos Boulevard/ Bent Avenue by 1.8 seconds in the AM peak hour and 28.1 seconds in the PM peak hour. Therefore, no impact to intersections is identified in the Near-Term + Project scenario and there would not be any inconsistencies with the LOS goals identified in the Mobility Element.

Table 13. Near Term Post Improvement Intersection Analysis

Intersection	Control Type	Peak Hour	Near-Term Without Project		Near-Term With Project		Near-Term With Project + Restriping ⁽³⁾	
			Delay ⁽¹⁾	LOS ⁽²⁾	Delay	LOS	Delay	LOS
San Marcos Boulevard / Bent Avenue	Signal	AM	94.6	F	100.3	F	91.6	F
		PM	133.4	F	136.5	F	105.7	F

Source: LLG 2021

Notes: (1) Average delay expressed in seconds per vehicle.

(2) LOS = Level of Service

(3) The northbound approach of the San Marcos Boulevard/ Bent Avenue intersection will be restriped to provide a dedicated left-turn lane, a dedicated thru lane, and dedicated right-turn lane.

Near Term + Project - Segment Operations

Table 12 also presents the segment operations under the Near-Term + Project scenario. As shown in Table 12, the following study segments are calculated to operate at LOS E or F.

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

For segments operating at LOS E or F, a significant impact would occur if the project would result in an increase in volume/capacity (V/C) of 0.02 or more. Of the two segments identified to operate at LOS E or

F in the Near-Term + Project condition, neither will result in an increase in V/C of 0.02 or more. Therefore, no impact to roadway segments is identified in the Near-Term + Project scenario and there would not be any inconsistencies with the LOS goals identified in the Mobility Element.

Long-Term Scenario - Intersection Analysis

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

Table 14 summarizes the intersection operations under the Long-Term scenario. As shown in Table 14 the following intersections are calculated to operate at LOS E or F in the Long-Term scenario.

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

Table 14. Long-Term Intersection Operations

Intersection	Peak Hour	Long-Term		Long-Term With Project		Delay Increase ³
		Delay ¹	LOS ²	Delay	LOS	
Grand Avenue/ Bent Avenue	AM	10.9	B	11.0	B	0.1
	PM	34.8	C	35.0	C	0.2
San Marcos Boulevard/ Via Vera Cruz	AM	51.4	D	52.1	D	0.7
	PM	102.1	F	102.5	F	0.4
San Marcos Boulevard/ Bent Avenue	AM	111.7	F	118.1	F	6.4
	PM	201.7	F	204.9	F	3.2
San Marcos Boulevard/ Project Driveway	AM	-	-	30.7	D	-
	PM	-	-	26.1	D	-
San Marcos Boulevard/ Grand Avenue	AM	56.9	E	58.0	E	1.1
	PM	253.3	F	235.4	F	0.1
San Marcos Boulevard/ SR-78 EB Ramps	AM	12.5	B	12.6	B	0.1
	PM	13.8	B	13.8	B	0.0
San Marcos Boulevard/ SR-78 WB Ramps/Knoll	AM	30.4	C	30.4	C	0.0
	PM	30.9	C	30.9	C	0.0

Source: LLG 2021

- Notes:**
- (1) Average delay expressed in seconds per vehicle.
 - (2) LOS = Level of Service
 - (3) Increase in delay due to the project

Long -Term Scenario - Segment Operations

Table 15 summarizes the segment operations under the Long-Term scenario. As shown in Table 15, the following study segments are calculated to operate at LOS F.

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

Table 15. Long-Term Segment Operations

Street Segment	Capacity (LOS E) ⁽¹⁾	Long-Term			Long-Term With Project			V/C Change ⁵
		ADT ⁽²⁾	LOS ⁽³⁾	V/C ⁽⁴⁾	ADT	LOS	V/C	
San Marcos Boulevard								
Via Vera Cruz to Bent Avenue	42,000	48,320	F	1.150	48,580	F	1.157	0.007
Bent Avenue to Project Driveway	60,000	48,290	D	0.805	48,970	D	0.816	0.011
Project Driveway to Grand Avenue	60,000	48,290	D	0.805	48,970	D	0.816	0.011
Grand Avenue to SR-78 EB Ramps	60,000	63,910	F	1.065	64,220	F	1.070	0.005
Bent Avenue								
Grand Avenue to San Marcos Boulevard	15,000	8,830	C	0.589	8,920	C	0.595	0.006

Source: LLG 2021

- Notes:**
- (1) Capacity based on roadway classification operating at LOS E.
 - (2) ADT = Average Daily Traffic
 - (3) LOS = Level of Service
 - (4) V/C = Volume to Capacity Ratio
 - (5) Project-induced increase in the V/C ratio

Long-Term + Project - Intersection Analysis

Table 14 also presents the intersection operations under the Long-Term + Project scenario. As shown in Table 14, the following intersections are calculated to operate at LOS E or F in the Long-Term + Project scenario.

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

For intersections operating at LOS E or F, a significant impact would occur if the project would result in an increase in delay of 2 seconds or more. As shown in Table 14, project traffic will not result in an increase in delay of 2 seconds at the San Marcos Boulevard/Via Vera Cruz and San Marcos Boulevard/ Grand Avenue intersections. Therefore, no impact is identified for those intersections and there would not be an inconsistency with the LOS goals of the Mobility Element.

Project traffic will result in an increase in delay greater than 2 seconds at the San Marcos Boulevard / Bent Avenue intersection This represents a **significant impact (Impact LU-1)** and mitigation is required.

Implementation of mitigation measure LU-1, which will be required as a condition of project approval will reduce this impact to below a level of significance:

MM-LU-1 The developer shall construct the striping improvements associated with the dedicated right-hand turn lane from northbound Bent along the Bent Avenue property frontage at San Marcos Boulevard as per the capital Creek District Project (IP15-00016) sheet SS-07. A separate engineered plan set, consistent with the City’s capital drawings, shall be prepared by developer’s engineer and permitted by the City. The improvements shall be operational prior to the issuance of any certificate of occupancy. Alternately, if the improvements will be constructed by the City’s forces prior to issuance of occupancy for the project, the developer shall instead make a fair-share contribution to the improvements and appurtenances associated with the widening to accommodate a left turn, through, and right-turn lane at Bent Avenue. Such contribution shall be made in full prior to issuance of any grading or improvement permit for the project. The contribution may be deferred until prior to certificate of occupancy if developer posts a cash security with the City for the full contribution amount, and the deferral request is approved by the City Engineer.

Table 16 summarizes the San Marcos Boulevard/ Bent Avenue intersection operations under Long Term + Project + Restriping conditions. As seen in Table 16, the future restriping of the northbound leg of this intersection will increase performance to better than pre-project conditions. The proposed restriping that will be undertaken as part of the Bent Avenue Bridge CIP will improve the delay at the intersection of San Marcos Boulevard/ Bent Avenue by 5.7 seconds in the AM peak hour and 33.2 seconds in the PM peak hour. Therefore, implementation of mitigation measure MM-LU-1 would reduce the significant impact in the Long Term + Project scenario and there would not be an inconsistency with the LOS goals of the Mobility Element.

Table 16. Long Term Post Improvement Intersection Analysis

Intersection	Control Type	Peak Hour	Long-Term Without Project		Long-Term With Project		Long-Term With Project+ Restriping	
			Delay ⁽¹⁾	LOS ⁽²⁾	Delay	LOS	Delay	LOS
San Marcos Boulevard / Bent Avenue ⁽³⁾	Signal	AM	111.7	F	118.1	F	105.0	F
		PM	201.7	F	204.9	F	168.3	F

Source: LLG 2021

Notes: (1) Average delay expressed in seconds per vehicle

(2) LOS = Level of Service

(3) The northbound approach of the San Marcos Boulevard/ Bent Avenue intersection will be restriped to provide a dedicated left-turn lane, a dedicated thru lane, and a dedicated right-turn lane.

Long-Term + Project - Segment Operations

Table 15 also presents the segment operations under the Long-Term + Project scenario. As shown in Table 15, the following study segments are calculated to operate at LOS F.

- San Marcos Boulevard, from Via Vera Cruz to Bent Avenue (LOS F)

- San Marcos Boulevard, from Grand Avenue to SR-78 Ramps (LOS F)

For segments operating at LOS E or F, a significant impact would occur if the project would result in an increase in volume/capacity (V/C) of 0.02 or more. Of the two segments identified to operate at LOS F in the Long-Term + Project condition, neither will result in an increase in V/C of 0.02 or more. Therefore, no impact to roadway segments is identified in the Long-Term + Project scenario and there would not be an inconsistency with the LOS goals of the Mobility Element.

Construction Related Traffic

Construction of the project will require import of 480 cy yards of material. Assuming a 10 cy capacity truck, this represents 48 total truck trips. Soils import is expected to take 6 days, thus resulting in about 8 trucks per day, or approximately one truck trip per hour. This is not of a frequency which would result in a significant impact.

- c) Conflict with any applicable habitat conservation plan or natural community conservation plan?***
No Impact

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

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 noise assessment was prepared for the project by LDN Consulting (LDN) (2021b). The complete report is included as **Appendix I** of this document.

- 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***

Construction-Related Noise Analysis

Construction noise represents a short-term impact on the ambient noise levels. Noise generated by construction equipment including haul trucks, water trucks, loader/ graders, and dozers, can reach relatively high levels. Grading activities typically represent one of the highest potential sources for noise impacts. The most effective method of controlling construction noise is through local control of construction hours and by limiting the hours of construction to normal weekday working hours.

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. These limits to construction hours are included as project design features listed in Table 1.

The U.S. Environmental Protection Agency (U.S. EPA) has compiled data regarding the noise generating characteristics of specific types of construction equipment. Noise levels generated by heavy construction equipment can range from 60 dBA to in excess of 100 dBA when measured at 50 feet. However, these noise levels diminish rapidly with distance from the construction site at a rate of approximately 6 dBA per doubling of distance. For example, a noise level of 75 dBA measured at 50 feet from the noise source to the receptor would be reduced to 69 dBA at 100 feet from the source to the receptor and reduced to 63 dBA at 200 feet from the source. Additionally, sound levels are logarithmic not linear, so adding two sources of 68 dBA plus 68 dBA is equal to 71 dBA, not 136 dBA.

Using a point-source noise prediction model, calculations of the expected construction noise impacts were completed. The essential model input data for these performance equations include the source levels of each type of equipment, relative source to receiver horizontal and vertical separations, the amount of time the equipment is operating in a given day, also referred to as the duty-cycle and any transmission loss from topography or barriers.

Based on the EPA noise emissions, empirical data and the amount of equipment needed, worst case noise levels from the construction equipment for site preparation would occur during the grading operations. Based upon information from the project applicant, the project requires a net import of 480 cy of fill material. No demolition or rock crushing is proposed. Anticipated equipment for project construction

includes D4 bulldozer, a skip loader, a water truck, and a roller/compactor and haul trucks. The grading activities will consist of the preparation of internal drive aisle, parking, and the finished pad. The grading equipment will be spread out over the project site from distances near the occupied property lines to distances of 75 feet or more away. For example, while the dozer is working in the northwest portion of the site the skip loader may be working in the center of the site and the roller compactor and water truck will be moving around the site. This will create separation between the individual equipment resulting in an average distance of 75 feet from the same property line. This means that the average distance from all the equipment to the same property line is 75 feet. As can be seen in **Table 17**, at an average distance of 75 feet from the construction activities to the nearest property line would result in a noise attenuation of -6.0 dBA without shielding.

In addition to on-site construction, off-site construction would also be required for sewer line improvements and connection along Bent Avenue. Unlike construction associated with on-site development, utility pipeline construction is linear along a pipeline/roadway alignment. The project will require extension of a sewer line approximately 300 feet. Excavation and pipeline equipment used for sewer line extension would generate similar noise levels as roadway improvements and the amount of equipment utilized would be limited due to alignment and work area constraints. Based on a construction area of approximately 50 feet by 300 feet, the average hourly off site construction noise levels would be approximately 75 dBA at the edge of the roadway right-a-way.

Given this, the noise levels will comply with the 75 dBA Leq standard average over 8 hours at the property lines. Therefore, no impacts are anticipated, and no mitigation is required during construction of the proposed project. Additionally, all equipment should be properly fitted with mufflers.

Table 17. Construction Noise Levels

Construction Equipment	Quantity	Source Level @ 50-Foot (dBA Leq)	Cumulative Noise Level @ 50-Foot (dBA Leq-8)
Dozer – D4 Cat	1	74	74.0
Loader/Grader	1	73	73.0
Water Truck	1	70	70.0
Roller/Compactor	1	74	74.0
Haul Truck	1	75	75.0
Cumulative Level if All Equipment Was Located in the Same Location			80.5
Average Distance from all Equipment to Adjacent Uses (Feet)			100
Noise Reduction Due to Average Distance			-6.0
Average Property Line Noise Level			74.5

Source: LDN Consulting, 2021b.

Operational-Related Noise Analysis

This section analyzes the potential for the project to increase ambient noise levels in the project vicinity above existing levels. It considers project-generated vehicular noise as well as stationary noise.

Operational Noise Standards

The City noise regulations and guidelines that apply to the project are found in Chapter 20.300 Site Planning and General Development Standards of the City Municipal Code. These regulations aim to

prohibit unnecessary, excessive, and annoying noises from all sources, as certain noise levels are detrimental to the health and welfare of individuals. The standards of this section and of Chapter 10.24 Noise of the Municipal Code apply to all land uses in all Zones unless otherwise specified. No person shall create or allow the creation of exterior noise that causes the noise level to exceed the noise standards established by Table 20.300-4. For commercial uses allowable noise levels measured from the property line are 65 dBA Leq during daytime hours (7am to 10pm) and 55 dBA Leq during overnight hours (10pm to 7am).

Transportation Noise Analysis

Future Onsite Noise Prediction

The projected roadway noise levels from vehicular traffic were calculated using the methods in the Highway Noise Model published by the Federal Highway Administration (FHWA) Highway Traffic Noise Prediction Model, FHWA-RD-77-108, December 1978). The FHWA Model uses the traffic volume, vehicle mix, speed, and roadway geometry to compute the equivalent noise level. The Buildout conditions include the future traffic volume forecasts provided in the project’s traffic (LLG 2021). **Table 18** presents the future traffic parameter assumptions.

Table 18. Future Traffic Parameters

Roadway	Average Daily Traffic (ADT) ⁽¹⁾	Modeled Speeds (MPH)	Vehicle Mix % ⁽²⁾		
			Auto	Medium Trucks	Heavy Trucks
San Marcos Boulevard	48,970	45	96	2	2
Bent Avenue	8,920	35	96	2	2

Source: LDN 2021b.

Notes: (1) Source: LLG 2021.

(2) Typical city vehicle mix.

Onsite Noise Levels and Findings

The restaurant outdoor seating area was modeled to determine if shielding/mitigation is required to reduce the noise levels below the City’s 65 dBA CNEL threshold. The proposed building will provide partial shielding from San Marcos Boulevard and a three-decibel reduction is anticipated from traffic along the roadway. No reductions were accounted for from traffic along Bent Avenue. The modeling results are quantitatively shown in **Table 19**. Based upon these findings, the outdoor seating areas at the restaurant will comply with the City of San Marcos Noise standards of 65 dBA CNEL.

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

Table 19. Future Noise Levels

Traffic Volumes, Mix and Speeds				
	Autos	Med. Trucks	Heavy Trucks	
Mix Ratio by Percent	96.0	2.0	2.0	
Roadway	ADT	Speed MPH	CNEL @ 50 Feet	65 CNEL (Feet)
San Marcos Boulevard	48,970	45	74	207
Bent Avenue	8,920	35	65	46
Noise Reductions				
	Distance from Center Line	Reduction from Distance	Reduction from Barriers	Resultant Level
San Marcos Boulevard	135	-6	-3	63
Bent Avenue	192	-9	0	56
Cumulative Noise Level			64	dba CNEL

Project Related Offsite Transportation Noise

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

Because mobile/traffic noise levels are calculated on a logarithmic scale, a doubling of the traffic noise or acoustical energy results in a noise level increase of 3 dBA. Therefore, the doubling of the traffic volume, without changing the vehicle speeds or mix ratio, results in a noise increase of 3 dBA. Mobile noise levels radiate in an almost oblique fashion from the source and drop off at a rate of 3 dBA for each doubling of distance under hard site conditions and at a rate of 4.5 dBA for soft site conditions. Hard site conditions consist of concrete, asphalt, and hard pack dirt while soft site conditions exist in areas having slight grade changes, landscaped areas, and vegetation.

Community noise level changes greater than 3 dBA are often identified as audible and considered potentially significant, while changes less than 1 dBA will not be discernible to local residents. In the range of 1 to 3 dBA, residents who are very sensitive to noise may perceive a slight change. For the purposes for this analysis a direct and cumulative roadway noise impacts would be considered significant if the project increases noise levels for a noise sensitive land use by 3 dBA CNEL and if the project increases

noise levels above an unacceptable noise level per the City’s General Plan in the area adjacent to the roadway segment.

Direct Traffic Related Noise

To determine if direct off-site noise level increases associated with the development of the project will create noise impacts, the noise levels for the existing conditions were compared with the noise level increase from the project.

The noise levels at 50 feet for the roadways in the vicinity of the project site are given in **Table 20** for the Existing Scenario and in **Table 21** for the Existing Plus Project Scenario. Note that the values given do not take into account the effect of any noise barriers or topography that may affect ambient noise levels. **Table 22** presents the comparison of the Existing Year with and without Project related noise levels. The overall roadway segment noise levels will increase from 0.0 dBA CNEL to 0.1 dBA CNEL with the development of the project. The project does not create a direct noise increase of more than 3 dBA CNEL on any roadway segment. Therefore, the project’s direct contributions to off-site roadway noise increases will not cause any significant impacts to any existing or future noise sensitive land uses.

Table 20. Existing Noise Levels

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

Source: LDN 2021b.

Notes: (1) Source: LLG 2021.

Table 21. Existing + Project Noise Levels

Roadway	Roadway Segment	Average Daily Traffic (ADT) ⁽¹⁾	Vehicle Speeds (MPH) ⁽¹⁾	Noise Level @ 50-Feet (dBA CNEL)
San Marcos Boulevard	Via Vera Cruz to Bent Avenue	37,160	45	74.9
	Bent Avenue to Grand Avenue	41,280	45	75.4
	Grand Avenue to SR-78 EB Ramps	54,810	45	76.6
Bent Avenue	Grand Avenue to San Marcos Boulevard	5,190	35	64.0

Source: LDN 2021b.

Notes: (1) Source: LLG 2021.

Table 22. Existing vs. Existing + Project Noise Levels

Roadway	Roadway Segment	Existing Noise Level (dBA CNEL)	Existing + Project Noise Level (dBA CNEL)	Project Related Noise Increase
San Marcos Boulevard	Via Vera Cruz to Bent Avenue	74.9	74.9	0.0
	Bent Avenue to Grand Avenue	75.3	75.4	0.1
	Grand Avenue to SR-78 EB Ramps	76.6	76.6	0.0
Bent Avenue	Grand Avenue to San Marcos Boulevard	64.0	64.0	0.0

Source: LDN 2021b.

Cumulative Traffic Related Noise

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

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

The existing noise levels at 50 feet for the roadways in the vicinity of the project site are given in Table 20 above for the Existing Scenario. The 2035 cumulative noise conditions are provided in **Table 23**. No noise barriers or topography that may affect noise levels were incorporated in the calculations.

Table 23. Existing + Project + 2035 Cumulative Noise Levels

Roadway	Roadway Segment	Average Daily Traffic (ADT) ⁽¹⁾	Vehicle Speeds (MPH) ⁽¹⁾	Noise Level @ 50-Feet (dBA CNEL)
San Marcos Boulevard	Via Vera Cruz to Bent Avenue	48,320	45	76.1
	Bent Avenue to Grand Avenue	48,290	45	76.1
	Grand Avenue to SR-78 EB Ramps	63,910	45	77.3
Bent Avenue	Grand Avenue to San Marcos Boulevard	8,830	35	66.3

Source: LDN 2021b.

Notes: (1) Source: LLG 2021.

Table 24 presents the comparison of the Existing Year and the 2035 Cumulative noise levels. The overall roadway segment noise levels will increase 0.7 dBA CNEL to 2.3 dBA CNEL with the development of the

project and proposed cumulative projects. The cumulative noise increase is less than 3 dBA CNEL and the project is not the main reason for the overall increase. Therefore, the project’s contributions to off-site roadway noise increases will not cause any significant impacts to any existing or future noise sensitive land uses.

Table 24. Existing vs. Existing + Project + 2035 Cumulative Noise Levels

Roadway	Roadway Segment	Existing Noise Level (dBA CNEL)	Existing + Project + 2035 Noise Level (dBA CNEL)	Project Related Noise Increase
San Marcos Boulevard	Via Vera Cruz to Bent Avenue	74.9	76.1	1.2
	Bent Avenue to Grand Avenue	75.3	76.1	0.8
	Grand Avenue to SR-78 EB Ramps	76.6	77.3	0.7
Bent Avenue	Grand Avenue to San Marcos Boulevard	64.0	66.3	2.3

Source: LDN 2021b.

Stationary Source Noise Analysis

Noise from a fixed or point source drops off at a rate of 6 dBA for each doubling of distance. Which means a noise level of 70 dBA at 5 feet would be 64 dBA at 10 feet and 58 dBA at 20 feet. A review of the proposed project indicates that noise sources such as the roof mounted HVAC and the drive-thru speaker are the primary sources of stationary noise. Minimal noise will also occur from vehicle idling in the drive thru.

The City noise regulations and guidelines that apply to the project are found in Chapter 20.300 Site Planning and General Development Standards of the City Municipal Code. These regulations aim to prohibit unnecessary, excessive, and annoying noises from all sources, as certain noise levels are detrimental to the health and welfare of individuals. The City Ordinance limits noise generation in commercial zones to 65 dB Leq (one-hour average) between the hours of 7 AM and 10 PM and 55 dB Leq between the hours of 10 PM and 7 AM as measured at the project property line. “For non-residential noise sensitive land uses, exterior noise level is defined as noise measured at the exterior area provided for public use”.

Adjacent properties surrounding the project site are all commercial and none have outdoor use areas. Therefore, a 65 dBA hourly noise standard during the daytime hours between 7 AM and 7 PM, a 55 dBA standard during the evening hours of 7 PM and 10 AM is applicable.

To examine the potential stationary noise source impacts associated with the operation of the proposed drive-thru, reference noise levels were used for the menu board and speaker post (HME Electronics, Inc., HME SPP2 Speaker Post). The reference noise level of the speaker board is 54 dBA at 32 feet. The drive-thru speaker is located 140 feet from the commercial property line to the east and would result in a noise level below 55 dBA at a distance of 32 feet. Additionally, noise from vehicle idling in the drive-thru may increase the overall noise level to 58 dBA at 32 feet and would be reduced to less than 55 dBA at a distance of 64 feet. The commercial structure located adjacent to the drive-thru to the south is a storage facility with a perimeter wall and the structures would provide 20-25 decibels of reduction to any indoor uses, resulting in exterior and interior noise levels below 40 dBA. This is well below the City’s commercial exterior nighttime hourly noise threshold of 55 dBA and the interior hourly noise threshold of 50 dBA.

Typically, mechanical equipment (HVAC) noise is 50-55 dBA at 50 feet from the source. HVAC units would be included on the roof of the proposed building and would be shielded by a mechanical screen and/or the roof parapet, which would reduce the noise. The HVAC units would be located approximately 35-60 feet from the property lines, resulting in noise levels of 56-62 dBA. The noise level would be reduced to less than 55 dBA at a distance of 50 feet or less with the parapets. No unshielded sensitive outdoor uses are located within 50 feet of the site and therefore no impacts are anticipated.

As stated in Chapter 20.300 Site Planning and General Development Standards of the City Municipal Code “For non-residential noise sensitive land uses, exterior noise level is defined as noise measured at the exterior area provided for public use”. As stated above, there are no exterior outdoor sensitive areas near the project site. Therefore, the proposed development related operational noise levels comply with the noise standards impacts would be less than significant.

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

Construction Vibration Analysis

Table 25 lists the average vibration levels that would be experienced at the nearest vibration sensitive land uses from the temporary construction activities. The FTA has determined vibration levels that would cause annoyance to a substantial number of people and potential damage to building structures. The FTA criterion for vibration induced structural damage is 0.20 in/sec for the peak particle velocity (PPV) for non-engineered timber structures and 0.30-0.50 for engineered structures. Project construction activities would result in PPV levels below the FTA’s criteria for vibration induced structural damage. Therefore, project construction activities would not result in vibration induced structural damage to buildings near the construction areas. The FTA criterion for infrequent vibration induced annoyance is 83 Vibration Velocity (VdB) for normal commercial uses. Construction activities would generate levels of vibration that would not exceed the FTA criteria for nuisance for nearby commercial uses. Therefore, vibration impacts would be less than significant.

Table 25. Vibration Levels from Construction Activities

Equipment	Approximate Velocity Level at 25 Feet (VdB)	Approximate RMS Velocity at 25 Feet (in/sec)	Approximate Velocity Level at 50 Feet (VdB)⁽¹⁾	Approximate RMS Velocity at 100 Feet in/sec)⁽²⁾
Small Bulldozer	58	0.003	49	0.0011
Jackhammer	79	0.035	70	0.0124
Large Bulldozer	87	0.089	78	0.0315
FTA Criteria			83	0.2
Significant Impact?			No	No

Source: LDN Consulting, 2021b.

Notes: (1) VdB = VdBref – 30log(D/25) provided by the FTA
 (2) PPV at Distance D = PPVref x (25/D)^{1.5} provided by the FTA

- 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? Less than Significant Impact**

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

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

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)? Less than Significant Impact**

The project would develop a 2,128-square foot commercial building. Based upon review of the project by VWD, wastewater infrastructure improvements would be required to serve the project. The project applicant will construct 300 feet of new 8-inch sewer pipeline within Bent Avenue. This improvement is the smallest diameter pipeline that can be used and is intended to serve the project and would not support additional unplanned growth in the area. The pipeline construction would occur within an existing paved/developed portion of Bent Avenue. Impacts would be less than significant.

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

The project site is vacant and does not contain any existing residential units. The project site has a General Plan and zoning designation of Specific Plan Area (SPA) and is associated with the San Marcos Creek Specific Plan. Within that plan, the project site is identified as Mixed Use 1 (MU-1). This use allows for a mix of commercial, office and residential development with a 1.90 floor area ratio (FAR), a minimum of three stories and maximum of six stories. By changing the designation and zoning on the site from SPA to Commercial and construction of the project, residential uses would no longer be an option for the project site. Depending on the size of units and height of a mixed-use project, up to 15 multi-family units could have been constructed on the project site. The potential loss of these residential units is not considered a significant impact as there is still existing capacity to develop residential units within the remainder of the San Marcos Creek Specific Plan area. Impacts would be less than significant.

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 with Mitigation Incorporated

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

The San Marcos Fire Department (SMFD) was contacted for their input on the project, including for information regarding stations serving the project, current staffing, response times, and other items related to fire protection services. The response from the Fire Marshal is included in **Appendix J**. According to SMFD, the project site would be served by Fire Station 1, located at 180 West Mission Road. Fire station 1 is staffed with one tiller truck, one fire engine, one ambulance, and 9 personnel. Average response time to the project site would be approximately two minutes.

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

MM-PS-1 Prior to the issuance of a grading permit, the applicant/developer/property owner shall submit an executed version of petition to annex into and establish, with respect to the property, the special taxes levied by the following Community Facility District: CFD 2001-01 (Fire and Paramedic).

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

b) Police protection? Less than Significant with Mitigation Incorporated

Implementation of the proposed project would increase demand on police protection services due to the construction of a new commercial building. The project site would be served by the San Marcos Sheriff's Station located at 182 Santar Place, which is located approximately two miles from the project site. Currents staffing levels are adequate to meet current and proposed demand. However, development of the project will contribute to the incremental increase in demand for police protection services City-wide. This represents a significant impact (**Impact PS-2**) and mitigation is required.

MM-PS-2 Prior to the issuance of a grading permit, the applicant/developer/property owner shall submit an executed version of petition to annex into and establish, with respect to the property, the special taxes levied by the following Community Facility District: CFD 98-01, Improvement Area No. 1 (Police).

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

c) Schools? No Impact

The project site is located within the service boundary of the San Marcos Unified School District (SMUSD). Since the project is proposing a commercial use (restaurant with drive-thru) and not a residential use, it will not generate students. The project applicant will be required to pay applicable school fees pursuant to California Education Code Section 17620 et seq. and Governments Code Sections 65995(h) and 65996(b) in effect at the time of building permit issuance. Current Level II school fees at SMUSD are \$0.66/square foot for commercial uses.

d) Parks? No Impact

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

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

e) Other public facilities? Less than Significant Impact

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

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

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

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment? No Impact

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

XVII. TRANSPORTATION

A Local Transportation Analysis was prepared for the project by Linscott, Law and Greenspan (LLG) and the complete report is included in **Appendix K**. The following section analyzes the topics of 1) programs and policies related to transit, roadway, bicycles, and pedestrian facilities; 2) vehicle miles traveled; 3) hazards due to design features; and 4) emergency access. The level of service analysis is discussed in the Land Use and Planning section of this document.

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 to the project area via the North County Transit District (NCTD) Route 347 bus. Route 347 provides bus service between Cal State San Marcos and Palomar College, with stops along San Marcos Boulevard, Via Vera Cruz and Bent Avenue. The route operates hourly between the hours of 5:00 AM and 8:00 PM, Monday through Friday, and between 7:30 AM and 7:30 PM on Saturday. The project does not include any components that would conflict with adopted policies, plans, or programs regarding public transit otherwise decrease the performance or safety of such facilities. No impact is identified.

Bicycle Network

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

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

The project will provide a bicycle rack for bicycle parking on the project site. 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

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

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

The project will construct a sidewalk along the project frontage with Bent Avenue. There is an existing sidewalk along the project frontage on San Marcos Boulevard, and an accessible path of travel is proposed to connect the restaurant to the San Marcos Boulevard sidewalk.

The project incorporates ADA-compliant pedestrian access to the building. 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)? Less than Significant Impact

Based on the City of San Marcos *Transportation Impact Analysis Guidelines*, approved November 16, 2020, (San Marcos 2020), the requirement to prepare a detailed transportation Vehicle Miles Traveled (VMT) analysis applies to all land development projects except for those that meet at least one of the provided screening criteria. A project that meets at least one of the screening criteria listed below would be considered to have a less-than-significant impact due to the project or location characteristics.

1. Small Projects (less than 110 daily vehicle trips)
2. Affordable Housing (100% deed restricted)
3. Local Serving Retail and Public Facilities (50,000 sq. ft. gross floor area or less)
4. Adjacency to High-Quality Transit
5. Map-Based Screening (projects located in VMT efficient areas)

The project is the development of a 2,128 sq. ft. coffee shop, which is considered a retail use. Therefore, screening criteria number three (3) listed above is applicable. The Guidelines state that “Retail projects that are 50,000 square feet gross floor area or less can be presumed to have a less-than-significant transportation impact and would not require a detailed VMT analysis” (page 8). As such, a VMT analysis is not warranted for this project. Impacts would be less than significant.

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 driveway width and the drive lane within the project is 24-feet wide and meet the city's requirements for emergency vehicle access.

The project's proposed drive-thru lane would circulate from west to east, delivering outbound vehicles to the San Marcos Boulevard driveway. The site plan shows approximately ten positions in the formal queue before the circulation of the parking lot is affected. Approximately seven additional vehicles could be accommodated within the parking lot before spilling out onto San Marcos Boulevard, for a total drive-thru storage of 17 vehicles.

In order to estimate the amount of potential drive thru queuing at this store, observations were conducted for two days each at two existing Starbucks stores. The observed 85th percentile queue (the typical design queue) was 11 vehicles. Since 17 vehicles can be queued on-site before reaching San Marcos Boulevard, adequate queue space is provided on-site. Therefore, no impact is identified for this issue area.

d) Result in inadequate emergency access? No Impact

Access to the site is proposed via one 34-foot wide right-in/right-out only driveway on San Marcos Boulevard. Access via Bent Avenue is not proposed. The Fire Marshal has reviewed the project and indicated that the access point meets the Department's 24-foot width requirement. The project driveway is calculated to operate at an acceptable level of service during the Near-Term and Long-Term peak hours based upon the traffic study prepared for the project (LLG 2021). Therefore, the project would not result in inadequate emergency access. No impact is identified.

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), Rincon Band of Luiseño Indians (Rincon), Mesa Grande Band of Diegueño Mission Indians (Mesa Grande), and Pechanga.

Two responses were received from the Rincon Band of Luiseño Indians, dated March 13 and June 30, 2020 stating that the site is within the Territory of the Luiseño people and within the Band's specific Area of Historic Interest (AHI). As such, Rincon is traditionally and culturally affiliated to the project area. The

Band requested SB 18 and AB 52 Consultation to learn more about any potential impacts to cultural resources. The City is currently in consultation with Rincon.

Potential for Resources

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

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

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

The City has not identified any cultural resources to be present on the project site pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In addition, based upon the cultural resources study prepared for the project (ASM 2020) and consultation with local tribes, the project site does not contain any known tribal cultural resources that are significant pursuant to these criteria. However, as described in Section V, Cultural Resources, and as identified above, there remains the potential to encounter unidentified resources during project grading activities should construction go deeper than previously disturbed depths.

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

To further ensure Native American archaeological resources are protected, implementation of MM-CR-1a through MM-CR-1d 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 L** of this document. The project would require new utility services to serve the 2,128 s.f. restaurant with drive-thru.

- 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*

Water Facilities Analysis

The project is located within VWD boundaries for water service and is within the VWD 855 pressure zone. The project proposes to connect to existing VWD water infrastructure in either Bent Avenue or San Marcos Boulevard and wastewater infrastructure.

The 2018 VWD Master Plan assumed a Mixed-Use land use on the project site and a corresponding water demand of 1,650 gallons per day (gpd). Under the restaurant use proposed by the project, the anticipated water demand would be 1,270 gpd, which represents a decrease in demand of 380 gpd (**Table 26**). The project would pay Water Capital Facility Fees per VWD Ordinance No. 175. These fees would be used by VWD to help fund water infrastructure improvements that are assumed in VWD’s 2018 Master Plan.

Table 26. Estimated Water Demand

Land Use Type	Area (acres)	Duty Factor (gpd/acre)	Water Demand (gpd)
2018 Master Plan Land Use Demand			
Mixed Use	0.55	3,000	1,650
Total	0.55		1,650
Proposed Project Demand			
Restaurant	0.55		1,270
Total	0.55		1,270
Change in Water Demand			-380

Source: VWD 2020

The San Marcos Fire Department has set a fire flow requirement of 1,500 gallons per minute (gpm) for the project. A hydraulic analysis of the facilities in the direct vicinity of the project site did not show any system deficiencies under average day demand or maximum day plus fire flow demand conditions. In summary, water facility impacts would be less than significant.

Wastewater Facilities Analysis

The project site lies completely within VWD sewer shed 23C. The 2018 VWD Master Plan assumed a Mixed-Use land use on the project site and a corresponding wastewater flow generation of 550 gpd. Under the restaurant use proposed by the project, the anticipated wastewater flow generation would be 1,016 gpd, which represents an increase in generation of 466 gpd (**Table 27**). The project would pay Wastewater Capital Facility Fees per VWD Ordinance No. 176. These fees would be used by VWD to help fund wastewater infrastructure improvements that are assumed in VWD’s 2018 Master Plan. Impacts would be less than significant.

Table 27. Estimated Wastewater Flows

Land Use Type	Area (acres)	Duty Factor (gpd/acre)	Wastewater Flow (gpd)
2018 Master Plan Land Use Flows			
Mixed Use	0.55	1,000	550
Total	0.55		550
Proposed Project Demand			
Restaurant	0.55		1,016
Total	0.55		1,016
Sewer Generation Increase			466

Source: VWD 2020

Wastewater Collection System Analysis – VWD’s analysis modeled sewer collection infrastructure in the direct vicinity of the project as well as all downstream infrastructure to Lift Station No. 1 on or near San Marcos Boulevard that could potentially be impacted by project sewer flows. To accommodate sewer generated from the project, the project would construct approximately 300 feet of new 8-inch sewer main along the project frontage to connect to the existing sewer main on Bent Avenue. With the construction of this improvement, no system deficiencies under peak wet weather flows during ultimate build-out conditions are identified.

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

In summary, the project would require the construction of 300 feet of new 8-inch sewer line within Bent Avenue along the project frontage. This would be placed within an existing roadway and would not result in any environmental impacts. Additionally, the project would pay Wastewater Capital Facility Fees per VWD Ordinance No. 176. These fees would be used by VWD to help fund wastewater infrastructure improvements that are assumed in VWD’s 2018 Master Plan. Impacts would be less than significant.

Storm Water Drainage

The project proposes installation of curb and gutter, ribbon gutter, a tree well, proprietary biofiltration, an underground detention system, and a pump system to discharge stormwater flows to the curb and gutter on Bent Avenue. Storm flows will be routed to the proprietary biofiltration unit to satisfy treatment control requirements, then to the underground storage structure to satisfy flow control requirements. A pump is proposed to drain the underground storage to the curb and gutter on Bent Avenue at a discharge rate that would not exceed the low flow threshold. The infrastructure within Bent Avenue is adequate to handle the runoff from the project site and impacts would be less than significant.

Electric Power, Natural Gas, and Telecommunications

Electricity service and natural gas services would be provided by San Diego Gas & Electric. The project will connect to existing infrastructure in the project vicinity for electric power, natural gas, and telecommunications. The project will meet all requirements from SDG&E for service. No impact is identified for this issue area.

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 Mixed-Use development on the project site. Under the proposed project, water demand would decrease by approximately 380 gpd. Therefore, the anticipated water use is less than what was planned for in the VWD 2018 Master Plan. 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

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

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 restaurant use. Solid waste service in the City is provided by a private franchise hauler, EDCO Waste and Recycling (EDCO), which handles all residential, commercial, and industrial collections within the City. Waste collected by EDCO is hauled to the Escondido Resources Recovery Transfer Station where it is then transported to the Sycamore Sanitary Landfill in Santee. According to CalRecycle, the Sycamore Sanitary Landfill has a daily permitted capacity of 5,000 tons/day of solid waste with an anticipated closure date of 2054 (CalRecycle 2019 and County of San Diego 2018).

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

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. The project would comply with existing regulations related to solid waste disposal. The project would not violate federal, state, or local statutes or regulations related to solid waste. Impacts would be less than significant.

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 wildlife 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. The project site is not located in or near a State Responsibility Area nor is it classified as being located in a very high fire severity zone (CalFire 2009). Further, per Figure 6-4 (SMFD Community Hazard Zones) of the Safety Element of the City's General Plan, the project site is not identified as being within a community hazard zone. No wildfire impact is identified for the project.

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

The project will result in the removal of mature trees as part of the project during the construction phase. Mitigation measures MM-BIO-1a and MM-BIO-1b will ensure that species covered under the MBTA will not be impacted during vegetation removal. No further impacts to biological resources are anticipated. The project will not degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to

eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal.

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

- b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.) Less Than Significant Impact with Mitigation Incorporated***

Cumulative impacts related to traffic, air quality, greenhouse gas and noise were analyzed in this CEQA document. Based upon the analysis, the project will not have any cumulative impact related to air quality, greenhouse gas or noise. Because the project will contribute to City-wide traffic congestion, it will participate in CFD 2011-01 (Congestion Management), which will assist with the reduction of traffic congestion in the City and to SR-78. The project will also implement mitigation measure MM-LU-1 to reduce the level of service-related impact and avoid any inconsistency with the City's General Plan Mobility Element. The project will add to the increase in demand for police and fire services. Implementation of mitigation measures MM-PS-1 and MM-PS-2, which require the project participate in CFDs for police and fire would reduce this impact to below a level of significance.

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

In the evaluation of environmental impacts in this Initial Study, the potential for adverse direct or indirect impacts to human beings were considered in the response to certain questions in Sections I. Aesthetics, III. Air Quality, VI. Geology and Soils, VIII. Hazards and Hazardous Materials, IX. Hydrology and Water Quality, XII. Noise, XIII. Population and Housing, XIV. Public Services, and XVI. Transportation. As a result of this evaluation, there is no substantial evidence that there are adverse effects on human beings associated with this project. All impacts in these environmental issue areas are less than significant or mitigated to below a level of significance through implementation of mitigation measures that will be required as a condition of project approval (MM-GEO-1, MM-GEO-2, MM-LU-1, MM-PS-1, and MM-PS-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.

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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 10, 2020 to June 9, 2021

Project Name: Carkel San Marcos Commercial Project

Project Applicant: Carkel San Marcos, LLC, 282 S. 95th Place, Chandler, AZ 85224

Project Location: The 0.55-acre project site is located in the Business/Industrial District of the City of San Marcos in North San Diego County. Specifically, the project site is located at the southeast corner of San Marcos Boulevard and Bent Avenue. The project site is bounded by San Marcos Boulevard on the north, Bent Avenue on the west, a self-storage facility (Stow-It Storage) on the south and neighborhood commercial center to the east. The project site is graded and vacant with some mature trees along the northern boundary along San Marcos Boulevard. Per the Federal Emergency Management Agency (FEMA), the northern portion of the project site is located within a regulatory floodway (Zone AE). The Assessor Parcel Number (APN) is 219-270-60-00.

Project Description: The project applicant is requesting approval of a Specific Plan Amendment, General Plan Amendment, Rezone, and Conditional Use Permit to construct a 2,128 s.f. restaurant with a drive-thru, including 1,797 s.f. of indoor space and 331 s.f. of outdoor space. Vehicular access to the project site would be via one 34-foot wide right-in/right-out driveway off of San Marcos Boulevard. The drive-thru lane has been designed to accommodate ten vehicles and an additional seven vehicles could be accommodated in the parking lot for additional queueing. The project proposes 24 parking space, one of which will be accessible and one that will be a loading zone space for delivery trucks and solid waste collection. The project will also install two electric vehicle (EV) charging stations. The commercial building will be up to 27 feet in height. The project will extend the existing 8-inch sewer pipeline in Bent Avenue by 300 feet to serve the project. The grading concept for the project proposes 20 cubic yards (cy) of cut and 500 cy of fill, with an import of 480 cy. A concrete retaining wall, up to 3' 4" in height, is proposed along the southern project boundary. Assuming receipt of all necessary approvals, the project would begin construction activities in 2021 and with an opening date in 2022.

VII. FINDINGS

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

- The Initial Study shows that there is no substantial evidence that the project may have a significant effect on the environment and a NEGATIVE DECLARATION will be prepared.
- The Initial Study identifies potentially significant effects but:
 - (1) Proposals made or agreed to by the applicant before this proposed Mitigated Negative Declaration was released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur.
 - (2) There is no substantial evidence before the agency that the project may have a significant effect on the environment.

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

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

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

MM-CR-1a 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 [INSERT TRIBE] 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-GEO-1 The project applicant shall implement the geotechnical recommendations identified beginning on pages 7 – 19 of the Preliminary Geotechnical Evaluation Report prepared by GeoTeck for the project site. These recommendations address earthwork activities, excavations, foundation and slab considerations, retaining wall design, concrete flatwork, and pavement design.

MM-GEO-2 Prior to project grading the project applicant shall retain a qualified paleontologist to prepare a paleontological identification and evaluation report. If the report indicates there is no potential for paleontological resources on the site, then grading may proceed without monitoring. The report shall be provided to the Planning Manager prior to issuance of the grading permit.

If the report indicates that paleontological resources may be present, then a paleontological mitigation and monitoring plan shall be developed and implemented concurrent with project grading. The mitigation and monitoring plan shall be provided to the Planning Director and the plan shall be implemented during project grading.

MM-LU-1 The developer shall construct the striping improvements associated with the dedicated right-hand turn lane from northbound Bent along the Bent Avenue property frontage at San Marcos Boulevard as per the capital Creek District Project (IP15-00016) sheet SS-07. A separate engineered plan set, consistent with the City's capital drawings, shall be prepared by developer's engineer and permitted by the City. The improvements shall be operational prior to the issuance of any certificate of occupancy. Alternately, if the improvements will be constructed by the City's forces prior to issuance of occupancy for the project, the developer shall instead make a fair-share contribution to the improvements and appurtenances associated with the widening to accommodate a left turn, through, and right-turn lane at Bent Avenue. Such contribution shall be made in full prior to issuance of any grading or improvement permit for the project. The contribution may be deferred until prior to certificate of occupancy if developer posts a cash security with the City for the full contribution amount, and the deferral request is approved by the City Engineer.

MM-PS-1 Prior to the issuance of a grading permit, the applicant/developer/property owner shall submit an executed version of petition to annex into and establish, with respect to the property, the special taxes levied by the following Community Facility District: CFD 2001-01 (Fire and Paramedic).

MM-PS-2 Prior to the issuance of a grading permit, the applicant/developer/property owner shall submit an executed version of petition to annex into and establish, with respect to the property, the special taxes levied by the following Community Facility District: CFD 98-01, Improvement Area No. 1 (Police).

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.

 4/28/21

Norman Pedersen

DATE